



## Audit and Standards Committee Report

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**Report of:** Gillian Duckworth, Director Legal & Governance

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**Date:** 22<sup>nd</sup> September 2022

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**Subject:** Interim Standards Complaint Update

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**Author of Report:** Sarah Hyde, Democratic Services Team Manager

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### Summary:

An update for Audit and Standards Committee members on the current position of standards complaints against elected members, co-opted members and Town/Parish Councillors.

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### Recommendations:

That the Committee:-

- (a) Comments on the interim standards complaints update; and
  - (b) Notes the report.
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**Background Papers:** None

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO Cleared by:
<b>Legal Implications</b>
NO Cleared by:
<b>Equality of Opportunity Implications</b>
NO Cleared by:
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO:
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
NONE
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press release</b>
NO

## **Interim Standards Complaint Update**

### **1.0 INTRODUCTION**

- 1.1 This is the first interim standards complaint update report to the committee and covers the period from January 2022 – July 2022.

### **2.0 BACKGROUND**

- 2.1 It was proposed in the last Annual Standards report in February 2022 that an interim update report on standards complaints would be submitted to the Committee 6 months after the annual report. The next annual report will be submitted to the committee in January 2023.
- 2.2 The Audit and Standards Committee will also have the opportunity to review the Members Code of Conduct and the Complaints procedure on a yearly basis and this will be submitted to the committee in January 2023.

### **3.0 MAIN BODY OF THE REPORT**

- 3.1 Support is provided to the Monitoring Officer in coordinating standards complaints by Democratic Services.
- 3.2 Independent Persons, as required by the Localism Act 2011 are appointed jointly with Barnsley MBC to assist the Monitoring Officer in dealing with complaints.
- 3.3 A recruitment process began in July 2022 to appoint two Independent Persons to the new posts. The posts were advertised for a two-week period on the Council's website and also on the free job websites at the Sheffield Universities. The existing Independent Persons were eligible to apply for the new posts.
- 3.4 The shortlisted candidates were interviewed on 24<sup>th</sup> August 2022 and the new appointments were made jointly with Barnsley Metropolitan Borough Council (BMBC).
- 3.5 The interview panel comprised of Cllr Colin Ross, Chair of Audit and Standards Committee (SCC), Gillian Duckworth, Director of Legal and Governance/Monitoring Officer (SCC), Sukdave Ghuman, Service Director and Monitoring Officer (BMBC) and Jason Field, Head of Legal Services (BMBC), two candidates were interviewed by the panel.
- 3.6 Both applicants were considered by the panel to be of a satisfactory standard and had relevant related experience in dealing with standards complaints. The panel considered that the following two applicants

should be appointed to the position of Independent Person for a four-year term:

- David Waxman
- Karen Widdowson

3.7 It is important to note that one of the IP appointments is a person that has worked with the Councils as an Independent person for a number of years.

3.8 The panel considered whether this person can maintain independence after such a period of time in post and were satisfied that as there was a turnover of Monitoring Officers within the Authorities, the independence could be maintained and that both Authorities would benefit from having an experienced voice to provide support to both councillors and Monitoring Officers. However, the panel were also of the opinion that it may be beneficial to appoint additional IPs to ensure the continuation of an independent voice and to increase diversity.

3.9 The below table shows the number of complaints made in the period January – July 2022 and a breakdown of the findings.

<b>COMPLAINT OUTCOME</b>	<b>TOTAL</b>
Take No Action (No Breach)	2
Withdrawn or Invalid	0
Rejected	3
Informal Resolution	1
Refer to Consideration Sub-Committee with an investigation	0
Refer to Consideration Sub-Committee without an investigation	0
Open	2
<b>Total</b>	<b>8</b>

3.11 In the period January - July 2022 the Consideration Sub-Committee did not meet, meaning no cases have been referred on to a Hearing Sub-Committee.

### 3.12 **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.

#### **4.0 RECOMMENDATIONS**

- 4.1 That the Committee comments on and notes the Interim Standards Complaint update report.