

**North East Derbyshire District Council**

**Standards Committee**

**12 April 2017**

**Annual Report of the Standards Committee 2016/17**

**Report of the Solicitor to the Council and Assistant Director of 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 2016/17.

**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 2016/17.

**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 2016/17 and recommends that it be approved by Council.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None
<b>Links to Corporate Plan priorities or Policy Framework</b>	Demonstrating good governance

## 8 Document Information

Appendix No	Title
1	Annual Report of the Standards Committee 2016/17
<b>Background Papers</b> (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)	
<b>Report Author</b>	<b>Contact Number</b>
Nicola Calver, Governance Manager	01246 242505



Standards Committee  
Annual Report 2016/17

## Standards Committee Annual Report 2016/17

### 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 2016/17 and covers the following subjects:

- 1 Chair and Vice Chair of the Committee
- 2 Appointment of Parish/Town Council Representatives
- 3 Register of Interests Forms 2016
- 4 Complaints received during 2016/17
- 5 Reports of Independent Persons
- 6 Local Government Ombudsman Complaints 2015/16
- 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 2016/17**

- 1.1. 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 Council agreed at its annual meeting in May 2016 to organise elections for the two co-opted member vacancies on the Standards Committee.
- 2.2. Following the receipt of nominations from the Parish/Town Councils, and following a vote, Diana Ruff of Wingerworth Parish Council and Dorothy Ward of North Wingfield Parish Council were appointed to the Committee.

## **3. Register of Interests Forms 2016**

- 3.1. All District Councillors had been issued with forms to complete the register of interests, including Disclosable Pecuniary Interests and other interests which were not required to be declared by law, but were subject to the code of Conduct. All District Councillor register of interest forms were completed and returned and had been published on the Council's website, as required by legislation.
- 3.2. Register of interest forms were also sent to the clerks of the Parish and Town Councils. All completed forms that had been returned have been published on the District Council's website.

## **4. Complaints received during 2016/17**

- 4.1. The Council had received 1 complaint relating to members acting in their capacities as Parish/Town Councillors which is not yet resolved, 1 complaint relating to a County Councillor, and 1 complaint relating to an NEDDC District Councillor.
- 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 (2015/16) 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 2016/17.

## **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 2015/16**

- 6.1 The Council received its Annual Review letter from the Local Government Ombudsman on the 21 July 2016. 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 19 complaints and enquiries received in total by the Local Government Ombudsman. There were 16 decisions made - 7 complaints that were referred back for local resolution, 6 closed after initial enquiries, 1 incomplete or invalid and 2 not upheld. There are 3 complaints ongoing to be included within 2016/17 report.

## **7. Standards Survey Action Plan**

- 7.1. During 2014, the District Council had undertaken an ethical standards survey in respect of the standards of conduct being observed and to identify any areas for development in respect of District Councillors and officers and Parish/ Town Councillors and clerks. An Action Plan had been prepared and throughout the following two years, monitored the progress of implementation of the recommendations arising from the survey results.
- 7.2. The Committee agreed that the Action Plan be signed off as complete and that the ethical standards survey be repeated during the municipal year 2017/18 and this will be added to the work plan for the forthcoming year.

## **8. Policy and Constitution Review Work**

### Constitution Review

- 8.1. The Standards Committee set up a Working Group (of all Standards Committee Members) 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 and corrected minor errors or omissions.
- 8.2 A review of Delegated Decisions and Council Procedure Rules was undertaken by the Working Group.

### Whistle-blowing Policy

- 8.3 Due to the extensive work the Committee had undertaken on reviewing the Constitution, a review of the Council's Whistle-blowing Policy was deferred to the first meeting of the 2017/18 municipal year.

## RIPA Policy

- 8.4 In addition to the Whistle-Blowing Policy, the Committee wish to defer consideration of the RIPA Policy in to the new municipal year.

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

### 9.1 **Public Interest Report – Derby City Council**

The purpose of the report was to inform Members of the issues raised in the Derby City Council Public Interest report by Grant Thornton.

The report, which was issued in June this year, raised some serious governance issues for Derby City Council. However, these were historic issues, there now being new political and management leadership in place.

The Solicitor to the Council and Assistant Director of Governance and Monitoring Officer outlined the key issues arising from the report. Members discussed the issues raised in Derby City and raised points around North East Derbyshire's Officer Delegation Scheme. The Committee hoped that the correct discussions were taking place regarding delegated decisions and it was ensured the relevant Portfolio Holder was consulted over any delegated decision taken.

The Committee requested details of the process of how delegated decisions were considered at North East Derbyshire.

### 9.2 **Honiton Town Council – Judicial Review**

The Committee considered a High Court case into Honiton Town Council's Judicial Review concerning the ethical framework and the availability of sanctions for breaches of the Code of Conduct.

The Monitoring Officer presented the case to the Committee for their information. The Honiton case showed that legislation provided the District with the systems to address breaches of the Code of Conduct, however, nothing was provided to Parish Councils and therefore they were not able to determine any breaches and impose sanctions other than those recommended by the District. Further, training was identified as an appropriate sanction when addressing breaches of the Code of Conduct.

### 9.3 **Role of the Monitoring Officer – an Unprotected Species?**

The Committee considered an article on the role of the Monitoring Officer written by Simon Goacher regarding recent legislative changes around the process for disciplinary action against statutory officers of Councils.

The most recent change was in October 2016 which confirmed that there was no longer a requirement for a DIP and that any dismissal of a Head of Paid Service, Section 151 Officer or Monitoring Officer had to be approved by full Council. Before any dismissal can be made the proposal must be considered by a panel of Independent Persons.

The Committee considered how this process may work in practice and the Deputy Monitoring Officer undertook to provide Members with a case of where the process had been followed, if one should ever be published.

#### **9.4 Gifts and Hospitality Annual Report 2016**

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & 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 2016.

An update was requested for Members on registering Gifts and Hospitality by email just prior to Christmas.

#### **10. Consultations and survey results related to Standards**

10.1. During this municipal year Standards Committee did not consider any consultations.

**APPENDIX A**  
**REPORT OF MR IAN DAINES, INDEPENDENT PERSON**

I wish to report to the Standards Committee on my role as an Independent Person (IP) for North East Derbyshire District Council (NEDDC) in the period April 2016-April 2017.

The Council has appointed two IPs; Mr Stuart Hooton & I. We fulfil two roles;

- a) to advise the Monitoring Officer (MO) on complaints against Councillors of NEDDC & of the Parish Councils within the NEDDC area,
- b) to advise Councillors who are the subject of complaints.

In 2016/7, I was not asked to advise any Councillors who have been the subject of a complaint.

In 2016/7, I was asked to advise the MO on one occasion. In November 2016, the MO sought my advice about the handling of a complaint against a Councillor of NEDDC. A resident had complained that the Councillor had been inconsiderate in igniting fireworks near to her horses. There was no reason to suppose that the Councillor was engaged in Council business at the time of the incident.

Councillors are subject to the Code of Conduct only when they are engaged in Council business or purport so to be. I advised the MO that in my view, the Councillor's alleged behaviour was a private matter & the Code of Conduct did not apply.

I advised that no further action be taken & the MO concurred with that advice.

I have no concerns that I wish to raise with the Standards Committee.

Ian Daines  
Independent Person.

**APPENDIX B**  
**REPORT OF MR STUART HOOTON, INDEPENDENT PERSON**

This report is for the year 2016/17.

The year 2016/17 has only required my involvement in two complaints.

The first complaint dated 23/11/16 concerned a county councillor and I was designated as contact for the councillor but received no request for advice.

The second complaint dated 23/03/17 concerned a parish councillor and I was requested to assess the complaint and make recommendations. Currently this complaint may still be live and therefore no further information is supplied.

Stuart Hooton  
Independent Person