

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 2 OCTOBER 2014

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 2 OCTOBER 2014

Present:

Councillor Mrs J Austen - Chair
“ G Baxter MBE
“ G Butler – Vice Chair

Councillor S J Ellis
“ S Peters

Also Present

Matthew Kane – Deputy Monitoring Officer
Frazer Powell – Senior Governance Officer
Sarah Sternberg – Assistant Director – Governance and Monitoring Officer
Debbie Whitehead – Consultation and Community Involvement Co-ordinator

339 Apologies for Absence

Apologies for absence were received from Councillors T Reader, Mrs C A Smith, M E Thacker and Parish Council Representatives Councilors D Ruff and E Mansbridge.

340 Declarations of Interests

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 declarations of interests by Members at this meeting.

341 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 24 July 2014 be approved as a correct record and signed by the Chair.

342 Ethical Standards Survey: District Council Results 2014

The Committee considered Report No ADCSI/4/14/JF/DW of the Assistant Director – Customer Services and Improvement on the Standards Survey for District Councillors and officers.

The purpose of the report was to set out the results from the Ethical Standards Survey conducted with District Councillors and officers between April and May 2014. The Committee also received a detailed presentation from the Consultation and Community Involvement Co-ordinator on the survey results. The Committee had requested that work be undertaken on what standards of conduct were being observed to help identify any areas for further development which may be necessary.

A questionnaire had been sent to all District Councillors and officers. The questionnaires were similar in content but included adjustments relevant to each of the different groups. The questionnaires were available in both paper and electronically by the Survey Monkey system. A summary of the survey information was as follows:-

- For District Councillors, the total number of surveys circulated were 52, 23 were received back, a response rate of 44.2%;
- For District Council officers the total number of surveys circulated was 482, 102 completed questionnaires were returned, a response rate of 21.2%;

The report contained the following appendices:-

- Data tables (Appendix A);
- Comparison tables (Appendix B);
- Analysis of open comments (Appendix C);
- Demographic profiles (Appendix D).

During the Committee's consideration of the report the following comments/questions were raised by Members:-

- Given the survey findings it was important that the Council's Codes and Protocols on ethical standards are made readily accessible for officers on the Council's intranet;
- There seemed to be a lack of knowledge on the part of officers in respect of ethical standards issues generally;

Officers responded to the comments/questions raised by Members it was confirmed that following the surveys it was recognised there was a requirement for greater awareness among officers of the Council's Codes, Protocols and the Council's Constitution generally. Committee was advised that it was planned to provide two short training sessions on the Council's Constitution for officers at both Bolsover and North East Derbyshire District Councils in late October/early November 2014.

RESOLVED – That the Committee:

- (1) Notes the findings from the Ethical Standards Survey 2014 in respect of District Councillors and officers.
- (2) Requests that the training recommendations arising from the Ethical Standards Survey 2014 results for District Councillors be referred to the Member Development Working Group for its consideration and notes that training arrangements for officers have been put in place for November 2014.
- (3) Asks that the Assistant Director Governance and Monitoring Officer ensures that the Ethical Standards Survey 2014 results, together with a summary be published on the Council's intranet.
- (4) Requests that the Assistant Director Governance and Monitoring Officer makes arrangements for the Council's Constitution, together with any supporting/guidance documents referred to in the Ethical Standards Survey 2014

results be made available via a link on the Council's intranet so that they are easily accessible to both Members and Council officers.

- (5) Asks that the Assistant Director Governance and Monitoring Officer send a letter annually to all District Councillors to remind them of the requirement to update their Disclosure of Pecuniary and Other Interests form.

(Assistant Director – Governance and Monitoring Officer/Governance Team)

343 Committee on Standards in Public Life: Ethics in Practice: Promoting Ethical Conduct in Public Life

The Committee considered Report No ADGMO/24/14/MK/SS of the Assistant Director – Governance and Monitoring Officer on the Committee on Standards in Public Life, Ethics in Practice: Promoting Ethical Conduct in Public Life.

The purpose of the report was to advise Members of a report by the Committee on Standards in Public Life concerning ethical standards for the providers of public services. The report revisited the question of ethics in relation to induction. The Committee on Standards in Public Life noted good practice, highlighted areas where standards were considered to be at risk and identified where improvements could be made to embed ethical standards more effectively. In conclusion, the Committee on Standards in Public Life considered that induction was an essential element to ensure that public office holders were aware of the standards expected of them and that ethical standards should be included in the induction arrangements for all those in public life.

RESOLVED – That the Committee:

- (1) Notes and endorses the findings of the Committee on Standards in Public Life: Ethics in Practice: Promoting Ethical Conduct in Public Life;
- (2) Refers the report to the Member Development Working Group so that the issue of promoting ethical conduct in public life could be included as part of the Induction process for Members following the District Council elections in May 2015.

(Governance Team)

344 Ethical Standards for the Providers of Public Services

The Committee considered Report No ADGMO/25/14/MK/SS of the Assistant Director – Governance and Monitoring Officer on Ethical Standards for the Providers of Public Services. The purpose of the report was to inform Committee of a recent report by the Committee on Standards in Public Life concerning ethical standards for the providers of public services.

The Committee on Standards in Public Life had produced a report – Ethical Standards for the Providers of Public Services – following research commissioned from IPSOS MORI to “test the expectations and assurance of ethical standards in the public services market”. This followed from an increasing number of public services being delivered from those outside the public sector.

The report set out its main findings based on the research undertaken and made recommendations about ensuring a framework was in place so that ethical considerations were included in the commissioning process for the providers of public services. The report though aimed primarily at central government was relevant to local government given the scale of outsourcing of local authority services.

RESOLVED – That the Committee:

- (1) Notes the report from the Committee on Standards in Public Life concerning ethical standards for the providers of public services;
- (2) Refers the report to Rykneld Homes Limited and requests that they confirm in writing how the company will deal with issues concerning ethical standards when they are awarding contracts to third parties for the provision of public services;
- (3) Refers the report to the Assistant Director Finance and Revenues and Benefits for her information and use when administering the process for awarding contracts to third parties for the provision of public services.

(Managing Director Rykneld Homes/
Assistant Director - Finance and Revenues and Benefits)

345 Review of the District Council's Constitution and Training for Officers on Governance

The Committee considered Report No ADGMO/26/14/MK/SS of the Assistant Director – Governance and Monitoring Officer on the Review of the Council's Constitution and training for officers on Governance.

The purpose of the report was to enable the Committee to consider amendments proposed to the Council's Constitution and recommend their approval by Council at its meeting on 27 October 2014.

One of the functions of the Standards Committee was to undertake an annual review of the Council's Constitution to ensure that it was up-to-date and in accordance with legislative requirements and current circumstances. Following the substantial review in 2013 this year's review was less stringent.

The changes proposed were summarised as follows:

- Amendments to Article 8 (Part 2) following changes to the composition of Planning Committee.
- Amendments to Article 10 following a restructure of the Council's Senior Management Team.
- Scrutiny functions (Part 3) amended to allow any Scrutiny Committee to consider matters affecting the health and well-being of the District.
- Licensing Committee functions amended to include Scrap Metal cases.

- Removal of section 5.5(d) in the Planning Committee functions which give Members a further opportunity to 'call in' applications to Committee in light of representations being received.
- Functions added for the new Joint Appointments Panel which has the power to appoint down to Assistant Director level.
- Community Partnership functions deleted.
- Existing Officer Delegation Scheme replaced by new joint Officer Delegation Scheme based on general delegation.
- Cabinet Portfolio Members revised to reflect current Portfolios.
- Public rights to report on, film and Tweet in meetings included in Rules of Procedure (Part 4), to reflect the requirements of the Openness of Local Government Bodies Regulations 2014.
- Petition Scheme revised following decision to dispense with the Council's e-petition facility.
- Changes to Scrutiny Rules to address potential conflicts of interest in the call-in process.
- Contract Rules revised to reflect corporate shift towards e-tendering.
- Changes to Seven General Principles contained within the Members' Code of Conduct to reflect recent changes made by the Committee on Standards in Public Life.
- Gifts and Hospitality threshold raised to £25 in line with a previous decision made by this Committee.
- Members' Allowances Scheme revised to reflect new Scheme agreed in March 2013 and amended in July 2014.

The Committee was informed that in the light of the revisions proposed and the findings on the recent Standards Survey indicating a need for greater awareness amongst officers of the Council's Constitution and its Codes and Protocols, it was intended that a short training session for officers would be held on 3 November 2014.

It was also proposed that the presentation would be included on a future Member Involvement Half Day event.

The Committee considered in detail the amendments proposed to the Council's Constitution.

RESOLVED –

- (1) That the revised draft Constitution be recommended to Council for approval at its meeting on 27 October 2014, subject to the following amendments:
 - Page 5, two Directors be amended to three;
 - Page 21, Planning Committee, each Political Group on the Council be able to nominate any Councillor who is not a member of the Cabinet as a substitute on the Committee and that all members and substitutes be encouraged to undertake any training which is appropriate;
 - Page 23, that reference be included to Combined Authorities;
 - Page 25, 10.2[iv], delete reference to the Assistant Director Governance and Monitoring Officer;
 - That any references in the Constitution to the names of individual Cabinet Portfolio Members and officers be amended so that they refer to the title of the Cabinet Portfolio Member and the post title of the particular Officer;
 - Page 26, that it be recorded that the Assistant Director Governance will be the Council's Monitoring Officer;
 - Page 48, include references to Shared Services Scrutiny Committee and the Strategic Alliance Joint Committee;
 - Page 50, that the changes proposed to the process for Members to request that an application be referred to Planning Committee not be changed until further discussions have taken place with the Chair and Vice Chair of the Planning Committee;
 - Page 56, that the changes proposed to the delegation to the Standards Committee in respect of the Council's Whistleblowing Policy not be implemented and that Standards Committee continue to have oversight of the policy and make any recommendations to Cabinet for its consideration;
 - The amendments be made so that the change to the Gifts and Hospitality threshold of £25 is included in all the relevant sections of the Constitution;
 - Pages 105 and 107, paragraphs 8.3 and 10.1 be amended to read seven clear working days;
 - Page 256 – Remove (3) in respect of Community Partnerships.
- (2) That the Assistant Director Governance and Monitoring Officer be granted delegated authority to make administrative, non substantial changes to the Constitution which may be necessary prior to its submission to Council on 27 October 2014;
- (3) That the arrangements for the Members and officer training sessions on the Council's Constitution and the draft presentation slides be noted, subject to the term "contentious" on slide 15 of the presentation slides being replaced with a more appropriate word.

(Assistant Director – Governance and Monitoring Officer)

346 Complaints Summary 2013/14

The Committee considered Report No ADGMO/27/14/MK/SS of the Assistant Director – Governance and Monitoring Officer on the Complaints Summary 2013/14.

The purpose of the report was to advise the Committee of the details of complaints that Members had breached the Members' Code of Conduct in 2013/2014. Members were reminded that the Committee had resolved previously that the Monitoring Officer be requested to prepare a detailed report each year on all complaints received regarding allegation that Members had breached the Members' Code of Conduct. This report was to be submitted to the Committee once all the necessary investigations had been completed. The report related to both District and Parish/Town Councillors.

In 2013/2014 there was a total of four complaints that Members had breached the Code of Conduct. The Appendix attached to the report set out the details of each complaint. A copy of the details is attached as **Appendix A** to these Minutes.

RESOLVED – That the Committee notes the Complaints Summary 2013/2014 report.

(Governance Team)

347 Standards Committee: Six Monthly Update to District & Parish Liaison Group

The Committee considered Report No ADGMO/28/14/SS/MK of the Assistant Director – Governance and Monitoring Officer on Six Monthly Update process to the District & Parish Liaison Group. The purpose of the report was to:-

- Advise the Committee that the one year trial period for the six monthly report on the work of the Standards Committee to the District/Parish Liaison Group (based on a presentation by the Parish/Town Council representatives on the Committee had now been completed);
- Request that the Committee consider whether it wished to continue with the six monthly report on its work to the District/Parish Liaison Group.

The Committee at its meeting on 13 June 2014 during the consideration of its Work Programme report resolved as follows:-

- (1) Approves a process for Independent Persons to submit an Annual Report to the March meeting of the Committee each year detailing their work over the previous municipal year, it being noted that the first report in March 2014 will cover the period July 2012 to March 2014.
- (2) Approves that a process be introduced for the District and Parish Liaison Group to receive a six monthly report on the work of the Standards Committee, including a presentation from the Parish/Town Council representatives on the Committee, this proposal to be undertaken on a one year trial basis.
- (3) Agrees that in future its draft Annual Report be submitted to its March meeting each year, prior to its submission to the Council meeting in May.

The Committee was advised that it had a number of options for its consideration:-

- Continue with the existing practice of providing six monthly update reports on its work to the District and Parish Liaison Group meeting;

- Continue with the existing practice, but include further contributions from the Chair of the Committee and the Governance Team.
- Discontinue the existing practice of providing six monthly update reports on its work to the District and Parish Liaison Group.

The Committee was informed that from an officer's perspective the process had provided a limited opportunity to update the District/Parish Liaison Group on the Committee's work. This process could be developed further by looking in detail at particular Standards topics or areas which were relevant to the role of Parish/Town Councillors and clerks.

RESOLVED - That the Committee:

- (1) Notes the report on the process for the District and Parish Liaison Group to receive a six monthly report on the work of the Standards Committee following the conclusion of the one year trial period;
- (2) Requests that its Annual Report on its work be provided to all Parish/Town Councils in the District following its consideration by Council in May each year.
- (3) Requests that any items of relevance on issues of ethical standards be reported on a regular basis to the District and Parish Liaison Group.

(Governance Team)

348 Work Programme 2014/2015

The Committee considered Report No ADGMO/29/14/SS/MK of the Assistant Director – Governance and Monitoring Officer on its Work Programme 2014/15.

The purpose of the report was to update the Committee on the progress on its Work Programme 2014/2015. A copy of the Work Programme is attached as **Appendix B** to these Minutes. The Committee's Work Programme 2014/2015 was based on its function scheme as approved by Council, the Programme was a working document which was subject to amendments as matters progressed.

RESOLVED – That the content of the Committee's Work Programme 2014/2015 as detailed in **Appendix B** to these Minutes be noted.

(Governance Team)

349 Urgent Business (Public Session)

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

Complainant	Subject member	Details	Outcome
Parish Councillor	County Councillor	The complainant alleged that the subject member had been disrespectful to the clerk during a parish council meeting.	The matter did not relate to the member acting in his capacity as a District or parish councillor therefore NEDDC had no locus to investigate. Following consultation with the Independent Person (IP), no further action was taken except to refer the case on to the relevant body.
Member of the public	Parish Councillor	The complainant alleged that she witnessed the member swearing and verbally berating her husband while she was sat in the member's back garden with his wife. The Parish Council had apologised to the complainant for the incident.	The matter did not relate to the councillor acting in his official capacity therefore, following consultation with the IP, no further action was taken. Advice was issued to the Parish Council.
Two members of the public	District Councillor	The complainants alleged that the subject member had lied during a debate at a Council meeting.	The matter was investigated and a report issued. Following consideration of that report and other material, the IP found no prima facie evidence of a breach and recommended that the Monitoring Officer take no further action. The Monitoring Officer agreed with the IP's recommendation.
Member of the public	Parish Councillor	The complainant alleged that the subject member had hired people to remove and destroy his possessions, had prevented him from standing as a councillor and had lied during court proceedings.	The matter was investigated and a report issued. Following consideration of that report, the IP found no prima facie evidence of a breach and recommended that the Monitoring Officer take no further action. The Monitoring Officer agreed with the IP's recommendation.

**STANDARDS COMMITTEE WORK PROGRAMME
2014/15**

Meeting date	Item	Comments
28 May 2014	Transparency International Report on Corruption in Local Government Whistle-blowing Policy Work Programme	To recommend the policy to Cabinet
24 July 2014	Outcome of Election for Co-opted Member Standards Survey Local Government Ombudsman Complaints Update Work Programme	Presentation from the Consultation and Community Involvement Officer 2013/14 statistics for consideration
2 October 2014	Review of Constitution Detailed Report on Standards Survey – District Council Response Six Monthly Report to District and Parish Liaison Group Summary of Complaints 2014	As requested by Committee in May 2014 As requested in March 2014

	Work Programme	
27 November 2014	Complaints Update Detailed Report on Standards Survey – Parish Council Response Work Programme	As requested by Committee in May 2014
29 January 2015	Gifts and Hospitality Update RIPA Policy update Work Programme	Details of gifts and hospitality received by members and officers in 2014
26 March 2015	Standards Committee Annual Report including feedback from Independent Persons Review of Independent Person role Outcomes from Committee on Standards in Public Life Survey Complaints Update Work Programme	As requested by Committee in May 2014 Dependent on receipt of results.