

## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON 26 MARCH 2015**

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## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON 26 MARCH 2015**

#### **Present:**

Councillor J Austen - Chair  
Councillor G Butler – Vice-Chair  
Councillor G Baxter MBE  
Councillor S Peters  
Councillor M E Thacker

Councillor D Ruff – Parish/Town Council Representative

Mr I Daines – Independent Person

#### **Also Present:**

Matthew Kane – Deputy Monitoring Officer  
Frazer Powell – Senior Governance Officer  
Sarah Sternberg – Assistant Director – Governance & Monitoring Officer

#### **717 Apologies for Absence**

Apologies for absence from the meeting were received from Councillors S J Ellis, Mrs C A Smith, T Reader and the Parish/Town Council Representative Councillor E Mansbridge.

#### **718 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.

Councillor G Butler declared an other interest which was not significant in Agenda Item 4: Ethical Standards in Contracted Public Services, report of the Managing Director, Rykneld Homes Limited, as he was a Council appointed representative on the Rykneld Homes Board. It was noted that as Councillor Butler had declared an other interest which was not significant he could remain in the meeting and speak and vote on the report.

Councillor D Ruff declared an other interest which was significant in Report No ADGMO/7/15/MK/SS of the Assistant Director Governance and Monitoring Officer – Future Arrangements for Independent Persons and Co-opted Members as it related to her Membership of the Committee. As Councillor Ruff had declared an other interest which was significant, she left the meeting and did not participate in the discussion on this matter.

Mr I Daines left the meeting during consideration of Report No ADGMO/7/15/MK/SS of the Assistant Director Governance and Monitoring Officer – Future Arrangements for Independent Persons and Co-opted Members as it related to his position as one of the Council's Independent Persons.

**719 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 26 February 2015 be approved as a correct record and signed by the Chair.

**720 Ethical Standards in Contracted Public Services**

The Committee considered the report of the Managing Director Rykneld Homes Limited in respect of Ethical Standards in Contracted Public Services. The submission of the report arose from the Committee's request from its meeting in October 2014 that Rykneld Homes Limited report on arrangements concerning ethical standards issues when awarding contracts to third parties for the provision of public services.

The Committee on Standards in Public Life in June 2014 published its Ethical Standards for the Providers of Public Services report. This made a series of recommendations on promoting the Seven Principles of Public Life which they recommended be extended into contractual relationships with third parties when they were providing public services. The Seven Principles of Public Life were used by Rykneld Homes Limited in its approach to the procuring of services from third parties when it was providing services to the public on behalf of the Council.

The Committee was advised that Rykneld Homes Limited's staff were bound by a number of documents relating to ethical standards when awarding contracts to third parties for the provision of public services, these included:-

- National Housing Federation Code of Governance;
- Rykneld Homes Limited Financial Regulations and Standing Orders;
- Local Government Officer Regulations 1990 Political Restrictions;
- Rykneld Homes Limited's Staff Code of Conduct;

The report detailed how the Principles of Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership were complied with by Rykneld Homes Limited through its governance arrangements.

During the Committee's consideration of the report the following question was asked by a Member:-

- How is the information used by Rykneld Homes Limited on ethical standards arrangements when awarding contracts to third parties for the provision of public services made available to the public?

The Director of Regeneration and Development responded in detail to the question.

RESOLVED – That the content of the report by Rykneld Homes Limited on its measures for promoting ethical standards when awarding contracts for the provision of public services to third parties be noted.

(Managing Director Rykneld Homes/Director of Regeneration and Development  
Rykneld Homes Limited)

## **721 Annual Report of the Standards Committee 2014/2015**

The Committee considered Report No ADGMO/5/15/FP/SS of the Assistant Director – Governance and Monitoring Officer. The purpose of the Annual Report was to detail the work the Committee had undertaken during the municipal year 2014/2015.

The Annual Report detailed the following summary of the Committee's work during 2014/2015:-

- The Committee had met formally on six occasions;
- The Monitoring Officer had received four complaints regarding allegations that Members had breached the Members' Code of Conduct during 2013/14, the report on this matter had been considered during the period under review as it had not been submitted until all the investigations had been completed;
- The Committee in June 2013 requested that the District and Parish Liaison Group received regular six monthly reports on its work from one of the Parish/Town Council representatives on the Committee. The last of these presentations was provided to the District and Parish Liaison Group in July 2014;
- The Committee recommended approval of a Whistleblowing Policy to Cabinet and requested that it be referred to the Audit and Corporate Governance Committee and granted delegated authority to the Assistant Director Governance and Monitoring Officer to amend the policy prior to its submission to Cabinet;
- Members considered a report on corruption in UK local government;
- The appointment of Councillor E Mansbridge on the Committee until May 2015 as the second Parish/Town Council representative was noted;
- The Local Government Ombudsman Annual Review Letter 2013/14 was noted;
- Members undertook detailed consideration of an Ethical Standards Survey for District Councillors and officers and Parish/Town Councillors and clerks;
- The Committee considered a report on Standards in Public Life: Ethics in Practice Promoting Ethical Conduct in Public Life;
- Members considered a report on Ethical Standards for the Providers of Public Services, this was the subject of a report to two meetings;

- Members reviewed the Council's Constitution and recommended training for Officers on governance;
- The Committee considered applications for dispensations in respect of the declarations of interest;
- Members noted the Annual Gifts and Hospitality report;
- The Committee approved a Standards Survey Action Plan;
- Members considered a report from the Committee on Standards in Public Life on its Annual Report 2013/14;
- Information was provided relating to the Council's performance in respect of its response to Local Government Ombudsman Complaints;

Paragraphs 1.3 to 1.5 of the Annual Report detailed significant areas of work undertaken on the Ethical Standards Survey with District Council Members and officers and with Parish/Town Councillors and clerks. It also highlighted that a further opportunity for training for Parish/Town Councillors and clerks would be provided by the District Council following the elections in May 2015.

The Committee was advised that of the 16 complaints against the Council in 2013/14 no cases of maladministration were found and one complaint was upheld. The Annual Report also included the reports of the two Independent Persons appointed by Council, Mr Ian Daines and Mr Stuart Hooton. Mr Ian Daines attended the meeting and presented his report. A copy of the reports are attached as **Appendices A and B** to these Minutes respectively.

The Annual Report together with the information discussed at this meeting would be reported to Annual Council on 26 May 2015.

During the Committee's consideration of the report, Mr Daines requested that the Committee consider when there were very few complaints submitted in respect of Members' conduct, did this indicate that there were few concerns regarding Members' conduct, or that the process discouraged people making the complaints.

**RESOLVED** – That the Committee:-

- (1) Notes its Annual Report on its work during the Municipal Year 2014/15 and recommends its approval by Council.
- (2) Requests that its Work Programme 2015/16 include a section on the Council's procedures for handling complaints against Members, so that it can consider whether there are genuinely few complaints, or that the public do not have confidence in the process when submitting allegations in respect of Members' conduct.

(Governance Team)

**722 Review of the Constitution**

The Committee considered Report No ADGMO/6/15/MK/SS of the Assistant Director – Governance and Monitoring Officer. The purpose of the report was to recommend changes to the Council's Constitution. Council had approved the latest version of its Constitution in October 2014 following recommendations from this Committee. There had been a number of legislative developments and changes within the Council since October 2014 which necessitated a further review. The report covered the following areas:-

- A review of the Council's Scrutiny function had been undertaken recently, it was proposed that the Council's Scrutiny Committee's be renamed to reflect the Council's emerging Corporate Plan. The new Committee's proposed for approval by Council were Growth, Communities and Organisation, it was proposed that the existing Audit and Corporate Governance Scrutiny Committee would remain.
- The Government was consulting on a new local authorities (Functions and Responsibilities) (England) Regulations 2015, to clarify the decision making responsibilities of both the Executive and Council;
- New regulations in respect of public sector procurement which came into force at the end of February 2015;
- The Local Government (Electronic Communications) (England) (Order) 2015;

**RESOLVED – To Recommend to Council:-**

- (1) That the revised Constitution including a Scheme of Delegation attached as **Appendix C** to these Minutes be approved;
- (2) That the Assistant Director – Governance and Monitoring Officer be granted delegated authority to make changes to the Constitution as required to comply with the following legislative provisions:-
  - The Public Contract Regulations 2015;
  - The Local Authority (England) (Functions and Responsibilities) Regulations 2015;
  - The Local Authority (Standing Orders (England) Amendment) Regulations 2015
- (3) That the Appointments Panel detailed at paragraph 5.9 on page 55 of the Constitution and the Strategic Alliance Review Committee be deleted from the Council's Constitution.

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

**723 Future Arrangements for Independent Persons and Co-opted Members**

The Committee considered Report No ADGMO/7/15/MK/SS of the Assistant Director – Governance and Monitoring Officer. The purpose of the report was to enable

Members to consider future arrangements for Independent Persons and co-opted members on Standards Committee following the May 2015 elections.

The Localism Act 2011 required that Council's appoint an Independent Person who must be consulted by the Authority before a decision was taken on a complaint against a Member regarding their conduct. The Council appointed Mr Ian Daines and Mr Stuart Hooton in July 2012 as its two Independent Persons, their terms of office end in May 2015.

The Council now had an opportunity to review the above arrangements and decide whether to re-appoint or re-advertise for Independent Persons, taking into account the views of the Standards Committee, Council and the two individuals concerned. The Committee was advised that the Council have a constructive relationship with its two Independent Persons. Both Independent Persons had indicated a willingness to continue in their roles, it was proposed that their terms of office be extended until May 2019.

The Committee was reminded that two non voting co-opted members who represent Parish/Town Councils within the District had been appointed as part of its membership. This was a local decision intended to secure appropriate representation of the Parishes/Town Councils, on the Committee. The Committee had a number of options, it could:-

- Abolish the co-opted members' roles, however this would leave the Parish/Town Councils without representation;
- Retain the existing two co-opted member roles;
- Reduce the number of co-opted Parish/Town Council roles to one.

The Committee indicated its support for the retention of the two co-opted Parish/Town Council member roles and for the proposal to hold fresh elections to these posts.

**RESOLVED – To Recommend to Council:-**

- (1) That the terms of office of Mr Ian Daines and Mr Stuart Hooton as Independent Persons be extended until the end of May 2019, subject to their acceptance of the roles and that it is confirmed that Mr Stuart Hooton is a local government elector.
- (2) That the two co-opted member roles for Parish/Town Councils on the Standards Committee be retained and that fresh elections for the positions be held following the May 2015 Parish/Town Council elections.

(Governance Team)

**724 Urgent Business – Open Session**

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

# **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

## **Appendix C**

Link to Constitution and Scheme of Delegation

<http://www.ne-derbyshire.gov.uk/council-democracy/meetings-and-committees/standards/26-march-2015/>