

North East Derbyshire District Council

Standards Committee

3 May 2018

Annual Report of the Standards Committee 2017/18

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- The purpose of the Annual Report is to enable the Committee and then Council to review the work that has been undertaken by the Standards Committee during the municipal year 2017/18.

1 Report Details

- 1.1 The Annual Report is attached as Appendix 1 to this report. This includes the reports of the two Independent Persons.
- 1.2 The Annual Report makes reference to other items on this agenda. It will be updated to reflect any comments or decisions of the Standards Committee, as necessary, before it is submitted to Council.
- 1.3 Following approval by Council, a copy of the Annual Report will be distributed to the Parish and Town Councils, as well as being published on the Council's website and intranet.

2 Conclusions and Reasons for Recommendation

- 2.1 To enable the Committee and then Council to consider an Annual Report from the Standards Committee on its work during the municipal year 2017/18.

3 Consultation and Equality Impact

- 3.1 Not applicable.

4 Alternative Options and Reasons for Rejection

- 4.1 Not applicable.

5 Implications

5.1 Finance and Risk Implications

There are no financial implications arising directly from the content of this report.

5.2 Legal Implications including Data Protection

- 5.2.1 It is a requirement of the Council's Constitution (under the functions of the Standards Committee) that an annual report on the work of the Committee is considered by the Committee and then Council.

5.3 Human Resources Implications

- 5.3.1 There are no human resources implications arising directly from the content of this report.

6 Recommendations

- 6.1 That the Committee considers and notes the Annual Report on its work during the Municipal Year 2017/18 and recommends that it be approved by Council.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	Demonstrating good governance

8 Document Information

Appendix No	Title
1	Annual Report of the Standards Committee 2017/18
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Nicola Calver, Governance Manager	01246 217753

AGIN 4(a) (STANDS 0503) Standards Annual Report/AJD



Standards Committee
Annual Report 2017/18

Standards Committee Annual Report 2017/18

Foreword from the Chair of the Standards Committee

I would like to take the opportunity to thank the Vice Chair and all elected Members, Parish/Town Council representatives and the two Independent Persons for their continued hard work and support in the work of the committee during this year. The work of the Standards Committee remains central to the ethical and governance responsibilities of the Council which are an essential element in local government continuing to retain the trust of the public which it serves.

Cllr Brian Ridgway

The Annual Report outlines the work of the Standards Committee during the municipal year 2017/18 and covers the following subjects:

- 1 Chair and Vice Chair of the Committee
- 2 Parish/Town Council Representatives
- 3 Register of Interests Forms 2017
- 4 Complaints received during 2017/18
- 5 Reports of Independent Persons
- 6 Local Government Ombudsman Complaints 2016/17
- 7 Standards Survey Action Plan
- 8 Policy and Constitution Review Work
- 9 Guidance and reports considered by the Committee
- 10 Consultations and survey results related to Standards

1. Chair and Vice Chair of Standards Committee 2017/18

- 1.1. At the Annual Council meeting in May 2017, Councillor Brian Ridgway was appointed as the Chair of Standards Committee, with Councillor Geoff Butler appointed as the Vice Chair.

2. Appointment of Parish/Town Council Representatives

- 2.1. The Parish and Town Council Representatives on the Committee have continued in their roles during 2017/18. Diana Ruff of Wingerworth Parish Council and Dorothy Ward of North Wingfield Parish Council were appointed to the Committee in 2015.
- 2.2. These appointments stand for a further year until May 2019.

3. Register of Interests Forms 2017

- 3.1. Register of Interest Forms for District and Parish Councillors continue to be issued to and completed by new councillors, following by-elections or co-option.
- 3.2. The Governance Team also undertook a review of all the Parish Councillors to ensure all currently serving Councillors Register of Interests were held on record and published on the website.
- 3.3. Councillors are also reminded to update their Register of Interests within 28 days of any changes.
- 3.4. All completed forms that had been returned have been published on the District Council's website.

4. Complaints received during 2017/18

- 4.1. The Council had received 1 complaint relating to members acting in their capacities as Parish/Town Councillors which resulted in no further action, and 1 complaint relating to a NEDDC District Councillor, resulting in no further action. One complaint relating to a Parish/Town Councillor is unresolved at the time of writing this report.
- 4.2. All of these complaints have 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.
- 4.3. During the previous year (2016/17) five complaints were received against a District, Parish or Town Councillor in the whole of the year. This demonstrates a 40% reduction in complaints received for 2017/18.

5. Reports of Independent Persons

- 5.1. At the Annual Council meeting in May 2015, the terms of office of the Council's two Independent Persons, Mr Ian Daines and Mr Stuart Hooton, were extended until the end of May 2019. The annual reports of the Independent Persons are attached as **Appendices A and B** to the Standards Committee Annual Report.

6. Local Government Ombudsman Complaints 2016/17

- 6.1 The Council received its Annual Review letter from the Local Government Ombudsman on the 20 July 2017. It contains information on how many complaints and enquiries had been referred to the Local Government Ombudsman and how many complaints were upheld or referred back for local resolution.
- 6.2 There were 13 decisions made by the Local Government Ombudsman. Six were closed after initial enquiries, three were referred back for local resolution, one complaint was not upheld and one other complaint was upheld – maladministration no justice. Complaint 15020683 and complaint 16005530 were dealt with together and was upheld by the Local Government Ombudsman – maladministration and injustice with compensation paid of £250. There were two complaint decisions included in the 2016/17 report from the 2015/16 report numbers 15019471 and 15020334.

7. Standards Survey Action Plan - Ethical Standards Training

- 7.1. At its meeting in July 2017, the Standards Committee agreed to ask Parish Councils what arrangements they had in place for their Councillors to receive training on Ethical Standards. A letter was sent to all the Parish and Town Councils in the District in September 2017. Thirteen responses were received.
- 7.2 The majority of the responses indicated that there are very few arrangements for training on Ethical Standards, with only a small number of Councillors accessing limited training through the Derbyshire Association of Local Councils (DALC).
- 7.3 The District Council provided a training session jointly with DALC after the Election in May 2015 and since then had written out to each Parish and Town Council with an offer to attend to deliver training on Ethical Standards and the Code of Conduct. There was very limited take up of this offer. A training session was also given at the District and Parish Liaison Group Business Meeting on 7 March 2018.
- 7.4 The Governance Team will arrange for further training sessions for all Parish Councillors after the May 2019 Election.

8. Policy and Constitution Review Work

Constitution Review

- 8.1. The Standards Committee have undertaken their duty to carry out a review of the Constitution. The majority of amendments proposed were not major revisions, but brought the Constitution up-to-date with recent decisions of Council, reflecting the new Senior Management Team structure and corrected minor errors or omissions.
- 8.2 All revisions will be put to the Annual Meeting of Council for approval.

Whistle-blowing Policy

- 8.3 At its meeting on 3 May 2018 the Standards Committee will undertake a review of the Whistleblowing Policy.

RIPA Policy

- 8.4 A review of the RIPA Policy was undertaken by the Standards Committee at their meeting on 20 July 2017. The Committee were advised that there had been no changes to the relevant legislation or Codes of Practice since the last review and therefore the amendments that were proposed were intended to ensure the Policy remained accurate and up-to-date in terms of working practices and named officer.

9. **Guidance and reports considered by the Committee**

9.1 **Disqualification Criteria for Councillors and Mayors**

The purpose of the report was to inform Members of the Government's proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority Member or directly elected Mayor.

In September 2017 the Department for Communities and Local Government (DCLG) announced proposals for updating the criteria disqualifying individuals from being elected for holding office as a local authority Member or directly elected Mayor. The current rules prevent individuals from becoming a Councillor if they are employed by the authority, subject to a bankruptcy order or convicted of an offence resulting in a prison sentence. These restrictions were implemented in 1972 before the Sex Offenders' Register or other non-custodial orders existed.

The current proposals would mean anyone given an Anti-Social Behaviour Injunction, a Criminal Behaviour Order or added to the Sex Offenders' Register would no longer be able to hold elected office in their communities, including Councillors and Mayors in Parish, Town, Local, County and Unitary Councils or Combined Authorities.

Anyone holding such a position who is convicted of a serious offence that results in an Anti-Social Behaviour Injunction, a Criminal Behaviour Order or being put on the Sex Offenders' Register would have to step down.

The consultation period on the proposal ended on 8 December 2017.

The Committee were advised that the Local Government Association (LGA) had responded to the consultation and a copy of their response was attached to the report.

Members of the Committee raised concerns as to why the Government had not included themselves in the new proposals and why this would only be enforceable on Local Authorities. It was recommended that the Standards Committee write a letter to the LGA agreeing with the comments set out within their letter to show support.

9.4 Gifts and Hospitality Annual Report 2017

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which advised of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and Officers of the District Council during the period January to December 2017.

10. Consultations and survey results related to Standards

10.1. At the meeting of Standards in March 2018 the Governance Manager reported that a review was being undertaken by the Parliamentary Committee on Standards in Public Life on 'Local Government Ethical Standards'. In particular, the review was to examine the structures, processes and practices in Local Government in England for:-

- Maintaining Codes of Conduct for Local Councillors;
- Investigating alleged breaches fairly and with due process;
- Enforcing Codes and imposing sanctions for misconduct;
- Declaring interests and managing conflicts of interest; and
- Whistleblowing.

10.2 The Standards Committee gave due consideration to each question in turn to provide a collective response. This would be submitted by the Governance Manager to the Parliamentary Committee on Standards in Public Life by the given deadline of 18 May 2018.

APPENDIX A
REPORT OF MR IAN DAINES, INDEPENDENT PERSON

My previous annual report was dated 2 April 2017. Since that date, I have been consulted on two occasions.

The Monitoring officer (MO) asked my opinion on a complaint that a Parish Councillor tickled a Parish Clerk. The Code of Conduct is engaged when a Parish Councillor is engaged on Council business or purports so to be. There was no indication that the Parish Councillor was engaged on parish business at the time of this alleged incident. I advised the MO that no further investigation be conducted. She accepted this advice & the matter was closed.

The MO asked my opinion on a complaint about emails from a Councillor of NEDDC about a planning application. The complainant alleged that the emails showed that the Councillor had a closed mind had been deliberately misleading & had been offensive to some residents. The Councillor's comments were sent from an NEDDC email account, not a personal email account. I was satisfied that the Councillor was commenting as a Councillor not as a private citizen. Therefore, the Code of Conduct was engaged. The Councillor's words were a robust statement of views about the planning application. It was my opinion that those words did not reveal a breach of the Code of Conduct. I advised that no further investigation be conducted & the MO accepted that advice.

I have no concerns that I wish to bring to the attention of the Standards Committee.

Ian Daines
Independent Person.

APPENDIX B REPORT OF MR STUART HOOTON, INDEPENDENT PERSON

Three complaints were sent to me during the period although one was technically carried over from the previous year due to ongoing action.

Complaint 1. Concerning a Parish Councillor.

This complaint involved comments made and the use of social media.

I found that there was no breach of the Code of Conduct.

However the issue of appropriate use of social media is an area that needs consideration and possibly guidelines and training.

Complaint 2. Concerning Parish Councillors.

The complaint involved the declaration of interests.

I found that there was a breach of the Code of Conduct by one councillor.

This breach appeared to come from ignorance rather than an ulterior motive.

Despite a clear breach of the Code I confirmed with the Monitoring Officer that appropriate training should help address this confusion.

Complaint 3. Concerning a District Councillor.

The complaint involved the regular attendance of a District Councillor at a Parish Council and alleged intimidation by the Councillor.

The District Councillor did not appear to be acting in his official role and therefore no breach of the Code took place.

However if pressure is being applied to councillors or staff the chair has the right to control the meeting and protect their welfare.

Stuart Hooton
Independent Person