

SHEFFIELD CITY COUNCIL

Consideration Sub-Committee (Audit and Standards)

Meeting held 26 October 2021

PRESENT: Councillors Sioned-Mair Richards (Chair), Simon Clement-Jones, Angela Argenzio and Alison Howard (Co-Opted Member)

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. DECLARATIONS OF INTEREST

2.1 Alison Howard, Co-Opted Member declared a personal interest in item 4 (agenda item 5) of having a friendship with one of the witnesses interviewed as part of the investigation. Alison is a non-voting member of the Committee but was able to remain in the meeting and take part in the discussion in accordance with the code of conduct.

3. EXCLUSION OF THE PRESS AND PUBLIC

3.1 **Resolved:** That the public and press be excluded from the meeting before discussion takes place on item 4 (agenda item 5) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information described in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, regarding information relating to an individual/information which is likely to reveal the identity of an individual.

4. CONSIDERATION OF STANDARDS COMPLAINT

4.1 The Investigators submitted a report on behalf of the Monitoring Officer on the findings into a complaint alleging that an elected Member had failed to comply with the Members' Code of Conduct. The Monitoring Officer and Independent Person were in attendance at the meeting.

4.2 The Sub-committee considered the report and schedule of evidence in line with the procedure of the Consideration Sub-Committee.

- The complainant and subject Member were not required to attend the meeting.
- The process for the Sub-Committee was: -
- Stage 1 – Presentation of the Report

- The Investigator would attend the meeting to present the report on behalf of the Monitoring Officer.
 - Stage 2 – Consideration of Report and to Determine if Acting in an Official Capacity
 - After considering the Investigator’s report, the Sub-Committee were asked to consider whether it agreed with the conclusion that the subject member was acting in an official capacity and that the Members’ Code of Conduct did apply.
 - If the Sub-Committee did not agree with the conclusion that the subject member was acting in an official capacity then the Code of Conduct did not apply and there was no further action for the Sub-Committee to take. The complaint would be closed.
 - If the Sub-Committee agreed that the subject member was acting in an official capacity, then it would proceed to Stage 3.
 - Stage 3 - Decision
 - The Sub-Committee was asked to consider whether it agreed with the investigation report that there was no evidence to support the view that breaches of the code of conduct have taken place, and to take one of the following courses of action as set out in the Procedure for Dealing with Complaints included with the Monitoring Officer Protocol.
 - The complainant and subject member would be informed of the outcome of the decision within 10 working days.
- 4.3 The Sub-committee concluded that the subject member was acting in an official capacity in regard to the complaints considered as part of the investigation report and therefore the Members’ Code of Conduct did apply.
- 4.4 The Sub-committee gave careful consideration to the full and final investigators report and decided that the conduct of the subject Member did not constitute a breach of the Members’ Code of Conduct and decided to take no action in regard to the matters investigated.

- 4.5 The Sub-committee accepted the finding of the report and concluded that there was no evidence to suggest that breaches of the Members' code of conduct had occurred.
- 4.6 The Sub-committee expressed regret at the amount of time passed since the initial complaint was received by the Council. They also expressed regret that this resulted in the complainant going to the media, breaching the confidentiality of the case and enabling public speculation.
- 4.7 The Sub-committee also concluded that whilst in agreement that the behaviours under investigation were not tantamount to a breach of the code of conduct, they were deeply concerned about the seeming acceptability of the day-to-day behaviours of senior officers and Members illustrated by the complaint. The Sub-committee considered that the issues arising from the complaint should have been dealt with sooner and that the Constitution provided a Member/Officer protocol that was intended to deal with this exact point.
- 4.8 In the Sub-committee's view, the Subject Member did not always model the behaviours expected of a senior Member of the Council and this type of behaviour should not have gone unchecked.
- 4.9 The Sub-committee therefore recommends that a copy of the Decision Notice is forwarded to the Chief Executive and the Leader of the Council and that they, together with the Monitoring Officer take the following action to prevent this situation and any future potential breach of the Code arising again:
- A review of the member/officer protocol, in particular the Cabinet Member/Officer part of the protocol; and
 - In person development sessions for senior officers and Members in order to workshop good behaviours for our future working within a committee system of governance.
 - The Committee also asked the Monitoring Officer to engage the group whips in supporting this piece of work.
- 4.10 **Resolved:** That, after consideration of the investigators report on complaint reference SC.2020.29 and taking into account the views of the Independent Person, the Sub-committee agreed to take no action, as there was no evidence to suggest that breaches of the Members' Code of Conduct had occurred.

