

North East Derbyshire District Council

Annual Council

26 May 2015

Annual Report of the Standards Committee 2014/2015

Report of the Chair of Standards Committee

This report is public

Purpose of the Report

- The purpose of the Annual Report is to enable the Council to review the work that has been undertaken by the Standards Committee during the municipal year 2014/15. The report was considered by the Standards Committee at its meeting on 26 March 2015 who noted its content and recommended it to Council for its consideration and approval. The report also contains information on the matters reported to Standards Committee on 26 March 2015.

1. Report Details

- 1.1 The Localism Act 2011 abolished the Model Code of Conduct, statutory Standards Committees and local standards framework for determining complaints against Members and co-opted Members. The Act also introduced a new Standards regime which came into force on 1 July 2012. The Council at its meeting on 9 July 2012 approved the following in respect of its Standards arrangements:

- Established a 11 Member politically balanced Standards Committee (comprising nine elected Members and two Parish/Town Council representatives nominated by the Derbyshire Association of Local Councils).
- Appointed a Chair and Vice Chair of the Standards Committee.
- Delegated powers to the Standards Committee.
- Approved a Code of Conduct for District Council Members and authorised its circulation to the Parish/Town Councils for their information/adoption.
- Approved a procedure requiring Members to withdraw from the meeting room when he/she has a disclosable pecuniary interest or significant other interest, subject to a number of qualifications.
- Approved arrangements for dealing with Standards complaints and for taking action where a Member is found to have failed to comply with the Code of Conduct, and delegated powers to the Standards Committee, Hearings Sub-Committee and Monitoring Officer accordingly.

- Approved the Hearings Procedure for allegations that a Member has breached the Members Code of Conduct and delegated powers to the Monitoring Officer to select Members for meetings of the Hearings Sub-Committee.
- Requested that the Monitoring Officer prepare and maintain a Register of Members interest for District Council Members and for each of the Parish/Town Council's in the District, each register to be available for public inspection.
- Requested that the Monitoring Officer arrange for Parish/Town Clerks to be provided with training on the registration arrangements for the new Code of Conduct.
- Granted delegated power to the Monitoring Officer to vary any of the arrangements to facilitate the efficient and effective delivery of the new Standards framework.
- Appointed Mr Ian Daines and Mr Stuart Hooton as the Council's Independent Persons in accordance with the provision of the Localism Act 2011, for an initial period of 12 months. This period was subsequently extended to the life of the current Council, May 2015.

1.2 The Committee met formally on six occasions. A brief summary of the issues considered by the Committee during the municipal year 2014/15 includes:-

- The Monitoring Officer received four complaints regarding allegations that Members had breached the Council's Member Code of Conduct during 2013/14. The report provided details of complaints received by the Monitoring Officer. In accordance with the Committees request the report on this matter was not submitted until all the investigations had been completed hence its consideration during the period under review.
- Members in June 2013 requested that the District and Parish Liaison Group receive a six monthly report on its work from one of the Parish/Town Council representatives on the Committee. Councillor D Ruff, Councillor J Austen and the Governance Officer gave a presentation on this matter to the District and Parish Liaison Group at its meeting in July 2014. The Committee in October 2014 requested that its Annual Report be provided to all Parish/Town Councils following its consideration by Council in May each year and that any items of relevance on issues of ethical standards be reported on a regular basis to the District and Parish Liaison Group;
- The Committee recommended approval of a Whistleblowing Policy by Cabinet and requested that the report be referred to the Audit and Corporate Governance Scrutiny Committee and granted a delegated authority to the Monitoring Officer to amend the policy prior to its submission to Cabinet.
- Corruption in UK Local Government – The Mounting Risks;

- The Committee noted the appointment of Councillor E Mansbridge following a ballot as the second Parish/Town Council representative on the Committee until May 2015;
- Local Government Ombudsman Annual Review Letter 2013/14;
- Ethical Standards Survey: District Council Results 2014;
- Committee on Standards in Public Life: Ethics in Practice Promoting Ethical Conduct in Public Life, this is the subject of a further report to the Committee;
- Ethical Standards for the Providers of Public Services, this was the subject of two further report to the Committee;
- Review of the District Council's Constitution and Training for Officers on Governance;
- Ethical Standards Survey: Parish/Town Councillors and Clerks Results 2014;
- Applications for Dispensations;
- Gifts and Hospitality Annual Report;
- Standards Survey Action Plan;
- Committee on Standards in Public Life Annual Report 2013/14.
- Annual Report of the Standards Committee 2014/2015.
- Review of the Council's Constitution.
- Future arrangements for Independent Persons and Co-opted Members.

1.3 The District Council undertook 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. A report in respect of responses from District Councillors and officers was considered by the Committee in October 2014. A presentation was given by the Chair of the Committee on the findings of the Ethical Standards survey in respect of Parish / Town Councillors and clerks to the January 2015 meeting of the District and Parish Liaison Group. An opportunity for Parish/ Town Councillors and clerks to participate in training relating to ethical standards/governance issues will be provided by the Governance Team following the elections in May 2015. An Action Plan has also been prepared and agreed to ensure that the Committee is kept informed on the progress of implementation of its recommendations. This is a significant area of work, progress on its implementation is ongoing.

1.4 In response to the Committees decisions, the Monitoring Officer and Deputy Monitoring Officer have given presentations to officers and Members on the Council's Constitution and related ethical standards/ governance issues in November 2014 and February 2015.

- 1.5 The Committee at its meeting in October 2014 considered a report from the Committee on Standards in Public Life on ethical standards for the providers of public services. The Committee will be considering a report to its March 2015 meeting on ethical standards when awarding contracts for the provision of public services. Changes to the commissioning and provision of services across the public sector have made this area of work all the more important.
- 1.6 Members' attention is drawn to the dedicated page on the Council's website in relation to the Standards Committee which is available at the following link:
- <http://www.ne-derbyshire.gov.uk/council-democracy/councillors-democracy-elections/standards-of-conduct-in-local-government>
- 1.7 Attached as **Appendices A and B** are the reports of the two independent persons appointed by Council, Mr Ian Daines and Mr Stuart Hooton. Mr Daines and Mr Hooton have been invited to this meeting to participate in the consideration of their reports. So far in 2014/15, only one complaint has been made that a Member had breached the Code of Conduct. This was found not to be a matter directly affecting the Code so was referred to another body for determination.
- 1.8 The Council continues to perform well in respect of its response to Local Government Ombudsman complaints. The LGO's most recent letter shows that the Ombudsman received 13 complaints relating to the Council in 2013/14. Though a slight increase on 2012/13's figure of 11, this is still good when compared with similar-sized councils in Derbyshire.
- 1.9 The Ombudsman made decisions in respect of 16 complaints against the Council in 2013/14. No cases of maladministration were found but one complaint was upheld. This concerned a planning issue where the complainant, amongst other issues, notified the Council that waste was being burnt near to where they lived. The Council failed to refer this on to the relevant statutory partner as required by law. If the Council had not rectified this it would have amounted to maladministration. The matter was, however, rectified and the case closed.
- 1.10 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 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.

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 2014/15.

3 Alternative Options and Reasons for Rejection

- 3.1 There were no alternative options considered and rejected.

4 Financial Implications

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

5 Legal Implications Including Data Protection

- 5.1 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.

6 Human Resources Implications

- 6.1 There are no Human Resources Implications arising directly from the content of this report. The Standards Committee undertakes its work on the basis of the requirements of the Localism Act 2011, the Council's Constitution and in a manner which is equitable.

7 Recommendations

- 7.1 That the Council be requested to approve the following recommendations in respect of the Standards Committee Annual Report 2014/15:-
- That the Annual Report 2014/2015 be approved.
 - That a copy be provided to all the Parish/Town Councils in the District and the Derbyshire Association of Local Councils to advise them of the work of the Standards Committee in 2014/2015.
 - That a copy be included on the Council's website and on the Members Portal and that it be the subject of a press release to highlight the ongoing work of the Standards Committee.

8 Decision Information

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| Is the decision a Key Decision? (A Key Decision is one 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 |
| District Wards Affected | None |
| Links to Corporate Plan priorities or Policy Framework | High Performing Council |

9 Document Information

| Appendix No | Title |
|--|---------------------------|
| A | Independent Person Report |
| B | Independent Person Report |
| 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) | |
| All published Reports and Minutes of the Standards Committee from its meetings on:- 28 May 2014 24 July 2014 2 October 2014 27 November 2014 26 February 2015 26 March 2015 | |
| Report Author | Contact Number |
| F Powell - Senior Governance Officer | (01246) 217045 |

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Appendix A

Independent Person Report

Dear Mr Kane,

I write to provide a report on my activity as an Independent Person for North East Derbyshire District Council in the municipal year 2014-2015.

There was one matter that was concluded in 2014-15 that had begun in the previous municipal year. A member of the public complained that a NEDDC Councillor had misled the Council. The Monitoring Officer asked my view on whether to investigate the allegation.

The allegation was cogently framed. If proved, the matter would have been a serious breach of the Code of Conduct. There was no evidence immediately to hand to show that the allegation was unfounded. I recommended that the matter should be investigated & the Monitoring Officer accepted that advice.

The complainant asserted that the Councillor used misleading words. The Councillor denied the allegation. The investigation found little evidence to support either version.

The Monitoring Officer asked my view on whether the investigation report revealed sufficient evidence to warrant further action. I advised that no further action be taken. The Monitoring Officer accepted that advice and the matter was closed.

The handling of the complaint threw up some procedural issues which I discussed with staff at NEDDC.

This has been my only activity as an Independent Person for NEDDC in 2014-2015.

Ian Daines.

Appendix B

Independent Person Report

This year has been very quiet from the point of view of complaints and reflects on the standard of behaviour of the councillors in North East Derbyshire. There were two cases during 2014-15 which were referred to myself and short summaries are given below.

Parish Council May 2014

This complaint concerned the behaviour of a councillor, procedures and actions of the Parish Council and apparent friction between the complainant and the Councillor. After discussions with the Monitoring Officer an investigation was carried out by the Principal Solicitor of Bolsover District Council.

The subsequent report gave clarification that procedures had been followed and that the Councillor had acted within the Code of Conduct.

The importance of the Standards framework in assessing procedures and actions as well as individuals was highlighted by this case.

Decision: No breach of the Code

Parish Council June 2014

The complaint whilst presenting serious allegations did not show a breach of the Code of Conduct and after a discussion between myself and the Monitoring Officer was referred elsewhere for action.

Decision: No breach of the Code

I note that ongoing training is continuing and wish to thank Matthew Kane for his support in all dealings concerning complaints.

I would like to highlight once more that the low number of complaints reflects well on all councillors and that the Standards framework appears to operate well in North East Derbyshire. I would like to wish all councillors good luck in the upcoming elections.

Stuart Hooton Independent Person