

AUDIT AND STANDARDS COMMITTEE

STANDARDS REPORT 2023

To be considered at the Audit & Standards Committee on the 21st
March 2024 and at a forthcoming Council Meeting.

Foreword

I am pleased to present this report which provides a summary of Standards activities from January 2023 – December 2023.

I would like to thank our Independent Persons, David Waxman and Karen Widdowson for their work in assisting the Monitoring Officer. I would also like to thank Democratic Services, for providing support to the committee.

I want to also mention that David Waxman will be stepping down from his role as Independent Person after 12 years and I would like to wish him well for the future.

I am pleased to welcome two new Independent Persons, Martyn Thorpe and David Irvine and also the new co-opted member of the Audit and Standards Committee James Brackley who were all appointed by full Council on 7th February 2024.

I recommend that Council receives this report on Standards Committee activities in 2023.

Councillor Mohammed Mahroof
Chair of the Audit and Standards Committee
March 2024

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1. **Introduction**

1.1 This is the seventh Standards Annual Report of the merged Audit and Standards Committee and covers the period from January 2023 to December 2023.

1.2 Changes to the Standards regime were introduced in July 2012 by the Localism Act 2011. Although it was no longer a statutory requirement to have a Standards Committee, Full Council approved the retention of a Committee to deal with complaints and adopted a new Members' Code of Conduct and a Procedure for Dealing with Standards Complaints.

1.3 Independent Persons as required by the Localism Act 2011 are appointed jointly, with Barnsley MBC to assist the Monitoring Officer in dealing with complaints.

2. **Standards-Specific Role of the Audit and Standards Committee**

2.1 The Standards responsibilities of the Committee, as set out in the Constitution, are:

- To promote and maintain high standards of conduct by Councillors, Co-opted Members and Representatives on Committees and Sub-Committees.
- To assist Councillors, Co-opted Members and Representatives to observe the Members' Code of Conduct.
- To advise the Council on the adoption or revision of the Members' Code of Conduct and Protocols relating to Councillor and Officer behaviour.
- To monitor the operation of the Members' Code of Conduct.
- To advise, train or arrange to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
- To monitor, review and make recommendations to the Council with regard to the Learning and Development policy for Councillors, Co-opted members and Representatives.
- To discharge the functions of dealing with complaints against Councillors and Co-opted Members as set out in Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members.
- To advise the Council on the adoption and revision of its Whistleblowing Policy and monitoring the operation of that Policy.
- To monitor and review procedures relating to gifts, hospitality and personal interests, for Councillors and officers.

- To monitor the Council's complaints process and the Council's response to complaints to the Ombudsman.

3. Membership of the Committee

- 3.1 The Audit and Standards Committee has 7 Members with proportionality applied and a maximum of 3 non-voting co-opted members. (Where standards related matters are to be considered by the Committee, the three Parish/Town Councils would be invited to jointly send one representative to attend the meeting for those items as an observer).
- 3.2 Meetings of the Consideration and Hearing Sub-Committees are arranged as and when required to deal with complaints referred on following assessment. The Sub-Committees are made up of 3 members of the Audit and Standards Committee, usually the Chair, Vice-Chair and another member of the Committee, a non-voting co-opted member is also required to sit on the Sub-Committee.
- 3.3 As from 7th February 2024, a change to the Standards Complaint Procedure was that the role of the Consideration Sub-Committee was removed. This enables investigations to be completed within the 12 weeks recommended as a reasonable time frame for investigations by the Local Government and Social Care Ombudsman (LGO) and eliminate duplication of processes. The Hearing Sub-Committee may exercise any powers that are currently available to the Consideration Sub-Committee. Any complaint referred on by the Monitoring Officer after 7th February would be dealt with under the updated arrangements.

4. Monitoring Officer/Support to the Committee

- 4.1 David Hollis is the Council's Monitoring Officer and General Counsel. Robert Parkin and Sarah Bennett are the Deputy Monitoring Officers and Assistant Directors of Legal and Governance. The Monitoring Officer is a statutory role that:-
- Supports the Standards Committee together with the Independent Persons;
 - Contributes to the promotion and maintenance of high standards of conduct within the Council;
 - Maintains systems and processes for dealing with allegations of breaches of the Code of Conduct for Members;
 - Investigates and reports to the Standards Committee on allegations of breaches of the Code of Conduct for Members;
 - Has rights of access to any information from Members and/or officers in connection with a standards complaint;
 - Establishes and maintains registers of members' interests, gifts and hospitality;
 - Acts as a point of contact for advice and/or queries by elected members
 - Maintains and updates the Constitution;
 - Advises on various issues, poor administration and impropriety;

4.2 Further support to the Committee was provided by Jay Bell, Committee Secretary and Sarah Hyde, Democratic Services Team Manager who assists the Monitoring Officer with complaints concerning Councillors and provides support to Consideration/Hearing Sub-Committees.

4.3 The Council is required by the Local Government and Housing Act 1989 Act to provide the Monitoring Officer with “such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed”. The Monitoring Officer has confirmed that he has the necessary resources to meet the requirements of his role.

5. **Complaints**

5.1 The number of complaints made and a breakdown by the findings is set out below: -

Complaint Outcome	2023 (Jan-Dec)
Take No Action (no breach)	6
Withdrawn or Invalid	2
Rejected	6
Informal Resolution	3
Refer to Consideration Sub-Committee with an Investigation	1
Refer to Consideration Sub-Committee without an Investigation	1
Open (in assessment phase)	0
Total	19

5.2 In the period 2023, the Consideration Sub-Committee did not meet, subsequently no cases have been referred on to a Hearing Sub-Committee. However, one complaint was referred to Consideration Sub-Committee with an investigation, this is still ongoing, therefore is still an open case. One complaint was referred to Consideration Sub-Committee without an investigation, this case has now been considered and subsequently closed. An interim standards complaint report is submitted at half yearly intervals.

5.3 **Key**

Take No Action or Rejection

It is likely that no action will be taken where: -

- A significant amount of time has elapsed since the events which are the subject of the complaint.
- The allegation relates to a cultural or recurring issue relating to standards within the Council.
- The matter should be dealt with by some other method.
- Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.
- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.
- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

Withdrawn or invalid

The complainant can withdraw a complaint if they so wish, however the Monitoring Officer reserves the right to pursue the issues in the complaint.

Informal Resolution

Informal resolution may be the simplest and most cost-effective way of resolving the complaint and without determining if an actual breach of the Code has taken place.

Refer to Consideration Sub-Committee with an investigation

It is expected that the Monitoring Officer will refer only the most serious breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.

Refer to Consideration Sub-Committee without an investigation

The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is a breach of the Code but there is no dispute over the events in relation to the complaint and an investigation is not considered necessary.

Open

Complaints logged, but still going through the initial assessment process

6. **Independent Persons and Co-opted Members of the Committee**

Independent Persons

- 6.1 The Council must appoint at least one Independent Person. Their role is advisory, and they do not have a vote on any Council committee. An Independent Person can be consulted by the Monitoring Officer, the Member who is subject to a complaint and the Audit and Standards Committee.

- 6.2 The Council has 4 Independent Persons, David Waxman, Karen Widdowson, Martyn Thorpe and David Irvine who provide invaluable assistance to the Monitoring Officer in dealing with Standards complaints.
- 6.3 An Independent Person is involved in each complaint and consulted at various stages of the process.
- 6.4 It had often been challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to the recruitment of Independent Persons by entering into joint arrangements with Barnsley Metropolitan Borough Council and the South Yorkshire Fire and Rescue Authority.
- 6.5 The Council Meeting on 14th September 2022 appointed two Independent Persons for a term of four years. This was undertaken jointly with Barnsley Metropolitan Borough Council and the South Yorkshire Fire and Rescue Authority, with the remuneration of the posts shared between the three authorities.
- 6.6 It was felt that having a larger pool of Independent Persons would be beneficial to SCC and BMBC, which would enable more independence and resilience in dealing with Standards matters. A recruitment process began in September 2023 to appoint an extra two Independent Persons to the new posts. The posts were advertised for a four-week period on the Council's website and we sought to contact a wide range of local organisations in the public, private and voluntary sector to raise awareness of the vacancies.
- 6.7 Following on from this recruitment one of the Council's longer serving Independent Persons, David Waxman, has decided to step down from his role and this will be effective from the 31st March 2024.

Co-Opted Members

- 6.8 Although not a legal requirement, CIPFA good practice suggests that local authority Audit Committees should include at least two co-opted committee members to supplement the expertise of existing membership. Article 9 of the Council's Constitution allows up to 3 non-voting Co-Opted Members to sit on the Audit and Standards Committee. The role plays a crucial part of the Council's corporate governance structure and is responsible for overseeing and assessing the Council's risk management, control and corporate governance arrangements.
- 6.9 As a member of the Committee the Co-Opted Member will advise the Council on the adequacy and effectiveness of its arrangements, ensuring that they are in line with industry standards. In addition to these responsibilities, as a member of the Committee or its Hearing Sub-Committee, the Co-Opted Member will also be responsible for promoting high standards of conduct by Councillors and Co-Opted Members, overseeing the Councillor Code of Conduct and considering complaints alleging that a Member may have breached the Code.

- 6.10 The Council had one Co-Opted Member (Alison Howard) who was appointed to the role at Full Council in May 2020, following a recruitment process in November 2019. Similar to the Independent Person these roles can also be challenging to recruit to due to the specialist nature of the role and parameters set to who can be considered for the roles.
- 6.11 A recruitment process for the Co-Opted Members ran in tandem with the Independent Member recruitment process in September 2023 with a view to appoint two Co-Opted Members.
- 6.12 On the 7th February 2024, Full Council appointed James Brackley as a Co-Opted Member of the Audit and Standards Committee and agreed to extend the term of Alison Howard for a further four years to ensure that the committee had two serving Co-Opted Members and the continuity of having an experienced Co-Optee on the committee.
- 6.13 It was agreed that the third Co-Optee vacancy would go back out to advert at a later date.

7. Parish and Town Councils

- 7.1 The Monitoring Officer provides advice and support to the three Parish and Town Councils, and these are reflected in the numbers of reported Standards complaints dealt with in 2023.
- 7.2 The Monitoring Officer offers training and briefings on the Code of Conduct to all three Parish Councils.

8. Training and Development

- 8.1 Newly Elected Councillors were offered a range of induction briefings over the space of two days, closely following the elections. The sessions covered on day 1 were:
- CEO Welcome · Handling Complaints & Enquiries
 - Ethical Standards – Getting Things Right
 - Empowering Communities Through LACs
 - Revenues and Benefits
 - How the Council Decision Making Works
 - Equalities and Diversity
- 8.2 The sessions covered on day 2 were:
- Supporting Councillors
 - ICT and Support Offer
 - Data Protection & FOI
 - Public Health & Emergency Planning
 - AMEY. Streets Ahead and Waste Collection/Recycling
 - SCC Council Housing Service

- 8.3 Newly Elected Members were also given an information pack (see Appendix A) at the election which is designed to support Members in the early days and weeks of their new role.
- 8.4 An 'Introduction to the Full Council Meeting' was also offered specifically to Newly Elected Members. This training was delivered face to face, in the Council Chamber, by the Principal Democratic Services Officer who leads on the Full Council Meetings.
- 8.5 Following a restructure in Democratic Services it was decided that the future of Member Development was to be re-shaped and steered by with more Member input. To start this process a Member Development Working Group was formally established which now comprises of 2 Labour Members, 1 Sheffield Community Councillors Group Member, 2 Liberal Democrat Members, 2 Green Members and 1 Conservative Member.
- 8.6 A dedicated officer from Democratic Services leads on formulating the Member's training programme and works in conjunction with the Head of Democratic Services and the MDWG via scheduled meetings which are Chaired by the Deputy Leader of the Council.
- 8.7 It was felt by some a large majority of Members, that the previous offer of training and development needed to be improved and reshaped to become more relevant and bespoke. As a result of this, it was agreed to formulate and send out a survey to Members to gain a consensus of the areas of strength and the areas for development within the SCC Council body, with an aim to cater a structured and targeted Member Development programme moving forwards. The survey was developed and shared with the MDWG to gain feedback of how it could be improved. Edits were applied and further adjustments made to reflect suggestions. The survey is due to be shared with Members imminently. The aim will then be to analyse the results and provide development to fill any training gaps.
- 8.8 Funding from the LGA has been successfully obtained in order to fund a more shaped and diverse Member Development Programme.
- 8.9 Whilst the efforts to re-shaping a new Member Development Programme have taken place, some other training has been offered to Members this last year.
- 8.10 All Licensing Committee members need to be trained on:
- Taxi Licensing
 - Licensing Act cases
 - Gambling Act cases

- 8.11 The following training has taken place during the last year, and there is intention to organise something similar for the next municipal year:
- 23 June 2023 Training for new and existing members on taxi licensing and Licensing Act cases via Teams
 - 3 November 2023 Training for new and existing members on Gambling Act cases via Teams
 - 15 January 2024 Training for new members on taxi licensing via Teams, and recording of previous Licensing Act training (23 June) shared.
- 8.12 Information Management Training took place and two sessions were offered in order to increase uptake and offer flexibility.
- 8.13 A range of Equality, Diversity and Inclusion sessions have been offered throughout the municipal year. A briefing style session was offered to Members in order to develop their knowledge and understanding of EIA's as well as an offer of 'REC Updates' and 'Have Your Say Sheffield'. More sessions are planned for the future and will be developed with the Equalities and Engagement Team.
- 8.14 Sheffield City Council declared a climate emergency in 2019 and has set a target of achieving net zero emissions by 2030. An introduction to the climate emergency and Sheffield's response provided new and current councillors with information about climate change and its impacts on Sheffield and the world, potential solutions, and how Sheffield is responding. All policy committees have a responsibility to take into consideration the climate emergency in their decision making, and most will have significant decisions to take which will influence whether the city meets its net zero targets or whether the local authority and Sheffield's people and businesses are prepared to adapt to the changing climate.
- 8.15 The Sustainability and Climate Change Team delivered this training to elected members at the end of September and when resources increase, there is the intention to deliver further sessions on Climate Change. There is a dedicated area on Climate Change set out in the Members SharePoint area, which can be accessed on demand.
- 8.16 Some courses offered by the LGA on 'Leadership Skills' and 'BAME' have been attended by some councillors, this municipal year, at their request.
- 8.17 Information and details of upcoming Member Development can be found in the Members' area of SharePoint.
9. **Policy and Corporate issues**
- 9.1 The Committee has provided oversight and responded to the following policies, protocol, reports and consultations:

- Whistleblowing Policy Review Report
- Reviews of the Members Code of Conduct and Procedures for dealing with complaints against an elected member, Town/Parish Councillor or Co-opted Member.
- Information Governance Annual Report
- Annual Ombudsman Report

10. **Other Areas of Work**

- 10.1 The Monitoring Officer ensures that all new Councillors submit their Register of Interests form relating to Disclosable Pecuniary Interests and Other Interests and that existing Councillors review and update their interests.
- 10.2 The Monitoring Officer maintains a regular dialogue with the Council's other Statutory officers to consider and review governance arrangements. The Monitoring Officer also maintains a dialogue around governance with the Leaders and/or Whips of the political groups represented on the Council.

11. **The Year Ahead**

- 11.1 The work programme continues to ensure the Audit and Standards Committee receives updates on Standards related issues including an Annual Report throughout the year and will also include consideration of Ombudsman and Whistleblowing reviews of procedures.

12. **Recommendation**

- 12.1 That Audit and Standards Committee receives and notes this report acknowledging the work of the Audit and Standards Committee in January – December 2023 and forwards to full Council.