

# Public Document Pack



**North East  
Derbyshire**  
District Council

Our Ref: NC/AJD  
Contact: Nicola Calver  
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Date: Friday, 18 June 2021

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 30 June 2021 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield.

Whilst social distancing is still in place Members and officers are required to adhere to the protocol for attending meetings in the Council Chamber. When attending in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- ☐ RA – Return to Work Mill Lane Covid 19 V13
- ☐ Mill Lane Coronavirus Control Measures V8

Both documents have been emailed to Members and are available on the Modern.Gov App library.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Skeneberg".

Joint Head of Corporate Governance and Monitoring Officer

### **Members of the Committee**

Councillor P Antcliff  
Councillor W Armitage - (Chair)  
Councillor D Hancock  
Councillor P R Kerry  
Councillor H Liggett - (Vice Chair)  
Councillor K Rouse  
Councillor D Ruff  
Councillor R Welton

P Coleman – Parish Council Representative  
D Skinner – Parish Council Representative

**For further information about this meeting please contact: Nicola Calver 01246 217753**

### **A G E N D A**

**1     Apologies for Absence**

**2     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 in the agenda and withdraw from the meeting at the appropriate time.

**3     Minutes of Last Meeting (Pages 4 - 6)**

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 24 February 2021.

**4     Draft New Code of Conduct for Councillors (Pages 7 - 31)**

Report of the Monitoring Officer

**5     Review of the Constitution - Part 1 (Pages 32 - 35)**

Please note the Appendix for this item is **TO FOLLOW**

**6     Complaints Update**

To receive a verbal update from the Monitoring Officer on the number of complaints against Parish and District Councillors.

## 7 Work Programme

The Committee Work Programme will be tabled at the meeting.

## 8 Urgent Business

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East  
Derbyshire  
District Council

***We speak  
your language***

**Polish**

***Mówimy Twoim językiem***

**French**

***Nous parlons votre langue***

**Spanish**

***Hablamos su  
idioma***

**Slovak**

***Rozprávame Vaším  
jazykom***

**Chinese**

***我们会说你的语言***

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217753**

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## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY, 24 FEBRUARY 2021**

#### **Present:**

Councillor William Armitage (Chair)  
Councillor Pat Kerry (Vice-Chair)

Councillor Pat Antcliff  
Councillor Heather Liggett  
Pat Coleman

Councillor David Hancock  
Councillor Kathy Rouse

#### **Also Present:**

S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
K Shillitto	Solicitor & Deputy Monitoring Officer
N Calver	Governance Manager
D Stanton	Governance Officer

#### **STA/ Apologies for Absence** **29/2**

**0-21** Apologies for absence had been received from Councillor D Ruff and Parish Council Representative D Skinner.

#### **STA/ Declarations of Interest** **30/2**

**0-21** 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 this meeting.

#### **STA/ Minutes of Last Meeting** **31/2**

**0-21** RESOLVED – That the Minutes of the Standards Committee held on 9 December 2020 be approved as a correct record and signed by the Chair.

#### **STA/ Joint Whistleblowing Policy Annual Report** **32/2**

**0-21** The Governance Manager presented a report which updated Members on the use of the Joint Whistleblowing Policy.

RESOLVED – That the report be noted.

#### **STA/ Independent Remuneration Panel** **33/2**

**0-21** The Governance Manager presented a report which briefed the Standards Committee on the necessity for calling an Independent Remuneration Panel to consider Members' allowances.

**RESOLVED** – That the necessity to call an Independent Remuneration Panel be noted.

**STA/ 34/2**     **Local Government Association Model Code of Conduct**

**0-21**     The Head of Corporate Governance and Monitoring Officer presented Members with the Local Government Association (LGA) Model Code of Conduct.

The Committee was asked to discuss the Model Code of Conduct and suggest any changes. It was stated that those changes would be incorporated into the Draft Members Code of Conduct which would be presented to Standards Committee at its meeting on 26 April. If approved, it would subsequently be recommended for adoption at Annual Council.

Members had a wide ranging discussion on the proposed Model Code of Conduct which included Member training; the Member induction scheme; respect and political debate; the equalities act; data protection; and gifts and hospitality.

There was a consensus that any training provided to Parish Councils should be free of charge. Members also discussed confidentiality and access to information.

**RESOLVED** – That the Monitoring Officer provide a draft North East Derbyshire District Council Model Code of Conduct to the Standards Committee on 26 April.

**STA/ 35/2**     **Code of Practice - Vacating Office**

**0-21**     The Governance Manager presented the Committee with a proposed draft code of practice for the application of the 6 month rule, notification processes, and other means by which a Member could vacate public office.

The Committee agreed that there was a need for a code of practice in relation to the 6 month rule. Concerns were raised in regards to the potential for Members to not attend due to ill health, and if they were incapacitated they would be unable to contact the Monitoring Officer to request a dispensation. Members agreed that someone should be able to write to the Monitoring Officer to request a dispensation on the Members' behalf.

There was a consensus that there should be some form of notification process to Councillors if they had not attended for several months. The Monitoring Officer reminded the Committee that the legislation surrounding the 6 month rule made clear that the responsibility to attend Council meetings was with Members.

It was clarified that the 6 month rule did not apply to co-opted Members, and this clarification would be included in the proposed code of practice.

**RESOLVED** – That the Standards Committee approve the proposed Code of Practice for vacating office as amended in the meeting.

**STA/ 36/2**     **Protocol for Audio and Visual Footage of Meetings**

**0-21**     Members were presented with a proposed code of practice for audio/visual footage at meetings.

The Committee discussed the removal of footage from the Council's website if it was deemed to be offensive to the public. Members noted that Youtube reserved the right to remove potentially offensive footage themselves.

It was agreed that there should be a clear criteria for the removal of footage, and that there should be some form of protocol when considering confidential information at home.

RESOLVED – That the proposed code of practice for audio and visual meetings be approved.

**STA/ 37/2**     **Review of the Constitution Part 4**

**0-21**     The Governance Manager presented a report which allowed the Committee to consider the list of areas for review within the Council's Constitution prior to submission as part of the Annual Review of the Constitution to Council for adoption.

The Committee considered a number of changes to the Council's Constitution including amendments to Contract Procedure Rules, Monitoring Officer Delegations, and the Council Joint Consultative Group Terms of Reference.

The Committee also received clarity on the delegation given to the Monitoring Officer to temporarily approve dispensations under the Section 85 Rule.

RESOLVED – That the Committee support the submission of the proposals to Council as part of the Constitution Review.

**STA/ 38/2**     **Complaints Update**

**0-21**     The Monitoring Officer informed the Committee that there were six outstanding complaints. Five were from 2020 and one was from 2021.

RESOLVED – That the update be noted.

**STA/ 39/2**     **Work Programme**

**0-21**     AGREED – That the Work Programme be noted.

**STA/ 40/2**     **Urgent Business**

**0-21**     The Chair informed the Committee that the date of next meeting would take place on Wednesday 21 April at 3.00 pm.

## North East Derbyshire

### Standards Committee

30 June 2021

#### Draft new Code of Conduct for Councillors

##### Report of the Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Sarah Sternberg, Monitoring Officer

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#### **PURPOSE / SUMMARY**

To present for Members consideration a new draft Code of Conduct for Councillors based on the new Local Government Association Model Code.

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#### **RECOMMENDATIONS**

1. That Members consider and comment on the draft Code of Conduct for Councillors.
2. That Members recommend to Council adoption of the draft Code of Conduct for Councillors.
3. That Members identify the training for all District Councillors on the new Code of Conduct for Councillors and how it is to be provided.
4. That Members consider the approach to the Parish and Town Councils recommending that they adopt the Local Government Association Model Code of Conduct for Councillors

Approved by the Portfolio Holder – As this is a matter for the Standards Committee and Council this approval is not needed.

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#### **IMPLICATIONS**

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Finance and Risk: Yes ☐ No ☒

##### **Details:**

There are no financial consequences of adopting a new Code of Conduct for Councillors

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**

**Yes** ☒

**No** ☐

**Details:**

The Council is required to have a Code of Conduct for Councillors by the Localism Act 2011. The Local Government Association has produced a model Code following the recommendations of the Committee for Standards in public life. The Council must therefore consider the model and it is good practice to adopt the model as amended to meet the council's circumstances. The model does not introduce any areas that are not currently part of the Code of Conduct either explicitly or implicitly. Rather it clarifies the expectations in relation to the conduct of Councillors in carrying out their role.

On Behalf of the Solicitor to the Council

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**Staffing:**

**Yes** ☐

**No** ☒

**Details:**

There are no additional staffing issues resulting from this report.

On behalf of the Head of Paid Service

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## DECISION INFORMATION

Decision Information	
<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>BDC:</b>  Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p><b>NEDDC:</b>  Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/>  <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	N/A
<p><b>District Wards Significantly Affected</b></p>	All indirectly through the behaviour of Councillors representing them.
<p><b>Consultation:</b>  Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/>  SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/>  Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	All Members will be consulted at Council when the draft Code is presented following Standards Committee

<p><b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b></p>
<p>This is an ethics issue covering the behaviour of all Councillors.</p>

## REPORT DETAILS

### 1 Background (reasons for bringing the report)

- 1.1 As Members may recall, following the recommendations of the Committee for Standards in Public Life, the Local Government Association has produced a model Code of Conduct for Councillors. Members of the Committee considered the draft Code at a previous meeting. This report is accompanied by a draft Code for North East Derbyshire Councillors.

- 1.2 It is necessary to consider and recommend to Council what training should be undertaken on the new Code of Conduct for Councillors once adopted by Council.
- 1.3 In addition, as the Monitoring Officer and Standards Committee for the Parish and Town Councils in the North East Derbyshire Council area we need to inform them of the adoption (post Council) of the new code and recommend it to them for adoption.

## **2. Details of Proposal or Information**

- 2.1 Members are invited to consider and comment on the draft and then to recommend to Council the final version.
- 2.2 in considering the draft, Members should be aware that in its current form which follows the LGA model:

- There is no provision for the declaration of an interest that is not significant. The interest is declarable or it is not. If it is declarable the Councillor must leave the meeting following declaration.

This is different from the current Code which splits the non statutory interests into “Other Interests” where the Councillor can declare stay speak and vote and “Significant Other Interests” where the Councillor would declare and leave the meeting. This allows Councillors to make colleagues and the public aware of a connection which doesn’t amount to a conflict of interest meaning that the Councillor should not take part and should leave the meeting. This aids the transparency of Councillors’ interests and enables Councillors to tell the public and have it recorded that there is a connection which doesn’t amount to a conflict of interest.

Members should consider whether they wish this to be reinstated in the new Code.

- Provision will need to be made for the granting of dispensations. This is included in the current Code and has therefore been added to the draft.
- The current Code includes reference to Councillors’ obligation to attend Essential Training which is missing from the LGA model. The current Code includes a requirement to attend essential training as listed in an appendix to the code. This has been included in the draft.

Members need to confirm if they are happy with this.

- The Current Code contains an explanation of Predetermination or Bias. This has also been included in the Code.
- Members are also asked to identify any other matters which they feel should be included in the Code.

- 2.2 The Local Government Association (LGA) will undertake an annual review of their model Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to

town and parish councils.

- 2.2 In relation to training, a session has been run recently in relation to the current Code of Conduct. This was reasonably well attended. However it is important that all District Councillors are informed of the contents of the new Code of Conduct for Councillors and are able to ask questions on its contents. One way of doing this is by doing a presentation to Council on the contents as part of the referred item from Standards Committee.
- 2.3 Alternatively a separate session could be arranged for Members.
- 2.4 In addition it could be useful to have a briefing note explaining the differences. Members need to decide their preference.
- 2.3 In relation to the Parish and Town Councils, it is suggested that the Chair of Standards Committee and the Monitoring Officer write to the Chairs of the Parish and Town Councils following adoption by the Council and recommend adoption of the North East Derbyshire District Council Code of Conduct for Councillors. This is particularly relevant where some Parish Councils have a code, the contents of which are solely the Nolan principles.

### **3 Reasons for Recommendation**

- 3.1 To ensure that the District Council and Parish and Town Councils have a Code of Conduct for Councillors which follows best practice and that the Councils' ethics are beyond reproach.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 There are no alternatives.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Draft North East Derbyshire District Council Code of Conduct for Councillors
<b>Background Papers</b> (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)	
None	

## **North East Derbyshire District Council**

### **Code of Conduct for Councillors**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Each councillor's individual conduct affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

All councils are required to have a local Councillor Code of Conduct. This is North East Derbyshire's Code of Conduct for Councillors which is based on the LGA Model Councillor Code of Conduct. North East Derbyshire District Council will be referred to as "the District Council" throughout.

## **Definitions**

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of North East Derbyshire District Council. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, North East Derbyshire District Council officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The use of support, training and mediation from the Monitoring Officer, the LGA and elsewhere is encouraged prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are in Appendix A to this Code. This Code should be read in conjunction with these principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- You misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of Councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made to the Monitoring Officer against you. This may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a Councillor:**

**1.1 I treat other Councillors and members of the public with respect.**

**1.2 I treat District Council employees, employees and representatives of partner organisations and those volunteering for the District Council with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the District Council, the relevant social media provider or the Police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and District Council employees, where concerns should be raised in line with the District Council's Head of Paid Service in line with the District Council's Protocol for Councillor – officer relations which is in the District Council's Constitution and other employee policies.

#### **2. Bullying, harassment and discrimination**

##### **As a Councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully**

**against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the District Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the District Council**

**As a Councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the District Council.**

Officers work for the District Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a Councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice**



- provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
- 1. reasonable and in the public interest; and**
  - 2. made in good faith and in compliance with the reasonable requirements of the District Council; and**
  - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities including the District Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the District Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a Councillor:**

**5.1 I do not bring my role or the District Council into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or the District Council and may lower the public's confidence in your or the District Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the District Council into disrepute.

You are able to hold the District Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the District Council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a Councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the District Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these

opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of District Council's resources and facilities**

**As a councillor:**

**7.1 I do not misuse District Council resources.**

**7.2 I will, when using the resources of the District Council or authorising their use by others:**

- a. act in accordance with the District Council's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the District Council or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the District Council to assist you in carrying out your duties as a councillor.

Examples include:

- Office support
- Laptop and/or Ipad or other technology
- Stationery
- Transport
- Access to and use of District Council buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the District Council's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by the District Council.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the District Council or its governance. If you do not understand or are concerned about the District Council's processes in handling a complaint you should raise this with the Monitoring Officer.

**Protecting your reputation and the reputation of the District Council**

## **9. Interests**

## **As a Councillor:**

### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the District Council.

You need to register your interests so that the public, District Council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest (dpi) as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a Councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the District Council or from persons who may apply to the District Council for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 and where appropriate any with a value less than £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the District Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality

associated with your duties as a Councillor. If you are unsure, contact your Monitoring Officer for guidance.

## **11 Training**

You must attend the essential training set out in **Appendix C** and any other training the Council may deem is required from time to time.

You must attend the training detailed above as soon as reasonably practicable:

- (a) after your election; and
- (b) after your re-election;
- (c) after your appointment to a relevant Committee or Sub-Committee; and (
- d) as required after changes in legislation, policy or procedure affecting the relevant Committee or Sub-Committee outlined above; and/or (
- e) as frequently as set out in Appendix C

You must attend training if you are instructed to do so by a Standards Hearing Sub-Committee. If you fail to do so after 3 months or having been offered training on two occasions the fact of your failure will be reported to the Committee.

## **12 Dispensations**

The District Council may grant you a dispensation to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

Requests for dispensation must be made, in writing to the Monitoring Officer, on one of the following grounds:

- That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business.
- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- That the District Council considers that the dispensation is in the interests of persons living in the Authority's area;
- That, without a dispensation, no member of the Cabinet would be able to participate in the matter; or
- That the District Council considers that it is otherwise appropriate to grant dispensation.

## **13 Pre determination or bias**

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member. However **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

(a) the Head of Paid Service

(b) the Chief Finance Officer; or

(c) the Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties. Members  
Interests As a public figure, your pub

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office as a District Councillor you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest” (DPI)** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees, they will withhold the interest from the public register.

### Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the Chamber or room where the meeting is being held unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if

members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.



## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interestYou may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. [Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

[Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012.](#)

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were

\* 'director' includes a member of the committee of management of an

industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest:

- a) any unpaid directorships
  - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
  - c) any body
    - (i) exercising functions of a public nature
    - (ii) directed to charitable purposes or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

## Appendix C

### Essential training

Training	Scope	Frequency
Planning Committee	<p>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee.</p> <p>Role of a Member of Local Planning Authority</p> <p>Planning Code of Good Practice</p> <p>Relationship to Members' Code of Conduct</p> <p>Development proposals and Interests under Members' Code of Conduct</p> <p>Fettering Discretion in the Planning Process</p> <p>Lobbying of and by Councillors</p> <p>Contact with applicants, developers and objectors</p> <p>Role of Officers</p> <p>Decision Making</p> <p>Public Speaking at Meetings</p> <p>Site Visits</p> <p>How to determine Planning Applications</p>	<p>Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.</p>
Licensing Committee and its Sub-Committees	<p>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</p> <p>General Principles of each Act</p> <p>Role of Members</p> <p>Ward Member Role</p> <p>Licensing Objectives</p> <p>Determining Licensing Applications</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every 12 months.</p>
<p>Joint Employment and Appeals Committee and its Sub-Committees</p> <p>Employee Appeals Committee</p>	<p>Recruitment and selection.</p> <p>HR Legislation, policies and practice within the remit of the Committee and its Sub-Committee</p>	<p>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</p>

Standards And its Sub-Committees	Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees	Prior to sitting on the Committee or its Sub-Committees minimum of every four years.
Code of Conduct / Ethical Governance	<p>Understanding of the Members' Code of Conduct and the governance of the Council.</p> <p>Responsibilities and role as a Councillor.</p> <p>Outline of Constitution</p> <p>Promoting and maintaining high standards of conduct by Members</p> <p>Code of Conduct (including Gifts and Hospitality)</p> <p>The Register of Interests</p> <p>Protocols</p> <p>Guidance</p> <p>Dispensations</p> <p>Political Publicity – rules</p> <p>Data Protection</p> <p>Freedom of Information</p>	At the point of election and on subsequent re-election(s)
Equalities and Diversity	To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.	After each election
Safeguarding	<p>To provide guidance and advice to elected Members on;</p> <ul style="list-style-type: none"> <li>• roles and responsibilities in relation to safeguarding children and vulnerable adults and</li> <li>• how Members should raise any concerns and receive assurance about children and adults who may be at risk</li> </ul>	Every 2 years.

Lone Worker	Ensuring Members keep themselves safe	After election or re-election. Refresher (online) annually.
Fraud Awareness	To raise awareness of where fraud may occur in District Councils and what actions should be taken.	After each election and bi-annually thereafter
Chairperson (if appointed as a Chair)	To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.	Following initial appointment to position and subject to previous training or experience.
Audit Committee / Budget Scrutiny Committee	Understanding of Local Government Finances  Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees	Prior to sitting on the Committee or its Sub-Committees minimum of every four years.

## North East Derbyshire District Council

### Standards Committee

30 June 2021

### Review of the Council's Constitution – Part 1

#### Report of the Solicitor to the Council and Monitoring Officer

Classification: This report is public

Report By: Nicola Calver, Governance Manager

Contact Officer: Nicola Calver, nicola.calver@ne-derbyshire.gov.uk

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#### **PURPOSE / SUMMARY**

- To consider the list of areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.
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#### **RECOMMENDATIONS**

That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Mid-Year Review in November 2020.

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#### **IMPLICATIONS**

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Finance and Risk: Yes ☐ No ☒

**Details:**

There are no financial or risk implications arising from this report.

On Behalf of the Section 151 Officer

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Legal (including Data Protection): Yes ☒ No ☐

**Details:**

The Council is required under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other



information that the Secretary of State may direct, and any other information that the Authority considers appropriate.

On Behalf of the Solicitor to the Council

**Staffing:** Yes ☐ No ☒  
**Details:**

There are no staffing implications arising from this report

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>BDC:</b> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <b>NEDDC:</b> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes  Details: <a href="#">Click here to enter text.</a>

<b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>
Good Governance

## REPORT DETAILS

### 1 Background

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in April 2021.
- 1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. The following areas have been identified for review in 2021;
- Questions by Members
  - Debt Write Off
  - Delegation Scheme Amendments
  - Petition Scheme
  - Proper Officer Provisions
  - New Forum TORs
  - New JSCC TORs
  - Employee Code of Conduct / Employment Rules
  - Minor wording changes or updating of job titles (housekeeping)
- 1.3 The table below sets out how these areas of review will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

Area for Review	Lead Officer	Dates for Consideration
Questions by Members	Governance Manager	30/06/21
Debt Write Off	Monitoring Officer	30/06/21
Delegation Scheme Amendments	Governance Manager	30/06/21
New JSCC TORs	Governance Manager / HR and OD Manager	30/06/21
Petition Scheme	Monitoring Officer	September
Proper Officer Provisions	Governance Manager / Legal Team Manager	September
New Forum TORs	Director of Growth and ED	September
Employee Code of Conduct	HR and OD Manager	November
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	<b>Once final draft version produced</b>

- 1.4 The areas for review for this meeting in the above table and list are detailed in the appendices to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.

## **2. Details of Proposal or Information**

- 2.1 The Director of Corporate Resources & Head of Paid Service, Chief Financial Officer, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review.
- 3.2 Equality Impact Assessments may be carried out in relation to specific areas of review where the need arises. Details of any equality issues will be address in relation to each area of review.

## **3 Reasons for Recommendation**

- 3.1 To ensure the Council has in place a fit for purpose Constitution which complies with English law.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Rationale and details of changes – TO FOLLOW
<b>Background Papers</b> (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)	
None	