

## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON 21 SEPTEMBER 2015**

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## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON 21 SEPTEMBER 2015**

#### **Present:**

Councillor B Ridgway ..... Chair

Councillor G Butler

“ S Boyle

“ S Peters

Councillor Mrs K Rouse

“ R Welton

#### **Parish Council Representatives:-**

Councillor Mrs D Ward

Councillor Mrs D Ruff

#### **Also Present:-**

Jane Foley - Assistant Director - Customer Service and Improvement

Sarah Sternberg - Assistant Director – Governance & Monitoring Officer

Matthew Kane - Governance Manager & Deputy Monitoring Officer

#### **283 Apologies for Absence**

Apologies for absence had been received from Councillors S J Ellis and M Foster.

#### **284 Declarations of Interest**

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 interests declared at the meeting.

#### **285 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 18 June 2015 be approved as a correct record and signed by the Chair.

#### **286 Change of Order of the Agenda**

RESOLVED – That Item 5 on the agenda, Local Government Ombudsman Annual Review Letter, be taken as the next item.

**287    Local Government Ombudsman Annual Review Letter**

The Committee considered Report No ADCSI/1/15-16/JF of the Assistant Director – Customer Service and Improvement which presented the Annual Review Letter of the Local Government Ombudsman for the Authority for 2014/15.

The Committee was advised that the Council had received the letter on 18 June 2015. Contained within it were details as to how many complaints were referred to the Local Government Ombudsman about the Council and how many complaints had been upheld or referred back for local resolution.

There were 13 complaints that were received by the Ombudsman during the year with 11 referred back for local resolution, one not upheld and one upheld. Appendices to the report set out further details of each case. It was believed that the high number of cases referred back was due to an issue with the standard template which had since been resolved. The one case that was upheld related to a planning matter. There were no cases of maladministration.

In response to a question from the Committee, the Assistant Director – Customer Service and Improvement advised that the Ombudsman had stopped giving comparisons with other authorities but that North East Derbyshire had compared favourably against nearest neighbours.

**RESOLVED** – That the Annual Review letter of the Local Government Ombudsman and the outcomes detailed in the report be received and noted.

(Assistant Director - Customer Service and Improvement)

**288    Ethical Framework**

The Committee received a presentation by the Assistant Director - Governance and Monitoring Officer setting out the Ethical Standards Framework as it applied in local government.

By way of introduction, Members were advised that up until July 2012, ethical standards had been co-ordinated centrally by the Standards Board for England (latterly Standards for England), who had developed, monitored and provided guidance on a national model code of conduct. Under the old regime, the Authority was also required to have a mandatory ethical standards committee with a majority of independent members.

The new regime operated more according to local circumstances, although there were a handful of duties, one of which was around promoting high standards of conduct. Although there was no requirement to have a standards committee now, the Council had elected to establish one which had responsibility for standards matters but also carried out other functions.

The Council's Code of Conduct was split into two parts covering general conduct including the Nolan Principles and the registration and disclosure of interests. Details of the different types of interest were given in the presentation together with details of how a member may seek a dispensation.

The Council was required to have a complaints system in place which included provision for Independent Persons who would be consulted by the Authority before it made a decision, may be consulted by the member who was the subject of the complaint, and may be consulted by the Authority at any other time. Sanctions were limited to censure press releases, removal of Council equipment and removal from committees and outside appointments. The District Council was also responsible for dealing with complaints from parish and town councils.

In response to questions from the Committee, officers advised that they sought pro-active relationships with parish councils through the clerk. The new framework did not require anybody aware of wrong doing to report it, nor were members required to sign up to the code of conduct when accepting office.

**RESOLVED** - That the presentation on the Ethical Framework be noted.

*The meeting was adjourned at 6.15 pm and reconvened at 6.20 pm.*

## **289 Outcome of the Election for Co-opted Members**

The Committee considered Report No ADGMO/15/15-16/SS of the Assistant Director – Governance and Monitoring Officer which advised members of the election of two co-opted members to the Committee. The Council had, at its annual meeting on 26 May 2015, agreed to organise fresh elections for the two co-opted member vacancies on the Standards Committee. The co-opted members played a vital role in giving a voice to the parish and town councils on ethical standards matters.

Parishes were contacted to request nominations and then to ask them to vote for no more than two candidates. Three candidates put themselves forward and the result of the vote meant that Diana Ruff of Wingerworth Parish Council and Dorothy Ward of North Wingfield Parish Council were appointed to the Committee.

**RESOLVED** – That the outcome of the election for the co-opted members of Standards Committee be noted.

## **290 Delivering Good Governance in Local Government**

The Committee considered Report No ADGMO/16/15-16/SS of the Assistant Director – Governance and Monitoring Officer which presented the revised draft framework for *Good Governance in Local Government* which had been developed by CIPFA and SOLACE. The document had been revised taking into account recent changes in the culture of local government.

The 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.

The consultation document sought answers to 11 questions with draft responses given in the report. A copy of the report would also be considered by the Audit and Corporate Governance Scrutiny Committee which met on 24 September 2015.

RESOLVED – That the draft on responses given to the consultation Delivering Good Governance in Local Government be noted.

**291 Protection of Statutory Officers Survey**

The Committee considered Report No ADGMO/17/15-16/SS of the Assistant Director – Governance and Monitoring Officer which advised members of a recent survey by Weightmans' Solicitors into new rules regarding statutory protection for the Head of Paid Service, Section 151 Officer and Monitoring Officer.

New regulations came into force on 11 May 2015 which removed the statutory protection afforded to the statutory officer posts of Head of Paid Service, Section 151 Officer and Monitoring Officer. The old rules required the appointment of a Designated Independent Person who made a binding recommendation to the Council on disciplinary matters brought against those officers.

The new rules made it a matter for the Council meeting to decide on the dismissal of a statutory officer having regard to the advice, views, and recommendations of a panel of at least two independent persons, these being the independent persons appointed under the Localism Act for the purposes of being consulted on complaints against members under the code of conduct.

Weightmans' survey of heads of legal services, requesting their views on how the changes would impact on local authorities and likely arrangements that would be put in place, revealed a wide degree of ambiguity and uncertainty. The new regulations had been incorporated within the Council's constitution at its annual meeting on 26 May 2015.

RESOLVED – That the report on the protection for statutory officers survey be noted.

**292 Work Programme 2015/16**

The Committee considered Report No ADGMO/18/15-16/SS of the Assistant Director – Governance and Monitoring Officer which advised the Committee of the Work Programme for 2015/16.

Members were advised of the background to the Work Programme and the fact that it was a live and changing document.

RESOLVED – That the Work Programme appended to the report be noted.

**293 Urgent Business – Public Session**

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