

North East Derbyshire District Council

Council

9 May 2016

Annual Report of the Standards Committee 2015/16

Report of Councillor B Ridgway - 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 2015/16. The report was considered by the Standards Committee at its meeting on 20 April 2016 who noted its content and recommended it to Council for its consideration and approval.

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 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 Council to consider an Annual Report from the Standards Committee on its work during the municipal year 2015/16.

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

- 5.1.1 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 Council approve the Standards Committee Annual Report 2015/2016.
- 6.2 That a copy of the Annual Report 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 2015/16.
- 6.3 That a copy be included on the Council's website and on the Members Portal.

7 Decision Information

Is the decision a Key Decision? (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
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 2015/16
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)	
Report Author	Contact Number
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Standards Committee
Annual Report 2015/16

Standards Committee Annual Report 2015/16

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 2015/16 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 2015
- 4 Complaints received during 2015/16
- 5 Reports of Independent Persons
- 6 Local Government Ombudsman Complaints 2014/15
- 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 2015/16

- 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 2015 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 2015

- 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 2015/16

- 4.1. The Council had received five complaints relating to members acting in their capacities as Parish/Town Councillors.
- 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. Although still a low number of complaints, compared against other local authorities, this represented an 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).

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 2014/15

- 6.1. The Local Government Ombudsman Annual Review Letter for 2014/15 was received by the Committee in September 2015.
- 6.2. There had been 13 complaints received by the Ombudsman during 2014/15, with 11 referred back for local resolution, one upheld and one not upheld. It was believed that the reason a high number of cases referred back was due to an issue with a standard template which had since been resolved. The one case that was upheld related to a planning matter. There were no cases of maladministration.

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 to monitor the progress of implementation of the recommendations arising from the survey results.
- 7.2. The Committee considered the Action Plan in December 2015 and was advised that the majority of the actions had been completed.
- 7.3. The Council held a joint event with Derbyshire Association of Local Councils following the elections in May 2015, which ethical standards issues were covered. A review of the Council's working relationship with Town and Parish Councils had been carried out by the Economic Regeneration, Skills and Environment (ERSE) Scrutiny Committee during 2014/15. As part of the implementation of the recommendations of this review, revised arrangements for the District and Parish Liaison Group were approved by Cabinet in March 2016. Under the new arrangements, an annual conference will take place in June/July, focusing on issues relevant to the Parish and Town Councils and the District. This may cover issues related to ethical standards.
- 7.4. The remaining actions from the ethical standards survey action plan involved improving the perception of the Standards Committee, which could only be carried out when there are cases to be determined. 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.

8. Policy and Constitution Review Work

Constitution Review

- 8.1. The Standards Committee set up a Working Group to carry out a review of the Constitution. The 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. Training on the procedure rules for Council and Committee meetings was provided to Members at a Member Involvement Half Day session on 22 March 2016, which

20 Members attended. Feedback on the training was very positive, with comments including that Members learnt a lot and had many questions answered.

Whistle-blowing Policy

- 8.3. The Standards Committee considered a review of the Council's Whistle-blowing Policy. The Policy was also considered by the Organisation Scrutiny Committee at its meeting in January 2016.
- 8.4. The existing policy had been updated following changes brought in by the Enterprise and Regulatory Reform Act 2013. Only minor changes were recommended as part of the review to make the policy simpler for staff to follow.

RIPA Policy

- 8.5. A new joint policy and procedure for the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA) was prepared, which incorporated recommendations from an inspection from the Assistant Surveillance Commissioner in November 2015. The inspection report was generally positive and made a small number of recommendations to strengthen the joint policy. The new joint policy and procedure was recommended to Cabinet for approval. Cabinet approved the policy and procedure at its meeting on 10 February 2016.

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

Report on inspection of Rotherham Metropolitan Borough Council

- 9.1. The Standards Committee considered an inspection report by Professor Alexis Jay OBE into child sexual exploitation within Rotherham, which described how vulnerable children had been repeatedly failed by the Council.
- 9.2. Whilst North East Derbyshire showed no signs of the sorts of issues identified in Rotherham, the report highlighted lessons from which all councils could learn.
- 9.3. A Safeguarding awareness briefing was provided for Members in November 2015, which 20 Members attended.
- 9.4. A scrutiny review into safeguarding has also been undertaken by Communities Scrutiny Committee during the year.

Guidance on Ethical Standards for Public Service Providers

- 9.5. The Committee on Standards in Public Life published a new online guide in December 2015 for providers of public services to promote high ethical standards.

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

- 10.1. Standards Committee considered the following consultations and the results of surveys undertaken that were related to Standards:

Hansard Society's Audit of Political Engagement

- 10.2. The Hansard Society had conducted a survey of members of the public on their levels of interest and engagement with politics which also incorporated questions relating specifically to ethical conduct. The Standards Committee considered the report on the audit and noted the public continue to have a very poor view of the current standards in public life.

Consultation on a Public Service Ombudsman

- 10.3. The Standards Committee considered the Government's proposal to create a public service ombudsman which would replace the existing Parliamentary Health Service Ombudsman, the Local Government Ombudsman and the Housing Ombudsman. The Council did not submit any comments to the consultation.

Consultation on revised draft framework for Good Governance in Local Government, developed by CIPFA and SOLACE.

- 10.4. The Standards Committee considered a report on the Council's proposed responses to a consultation on the revised draft framework for Good Governance in Local Government, developed by CIPFA and SOLACE. This report was also considered by the Audit and Corporate Governance Committee.
- 10.5. The existing framework document was actively used by the Council as part of its annual governance statement and front-facing local code of corporate governance which were included within the Statement of Accounts to show how the Authority met the key principles. Behaviours and outcomes relating to good governance.
- 10.6. The Council's comments submitted as part of the consultation on the revised draft framework included:
- The framework would provide the criteria for our local code of corporate governance and assist us in testing whether our governance arrangements remain fit for purpose
 - In relation to parts of the framework that would be difficult to follow, the Council commented that it does not have a process in place for "reviewing individual member performance on a regular basis" (Principle E) and feels that this is a responsibility for the political groups rather than the Council.
 - With regard to the development of a local code, it would be beneficial got the framework to include examples of evidence for each of the behaviours and outcomes that demonstrates good governance.
 - In addition, the existing guidance Delivering Good Governance in Local Government: Addendum provides a table listing the key elements of the typical systems and processes that comprises an authority's governance arrangements. This table is an essential tool in the preparation of the annual governance statement and in our view should be carried forward into the updated guidance.
 - An aspect of governance that is not in the draft framework is openness with regard to member and officer remuneration, although this is already a legal requirement.

Survey on Protection of Statutory Officers

- 10.7. Weightmans Solicitors had carried out a survey into the rules regarding statutory protection for the Head of Paid Service, Section 151 Officer and Monitoring Officer. Standards Committee considered the results of the survey. It was noted that there was a wide degree of ambiguity and uncertainty amongst head of legal services about how these changes would impact on local authorities.

Consultation on Misconduct in Public Office

- 10.8. The Law Commission opened a consultation in January 2016 on the law of misconduct in public office. The first phase considered the current law and its problems. The Council had not submitted any comments in the first phase of consultation, but the Standards Committee considered the issues raised. The second phase of consultation will begin in the Summer of 2016 with the publication of a paper exploring options for reform.

For the attention of the Standards Committee of North East Derbyshire District Council

I wish to report on my role as an Independent Person in the complaints process of North East Derbyshire District Council (NEDDC) from April 2015 to date.

Councils must appoint at least one Independent Person. You have appointed Mr Stuart Hooton and me. We fulfil two roles:

- a) to advise the Monitoring Officer (MO) on the handling of complaints against Councillors of NEDDC & parishes within the NEDDC area.
- b) to advise Councillors who are complained against.

In July 2015, an allegation was made that a Councillor had breached the Code of Conduct. The MO informed the Councillor that I was available to offer him/her advice. The Councillor did not seek my advice.

In December 2015, separate allegations were made that two Councillors had each breached the Code of Conduct. The MO asked my advice on whether each of the complaints should be investigated. I advised the MO that in each case the Councillor was not engaged in Council business at the time of the alleged events and therefore were not bound by the Code of Conduct at the material time. The MO accepted this advice and no further action was taken on either complaint.

In January 2016, allegations were made that two Councillors had breached the Code of Conduct. The MO informed the Councillors that I was available to offer them advice. One Councillor sought my advice, the other Councillor did not seek my advice.

I have no concerns that I wish to raise with members of the Standards Committee. I will attend your meeting on Wednesday 20 April 2016.

Report of Mr Ian Daines

Annual Report of Stuart Hooton, Independent Person for NEDDC

The dates shown are when I received the complaints by e-mail and not when NEDDC received them.

27th July 2015.

I received a complaint that a Parish Council sold a premises without due regard to the principles of financial consideration, accountability, openness and honesty and regard for the Freedom of information Act.

Action:

I requested information on the legality of the Parish Councils action in regard of:

- i) Accepting unsolicited offers (including those containing confidentiality clauses).
- ii) Disposal of land by Parish Councils.
- iii) Declaration of interests.
- iv) The use of Freedom of Information Act restrictions.

The information I received from Officers clarified the situation and I concluded that the Parish Council had conformed to legal requirements and no breach of the Code of Conduct had taken place.

28th October 2015.

I acted as contact point for a councillor of a Parish Council accused of bullying: I received no contact from the councillor.

9th December 2015.

I acted as contact point for a District and Parish councillor accused of punching two people and inciting others to violence: I did not receive any contact from the councillor.

15th January 2016.

I received a complaint against two members of a Parish council concerning.

- i) Bullying of a fellow councillor.
- ii) Homophobic comments.
- iii) Lack of respect for prominent members of the community.

The main complaint (i) concerned the introduction of new technology and in my opinion the problem seemed to have been caused by some confusion and differences of approach and not a breach of the Code of Conduct. With reference to (ii) and (iii), not enough information was provided to make an informed decision.

I feel all the complaints contain issues of personal or personality differences which is not uncommon in Parishes. It may be appropriate for the Standards Committee to reinforce these difficulties with councillors and to offer advice as appropriate.

One again I would like to thank the Officers who have assisted me in the past year and to wish the council well in these challenging times.