

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 20 APRIL 2016

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 20 APRIL 2016

Present:

Councillor B Ridgway Chair
Councillor G Butler
 " A Garrett
 " S Peters
Councillor A Powell
 " Mrs K Rouse

Councillor Mrs D Ward – Parish Council Representative
Councillor Mrs D Ruff – Parish Council Representative

Mr I Daines – Independent Member

Also Present:

Donna Cairns - Senior Governance Officer
Matthew Kane - Governance Manager
Bryan Mason - Executive Director Operations
Sarah Sternberg - Assistant Director Governance and Monitoring Officer

755 Apologies for Absence

Apologies for absence were received from Councillors M Foster and R Welton.

756 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at the meeting.

757 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 9 December 2015 be approved as a correct record and signed by the Chair.

758 Review of the Council's Constitution

The Committee considered Report No ADGMO/29/15-16/SS of the Assistant Director – Governance and Monitoring Officer which recommended a number of amendments to the Council's Constitution following a review.

The majority of the proposed amendments that were included in the documents circulated to the Committee with the Agenda were primarily housekeeping, including minor corrections to bring the Constitution up to date with Council decisions and to reflect current job titles and working practices.

At its meeting on 9 December 2015 the Committee agreed to set up a working group to consider the review of the Constitution. The Working Group met on 24 February 2016 and considered the majority of the amendments which were before the Committee for consideration. The amendments are included at **Appendix A** to these Minutes.

The Working Group agreed that any additional technical changes to the Constitution could be discussed through the Chair of the Working Group, Councillor B Ridgway. A number of these amendments were discussed with the Chair and are outlined in the table attached at **Appendix B** to these Minutes.

Four further amendments were proposed to the Committee which had arisen through last minute discussions prior to the meeting. These included additions to the Officer Delegation Scheme, the Scrutiny Procedure Rules and the Budget and Policy Framework. These amendments are outlined in the table at **Appendix C** to these Minutes.

The Committee were advised that members would have a further opportunity to comment on these proposed amendments when the report is considered at Council.

The Committee discussed the provisions in relation to urgent decisions that are taken by Cabinet or Officers which are contrary to the policy framework or not wholly in accordance with the approved budget. Such decisions could only be taken if it is not practical to convene a quorate meeting of the Council and if the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency. The Committee queried whether the term practical within these provisions needed further clarification. The Assistant Director – Governance and Monitoring Officer agreed to review these provisions before the report is submitted to Council.

RESOLVED –

- (1) That the Committee supports the proposed amendments to the Council's Constitution as outlined in **Appendices A, B and C** to these Minutes.
- (2) That the proposed amendments be recommended to Council for approval.

(Governance Manager)

759 Review of Whistle-blowing Policy

The Committee considered Report No ADGMO/30/15-16 of the Assistant Director – Governance and Monitoring Officer which advised the Committee of a review of the Whistleblowing Policy.

The Council's Whistleblowing Policy was a joint policy which operated across North East Derbyshire District Council and Bolsover District Council. The Policy applies to reports from an employee, member or other person about suspected wrong-doing within the Organisation. The Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they have made a protected disclosure.

The Whistleblowing Policy was agreed during 2014 since which time there had been no instances raised under this Policy.

The Organisation Scrutiny Committee considered the Policy at its meeting on 6 January 2016. The Committee commented that there should be clear mechanisms in place for people to report issues and that the procedures should be easily understandable.

The proposed change to this policy was the addition of a flowchart to ensure that the process for dealing with whistleblowing complaints would be easy for staff to follow.

RESOLVED – That the amended Whistleblowing Policy, as attached to the report, be recommended to Council for approval.

(Governance Manager)

760 Standards Committee Annual Report including feedback from Independent Persons

The Committee considered Report No ADGMO/31/15-16 of the Assistant Director – Governance and Monitoring Officer, which provided the Committee with a copy of the draft Annual Report on the work of the Standards Committee during the Municipal Year 2015/16.

The Annual Report outlined the work of the Standards Committee including the following subjects:-

- Chair and Vice-Chair of the Committee;
- Appointment of Parish and Town Council Representatives;
- Register of Interest Forms 2015;
- Complaints received during 2015/16;
- Reports of Independent Persons;
- Local Government Ombudsman Complaints 2014/15;
- Standards Survey Action Plan;
- Policy and Constitution Review Work;
- Guidance and Reports considered by the Committee;
- Consultation and Survey Results relating to Standards;

The Annual Report also included the reports of the two Independent Persons appointed by the Council, Mr Ian Daines and Mr Stuart Hooton. Mr Daines attended the meeting and presented his report.

Mr Daines outlined to the Committee the role of the Independent Person in the complaints process and commented that a major theme in the complaints he had been involved in was the failure of complainants to recognise that the Code of Conduct only applies to Councillors when they are acting in the capacity as a councillor.

The Committee was also advised of the role of the District Council in relation to ethical standards within parish councils and complaints against parish councillors.

At the beginning of the 2015-2016 Municipal Year a joint event with the Derbyshire Association of Local Councils (DALC) had been held which covered ethical standards issues.

Subject to Council approval, the Annual Report would be distributed to the parish and town councils as well as being published on the Council's website and internet.

The Chair thanked the Members of the Committee for taking part in the work of the Committee during the year and the Independent Persons for their work. The Committee also thanked Mr Daines for attending the meeting and presenting his report.

RESOLVED – That the Committee –

- (1) Notes the Annual Report on its work during the Municipal Year 2015/2016; and
- (2) That the Annual Report be recommended to Council for approval.

(Governance Manager)

761 Policy Updates

The Committee considered Report No ADGMO/32/15-16 of the Assistant Director – Governance and Monitoring Officer which advised the Committee of various policy announcements and developments which related to ethical standards.

Review of Disqualification Rules

The Committee were advised that Government Ministers had indicated that they would consult on the law regarding the disqualification of local authority members following a case involving a parish councillor in another district who had refused to resign after being convicted of downloading child pornography but was not given a custodial sentence.

Consultation on Misconduct in Public Office

The Law Commission had been consulting on the law of misconduct in public office, highlighting problems that arise through areas of uncertainty as well as gaps and overlaps with alternative offences. The report outlined a number of problems that the Law Commission had identified with the common law offence. The next phase of

consultation would begin in the summer of 2016 with the publication of a paper exploring options for reform.

Guidance for Directors of Companies fully or partly owned by the Public Sector

The Government had issued a short guidance note for directors of companies owned by the public sector to help them understand their duties and responsibilities. The guidance note is available on the Government's website and it was recommended that the guidance be provided to Rykneld Homes Limited to supply to their Board members.

Freedom of Information Case on Councillors who have failed to pay Council Tax

The Committee were advised of a recent successful appeal of a newspaper to the Upper Tribunal in relation to the release of the name of a Councillor who failed to pay Council Tax on time.

The Tribunal had ruled that the disclosure of the identity of a Councillor was necessary to achieve the objective of transparency and accountability.

Guidance on Ethical Standards for Public Service Providers

In 2014 the Committee considered a report on ethical standards for providers of public services during the Government's consultation period. The Council made a number of recommendations during this consultation to ensure that proportionate ethical standards were being made in commissioning and contracting.

The Government had now released this guidance as a practical guide on building and embedding ethical standards within an organisation and on setting ethical expectations for the delivery of services and ensuring that they are met. The guidance is available on the Government's website.

RESOLVED –

- (1) That the Committee notes the recent policy announcements relating to ethical standards.
- (2) That Rykneld Homes Limited be advised of the Government guidance for directors of companies fully or partly owned by the public sector and request that it be circulated to their board members.

(Governance Manager)

762 RIPA Inspection

The Committee considered Report No ADGMO/33/15-16 of the Assistant Director – Governance and Monitoring Officer which advised the Committee of the outcome of a recent inspection of the Bolsover and North East Derbyshire District Councils' operations under the Regulation of Investigatory Powers Act (RIPA).

The Inspection had been carried out on the 17 November 2015 and a copy of the Inspection Report was attached to the Report.

The Report was largely positive with only minor recommendations for improvement to the Joint Policy and Procedures Document.

At its meeting in December 2015 this Committee was advised that the RIPA Powers had not been used by either Bolsover or North East Derbyshire District Council during the past 3 years. The Committee also considered the revised Joint Policy and Procedures document at that meeting and were advised that the recommendations of the Inspection Report had been accepted and fully incorporated fully into the document.

RESOLVED – That the Committee notes the RIPA Inspection Report from the Office of the Surveillance Commissioner, as attached to the report.

(Governance Manager)

763 Work Programme

The Committee considered Report No ADGMO/34/15-16 of the Assistant Director – Governance and Monitoring Officer which advised the Committee of the completion of its work programme for 2015/2016.

The Committee was also invited to consider any suggestions for the Work Programme for 2016/2017. Members were invited to raise any matters relating to ethical standards with the Governance Team for inclusion on the Work Programme for the next Municipal Year.

RESOLVED – That the Committee notes the completion of the 2015/2016 Work Programme as attached to the report.

(Governance Manager)

764 Urgent Business

Members were advised that there was no urgent business to be discussed in the public session at this meeting of the Standards Committee.

Appendix A

Summary of Proposed Changes to NEDDC Constitution considered by the Constitution Working Group

Part	Page No	Section	Summary of changes
2	18	6.1	Inclusion of the composition of scrutiny committees of 9 councillors
	26	10.5 and 10.6	Inserting about the membership and functions of the Joint Employment Committee and the Joint Appeal Committees established by Council at Annual Meeting in May 2015.
3	51	5.5 Joint scrutiny arrangements	Correction of the scope of the Shared Services Joint Scrutiny Committee. Removal of reference to Strategic Alliance Review Committee which was never formally established.
	57-59	5.9 Joint Appointments Committee and 5.10 Joint Appointments Panel	Removal of Joint Appointments Committee and Joint Appointments Panel due to establishment of Joint Employment Committee
	58-60	Insert new 5.9 Joint Employment Committee and 5.10 Joint Appeals Committee	Inserting the functions of the Joint Employment Committee and the Joint Appeal Committees established by Council at Annual Meeting in May 2015.
	73	10.26 Specific Delegations – Chief Executive Office	Removal of delegation to authorise alcohol exclusion zones Replaced with delegation to authorise the making of Public Space Protection Orders

Part	Page No	Section	Summary of changes
4	91	Council Procedure Rules Questions by Councillor 9.6 Number of Questions	Insert 'on notice' so that the limit of the number of questions to one per councillor per meeting applies only to questions on notice.
	93	Council Procedure Rules Rules of Debate Content and length of speeches	Amendment to allow members presenting reports of motions on notice to speak for up to 10 minutes.
	104	Petitions Scheme	Removal of reference to e-petitions
	105	Petitions Scheme	Removal of example of Alcohol related crime and disorder due to the powers referred to in the appropriate steps being out-of-date
	107	Petitions Scheme	Change of contact officer in relation to officers being called to give evidence at scrutiny committees to the Scrutiny Manager
	129	Procedures prior to public meetings	Addition of reference to urgent business at committee meetings (only allowed at Annual meeting of Council).
	142	Budget and Policy Framework	Removal of reference to budget and policy framework decisions being included in the List of Key Decisions.
	147-173	Finance Rules	General amendments to reflect changes in job titles and current best practice with respect to working arrangements and the removal of obsolete functions
149-156	Finance Rules – Audit	Updating the job titles and the current regulation following the closure of the Audit Commission.	

Part	Page No	Section	Summary of changes
	160	Finance Rules 7. Banking Arrangements and Cheques	Removal of references to computer produced cheques.
	161	Finance Rules 8. Budgeting	Removal of cap of virements between budget heads.
5	202	Protocol on gifts and hospitality	-Addition of advice for officers to consult their line manager/monitoring officer -Addition of possibility to notify the Monitoring Officer by electronic method
	232-234	Members' Allowance Scheme	Change of dates to 2016 Removal of reference to a pension in accordance with Regulation 11 of Statutory Instrument 1021-2003. Change to the number of Cabinet Members and the number of Scrutiny Committee Chairs and Vice Chair

Appendix B

Further amendments proposed following the Constitution Working Group meeting discussed with the Chair

<u>Part</u>	<u>Page No</u>	<u>Section</u>	<u>Summary of changes</u>
2	21	Article 8 Planning and Licensing Committees 8.1 Planning Committee (a) composition	Removal of the bar to Cabinet Members sitting on Planning Committee
4	117	Scrutiny Rules	Reference to the Cabinet/Scrutiny Protocol
	124-126	Appendix to Scrutiny Rules - Cabinet/Scrutiny Protocol	Addition of the previously agreed Cabinet/Scrutiny Protocol as an appendix, updated to reflect the Council's current scrutiny arrangements.
	147-173	Finance Rules	Further amendments to reflect changes in job titles and current best practice with respect to working arrangements and the removal of obsolete functions
	164-165	Finance Rules 12. Expenditure	Clarification of procedures for seeking competitive quotations and procurement
5	244-258	Member Role Profiles	The Member Role Profiles were approved by Cabinet and it was recommended that they be included in the Constitution.

Further amendments proposed following the Constitution Working Group meeting discussed with the Chair

<u>Part</u>	<u>Page No</u>	<u>Section</u>	<u>Summary of changes</u>
3	73	10.27 Specific Delegations – Chief Executive Office	Power to suspend or revoke a private hire or hackney carriage taxi licence with immediate effect on grounds of public safety.
	74	11.10 Specific Delegations Executive Director – Operations	To approve the Draft Statement of Accounts
4	120	Scrutiny Rules	Amendment to the call-in procedure to apply to Key Decisions only, to reflect best practice and allow more minor decisions of Cabinet and Officers to be implemented without delay.
	143	Budget and Policy Framework - Virement	Clarification of requirement for certain budget heads to be used, in line with the CIPFA Reporting Code of Practice