

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 15 MARCH 2018

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 15 MARCH 2018

Present:

Councillor B Ridgway Chair
Councillor G Butler Vice Chair

Councillor P Antcliff
“ W Armitage
“ S Boyle
“ A Garrett

Councillor K Rouse
“ A Powell
“ S Peters

Councillor Mrs D Ruff – Parish Council Representative

Also Present:

S Sternberg - Head of Corporate Governance and Monitoring Officer
V Dawson - Team Manager (Solicitor)
N Calver - Governance Manager
D Cairns - Senior Governance Officer

575 Apologies for Absence

Apologies for absence were received from Councillor Mrs D Ward.

576 Declarations of Interest

Members are 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 this meeting.

577 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 14 December 2018 be approved as a correct record and signed by the Chair.

578 Parliamentary Committee on Standards in Public Life – Review of Local Government Standards

The Governance Manager reported that a review was being undertaken by the Parliamentary Committee on Standards in Public Life on ‘Local Government Ethical Standards’. In particular, the review was to examine the structures, processes and practices in Local Government in England for:-

- Maintaining Codes of Conduct for local Councillors;
- Investigating alleged breaches fairly and with due process;
- Enforcing Codes and imposing sanctions for misconduct;
- Declaring interests and managing conflicts of interest; and
- Whistleblowing.

The consultation questions were detailed at Appendix 1 to the report and the Standards Committee gave due consideration to each question in turn to provide a collective response. This would be submitted by the Governance Manager to the Parliamentary Committee on Standards in Public Life and is attached to these Minutes as an Appendix.

RESOLVED – That the collective response of the Standards Committee to the questions attached at Appendix 1 of the report be submitted to the Parliamentary Committee for Standards in Public Life.

579 Responses to Parish Council Questionnaire Questionnaire on Ethical Standards

The Committee considered a report of the Head of Corporate Governance and Monitoring Officer, which set out details of the responses received to a questionnaire undertaken amongst Parish Councils on Training on Ethical Standards.

At its meeting in July 2017 the Standards Committee had agreed to ask Parish Councils about the arrangements they had in place for their Councillors to receive training on Ethical Standards. It was noted that a letter had been sent out to all Parish and Town Councils within the District and 13 responses had been received. The majority of the responses received indicated that there were very few arrangements for training on Ethical Standards, with only a small number of Councillors accessing limited training through the Derbyshire Association of Local Councils (DALC).

The District Council had provided training for all District and Parish Councillors, both jointly with DALC and as part of the District and Parish Liaison Group Business Meetings. It was further noted that the Governance Team would arrange for a further training session for all Parish Councillors following the Election in May 2019.

RESOLVED – That the responses to the questionnaire on Training on Ethical Standards and the training sessions that had been provided be noted.

580 Complaints Update

The Committee considered a verbal update on Complaints given by the Head of Corporate Governance and Monitoring Officer where it was advised that the complaint reported at the previous meeting was still ongoing. There were no further complaints received by the District Council.

RESOLVED – That the update on Complaints be noted.

581 Review of the Council's Constitution

Member gave consideration to a report of the Head of Corporate Governance and Monitoring Officer, recommending proposed amendments to the Council's Constitution prior to its submission as part of the Annual Review of the Constitution to Council for adoption.

At its meeting in December 2017 the Standards Committee had identified a number of areas for review which included:-

- Protocol on Member/Officer relations;
- Scheme of Delegation to Officers;
- Petitions Scheme;
- Joint ICT Committee;
- Minute Books submission to Council;
- Procedure Rules for Questions from the Public and by Councillors and Motions;
- Minor wording changes or updating of job titles (housekeeping).

The proposed amendments in relation to each of those areas were detailed in Appendix 1 to the report which was considered by Members. It was noted that a review on the Protocol on Member/Officer Relations and the Scheme of Delegation to Officers would be considered at the forthcoming meeting of Standards Committee on 3 May 2018.

Minor amendments were proposed to the Contract Procedure Rules to reflect best practice, current working practices and new documentation that had been developed for the Council to use in procurement processes by the Council's Procurement Service at Chesterfield Royal NHS Foundation Trust.

Members considered the Petition Scheme as set out in Appendix 3 and noted that the document had been simplified to make it more accessible for the public to refer to and now was to include matters subject to consultation in the list of issues excluded from the Scheme.

New procedures would be put in place to enable Members to access copies of Minutes to all Committee and Advisory Groups as soon as they were finalised and Minute Books would no longer be produced and submitted to Council meetings. In response to this change copies, of all Minutes would be uploaded to the Members Extranet and an email sent direct to Members once they were available to view. Members would have the opportunity to speak to relevant Officers, Committee Chairs or Portfolio Holders where queries may arise on any Minute on publication and they would still be able to raise questions at Council meetings around any matter within the Minutes via the procedure for Questions of Notice.

In reference to Procedure Rules for Questions from the Public and Questions and Motions for Councillors no time was specified for the deadline for Members to submit questions to Council with the Procedure Rules simply stating 7 clear days' notice must be given. Therefore, a deadline was added to this to bring this in line with other rules around submitting Questions and Motions.

Work had been undertaken around Article 11 on Joint Arrangements as set out in Appendix 4 to simplify the details of joint arrangements included within the Constitution.

Members welcomed the amendments as set out in the Appendices to the report.

RESOLVED – That the proposals for amendments to the Council's Constitution be supported for submission to Council as part of the Constitution Review.

582 Work Programme 2017/18

Consideration was given to the Standards Committee Work Programme for 2017/18 which set out the Committee's intention for consideration of business at its forthcoming meetings for the remainder of the civic year.

Members noted an additional meeting had been scheduled on 3 May 2018 at 5.00 pm where the following items would be considered:-

- Whistleblowing Policy Review;
- Protocol on Member/Officer Relations;
- Standards Committee Annual Report, including feedback from Independent Persons;
- Scheme of Delegation;
- Work Programme for 2018/19.

It was proposed that the recent briefing on 'Intimidation in Elections and an Inquiry into Local Government Standards' that had been received from the Parliamentary Committee on Standards in Public Life be considered at the forthcoming meeting in May.

RESOLVED – That the Work Programme for 2017/18 be amended and noted.

583 Additional Standards Committee Meeting

RESOLVED – That a further meeting of the Standards Committee take place on Thursday, 3 May 2018 in Chamber 1 at 5.00 pm.

584 Urgent Business

Members were advised that there was no urgent business to be discussed in the public session at this meeting of the Standards Committee.

Appendix A

Response to the Review of Local Government Standards by Parliamentary Committee on Standards in Public Life

This is a collective response from the Members of the North East Derbyshire District Council Standards Committee to the questions posed as part of the Review undertaken by the Parliamentary Committee on Standards in Public Life on Local Government Standards.

- (a) *Are the existing structures, processes and practices in place working to ensure high standards of conduct by local Councillors, if not, please say why?*

We, the Standards Committee of North East Derbyshire District Council, agree that the existing structures, processes and practices are adequate. However, we do feel that the residents of our District have a perception that all matters are dealt with internally and they do not understand the usage of Independent People. Further, as it is not widely publicised they are not aware of the sanctions or their limitations. It is felt by the residents of the District that sanctions could be harsher.

- (b) *What, if any, are the most significant gaps in the current ethical standards regime for local government?*

The Standards Committee feel that there should be better communication with the public around ethical standards within local government. We have agreed to add this matter to our Work Programme for the forthcoming municipal year to consider this matter locally. Further, statute does not dictate that a Member should remove themselves from a room and from a discussion when they have a disclosable pecuniary interest (DPI). To manage this locally we have added this requirement in to our Constitution.

- (c) *Are local authority adopted Codes of Conduct for Councillors clear and easily understood? Do the Codes cover an appropriate range of behavior? What examples of good practice, including induction processes, exist?*

The Standards Committee feel that the Code of Conduct in place at this Authority is clear and applicable. We also feel the same in regards to the DALC Code of Conduct which the majority of Parish Councils have adopted. However, we would urge Parish Councils to adopt the good practice from within our Constitution in regards to declaring DPIs and leaving the room during discussion.

At North East Derbyshire District Council we host a District and Parish Council Liaison Group where we offer training and guidance to Parish Clerks and Councillors on the Code of Conduct bi-annually. The take up for this has been low and steps are being taken by this Authority to assist with communicating this information out to our Parishes.

- (d) *A local authority has a statutory duty to ensure that its adopted Code of Conduct for Councillors is consistent with the Seven Principles of Public Life and that it includes*

appropriate provision (as decided by the local authority) for registering and declaring Councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

The Standards Committee feel that the requirements are appropriate. The Code of Conduct is reviewed on an annual basis by this Standards Committee and the Authority works with its elected Members to ensure that Declarations of Interest are updated on a regular basis and when necessary. The Standards Committee, however, have made a recommendation to officers to support Parish Councils in this matter by reminding them on a bi-annual basis.

(e) Are allegations of Councillor misconduct investigated and decided fairly and with due process?

The Committee feel that the processes that this Authority has in place for investigating and decide upon allegations are rigorous and meet the national requirements. We do not feel that any additional safeguards to ensure due process need to be put in place and we have full confidence in the Monitoring Officer to ensure that all complaints under the Code of Conduct are dealt with in a fair and ordered manner. We agree with the requirement of the involvement of an Independent Person and feel that this ensures the objectivity and fairness of the decision process.

There may come a time when the Council's Monitoring Officer may be subject to a conflict of interest in regard to a code breach and when this occurs this Council will work with enabling authority to ensure that the same process is applied by another Monitoring Officer to ensure consistent management and transparency. Our Monitoring Officer in return would offer its service to any other neighbouring authority that may be subject to a conflict of interest.

(f) Are existing sanctions for Councillor misconduct sufficient?

This Authority applies for sanctions that are available for use such as training and apologies.

This Standards Committee do not believe that the sanctions are sufficient enough to deter breaches and enforce compliance in every case. We would welcome the opportunity to apply two additional sanctions:-

- Written Warning – publicly given;
- Member Suspension (without allowance) – from one week to five months.

(g) Are existing arrangements to declare Councillors' interests and manage conflicts of interest satisfactory? If not, please say why.

This Committee whole heartedly agree that it is appropriate that Members declaring DPIs cannot participate in discussion or votes that engage their DPI, nor take any further steps in relation to the matter. However, we feel that this could be strengthened nationally, as we have done locally, to state that a Councillor with a DPI should not remain in the room during any discussion on that matter.

As stated earlier we have incorporated this requirement in to our Constitution as well as the Declaration of Other Interests and Significant Other Interests. It is felt that DPIs do not cover the extent to which District Councillors may have a conflict of interest in an item.

- (h) *What arrangements are in place for whistleblowing, by the public, Councillors and officials? Are these satisfactory?*

The Standards Committee feel that the arrangements in place for whistleblowing are satisfactory and the Council has a Whistleblowing Policy which is reviewed on an annual basis.

- (i) *What steps could local authorities take to improve Local Government Ethical Standards?*

Local authorities should review their processes as is undertaken by North East Derbyshire District Council. In addition, Ethical Standards are covered as part of the induction process for newly elected Members instilling ethics in our Members as soon as they become Councillors.

As a result of this consultation this Standards Committee have suggested for our scrutiny function to conduct a review of the work of the Standards Committee as an additional measure.

- (j) *What steps could Central Government take to improve Local Government Ethical Standards?*

It would be wholly appropriate for standardisation of management of Local Government Ethical Standards to take place. This could resolve the issues perceived by the public around their management.

- (k) *What is the nature, scale and extent of intimidation towards Local Councillors?*

Within North East Derbyshire intimidation towards Local Councillors is fairly limited, however, it is not unheard of for our local Members to feel persecuted by residents within their Wards or for groups of public attendees to be perceived as intimidating during meetings of Council.

During meetings this is managed locally through our Chairman and training is provided on chairing skills on an annual basis. We have powers within our Constitution to control any unruly behavior within the Council Chamber.

In regard to intimidation towards local Members on a one-to-one basis, not only do Police powers apply but we also have a single point of contact system operating at the Council. Whilst we have these measures in place, the Standards Committee feel that a wider debate is required on this both nationally and locally.