

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 9 DECEMBER 2015

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 9 DECEMBER 2015

Present:

Councillor B Ridgway Chair

Councillor G Butler
“ M Foster
“ A Powell

Councillor S Peters
“ Mrs K Rouse
“ R Welton

Parish Council Representatives:-

Councillor Mrs D Ward

Also Present:-

Donna Cairns - Senior Governance Officer
Matthew Kane - Governance Manager
Sarah Sternberg - Assistant Director – Governance and Monitoring Officer

455 Apologies for Absence

Apologies for absence had been received from Councillor Mrs D Ruff.

456 Declarations of Interest

Members were 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.

457 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 21 September 2015 be approved as a correct record and signed by the Chair.

458 Amendment of the Officer Delegation Scheme – Public Space Protection Orders

The Committee considered Report No ADGMO/20/15-16/SS of the Assistant Director – Governance and Monitoring Officer which recommended that the Council's delegation scheme within the Constitution be amended to enable the Chief Executive Officer to decide whether Public Space Protection Orders (PSPO) may be made, under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Cabinet had resolved to make a PSPO on 5 August 2015 and also resolved that the power of determining PSPOs be delegated to the Chief Executive Officer.

The Committee were advised of the background to the new powers relating to PSPOs and the legal requirements that need to be satisfied before a PSPO could be made.

Previously the Chief Executive Officer had a delegated power to make alcohol exclusion zones, which had been superseded by PSPOs. It was therefore recommended that this power be removed from the delegation scheme.

RESOLVED – That the Committee recommends to Council:

- (1) That the Officer Delegation Scheme be amended to authorise the making of Public Space Protection Orders under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 in consultation with the Leader or Deputy Leader of the Council and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders;
- (2) That paragraph 10.26 of the existing Scheme of Delegation for Officers (authorisation of alcohol exclusion zones) be removed.

(Assistant Director – Governance and Monitoring Officer)

459 Gifts and Hospitality Annual Report 2015

The Committee considered Report No ADGMO/21/15-16/SS of the Assistant Director – Governance and Monitoring Officer. The purpose of the report was to advise Members of the entries in the Council's Gifts and Hospitality Register for the period January to December 2015.

The arrangements for the registration of gifts and hospitality made to Members and officers were detailed in Part 5 of the Council's Constitution. This required a clear process for the recording and reporting of gifts and hospitality made to Members and officers. A copy of the entries in the Council's Gifts and Hospitality Register for the period January to December 2015 was attached to the report.

A copy of the Gifts and Hospitality register was published on the Council's website and was available for the public to access as part of the public deposit copy of the agenda and reports for this Committee.

RESOLVED –

That the content of the Gifts and Hospitality Annual Report for the period January to December 2015 be noted.

(Governance Team)

460 Standards Survey Action Plan Update

The Committee considered Report No ADGMO/22/15-16/SS of the Assistant Director – Governance and Monitoring Officer. The purpose of the report was to advise Members of the progress in the implementation of the measures proposed to address issues raised in the recent standards survey for both District and Parish/Town Councillors and clerks.

The Committee conducted a survey during February to May 2014 in respect of District Councillors/officers and Parish/Town Councillors and clerks on their views of the Council's ethical standards arrangements. The purpose of the survey was to establish

what information was known about ethical standards, to compare attitudes between Members and officers, and to identify any training requirements which may arise following the information from the surveys.

The findings from the surveys uncovered little evidence of misconduct, fraud or corruption, but did identify a lack of training on ethical standards amongst some groups and a lack of awareness of a number of key protocols and procedures. An Action Plan was agreed which detailed the measures proposed in response to the survey results. The progress achieved in the implementation of these measures was reported to the Committee.

The Committee discussed the Council's offer to attend parish and town councils to advise on standards and governance issues generally. The Assistant Director – Governance and Monitoring Officer advised the Committee that the District Council could not take on the management of particular issues for parish or town councils, but she and the governance team try to provide advice and guidance where they have capacity to do so. It was agreed that the letter sent by the District Council in December 2014 offering general advice on standards and governance issues be supplied again to Dronfield Town Council.

The Committee was advised that the majority of the actions had been completed. The remaining actions involved improving the perception of the Standards Committee, which could only be carried out when there are cases to be determined. These actions would be considered at that time.

It was agreed that the Standards Survey be repeated in 18 months time.

RESOLVED – That the Committee:-

- (1) Notes the work undertaken in respect of the actions detailed in the Standards Survey Action Plan.
- (2) Agrees that the Action Plan be signed off as complete.
- (3) Agrees that the Standards Survey be repeated during the municipal year 2017/18.

(Assistant Director – Governance and Monitoring Officer)

461 RIPA Policy Update

The Committee considered Report No ADGMO/23/15-16/SS of the Assistant Director – Governance and Monitoring Officer which presented a new joint policy and procedure for the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Regulation of Investigatory Powers Act enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data.

The Committee were advised of the thresholds that needed to be met before these powers could be used and that approval by a magistrate was also required. Where these thresholds could not be met, other forms of surveillance could be used, such as overt CCTV cameras.

The Council had not used RIPA during the past three years, however the benefits section had assisted the Department for Work and Pensions with their investigations.

The Council had met with the Clerk to the Magistrates' Court to establish lines of communication and a procedure should the need to use RIPA arise.

Following the issue of new codes of practice, a new joint policy covering the Strategic Alliance had been produced, which was to replace the separate policies adopted in 2013. The new policy had been informed by a recent inspection from the Assistant Surveillance Commissioner in November 2015.

RESOLVED – That the Committee notes the report and recommends the policy to Cabinet for adoption.

(Assistant Director – Governance and Monitoring Officer)

462 Complaints Update

The Committee considered Report No ADGMO/24/15-16/SS of the Assistant Director – Governance and Monitoring Officer. The purpose of the report was to advise Members of the number of complaints received this year since May 2015 relating to allegations of breaches of the Members Code of Conduct. The Council had to date received four complaints relating to members acting in their capacities as Parish/Town Councillors.

Although still a low number of complaints, compared against other local authorities, this represented a significant increase for the Council, as only one complaint was received against a District, Parish or Town Councillor in the whole of the previous year (2014/15).

The Committee were advised of the procedure for the handling of complaints. Three of these complaints had so far been determined following consultation with the Independent Person, which resulted in no breaches of the Code of Conduct or were deemed to be outside the scope of the Code of Conduct.

RESOLVED – That the Complaints Update Report be noted.

(Assistant Director - Governance and Monitoring Officer)

463 Work Programme 2015/16

The Committee considered Report No ADGMO/25/15-16/SS of the Assistant Director – Governance and Monitoring Officer. The Committee had at each of its meetings considered its work programme which detailed work to be undertaken in the municipal year. The work programme was based on the functions scheme approved by Council. Members were advised that the work programme was a live and changing document.

There were a number of matters for consideration at the Committee's next meeting on 17 March 2016:

Standards Committee Annual Report

This report would cover the work of undertaken by Standards Committee during the municipal year 2015/16, including feedback from the Independent Persons.

Review of the Constitution

The Governance Manager advised the Committee that it was not anticipated that a major review of the Constitution would be undertaken this year, but some minor changes may be proposed, together with any changes to the delegation scheme that may have arise during the year.

It was agreed that a working group would be set up to consider the review, which would include Councillors Ridgway and Butler as the Chair and Vice-Chair of the Committee, Councillor Mrs D Ward as a parish council representative and Councillor Welton.

Review of Whistle-blowing Policy

It was reported that the Organisation Scrutiny Committee would be considering the Whistle-blowing Policy at its next meeting in January 2016. The Committee discussed that the policy needed to have a clear statement of the Council's commitment to protecting staff and individuals who raise genuine issues, balanced against the need to prevent vexatious accusations and the protection of individuals who these may be against. This needed to be supported by robust processes and procedures to ensure it is implemented across the Council.

It was agreed that officers would discuss with Councillor Brian Ridgway as Chair of Standards Committee and Councillor Wright as Chair of the Organisation Scrutiny Committee the roles of the two Committees in the review. Councillor Welton and Councillor Mark Foster also requested that they be involved in the review.

RESOLVED –

- (1) That the Work Programme appended to the report be noted.
- (2) That a working group be set up to consider the review of the Constitution.

464 Urgent Business – Public Session

The Committee was advised that there was no urgent business to be considered in the public session of this meeting.