

# Public Document Pack



**North East  
Derbyshire**  
District Council

Our Ref: NC/AJD  
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Date: Tuesday, 2 November 2021

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 10 November 2021 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Skeneberg". The signature is written in a cursive style with a large 'S' and 'K'.

**Assistant Director of Governance and Monitoring Officer**

## **Members of the Committee**

Councillor P Antcliff – (Vice Chair)  
Councillor W Armitage - (Chair)  
Councillor N Barker  
Councillor D Hancock  
Councillor P R Kerry  
Councillor H Liggett  
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**

## **AGENDA**

### **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 - 8)**

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 30 June 2021.

### **4 Member Training Attendance - TO FOLLOW**

Update on attendance at training sessions.

### **5 Code of Conduct Training Update**

To receive a verbal update from the Monitoring Officer on training for District and Parish Councillors on the New Code of Conduct.

### **6 Update on the Delegation Scheme (Pages 9 - 16)**

Report of the Monitoring Officer.

### **7 Local Government & Social Care Ombudsman Annual Review Letter (Pages 17 - 24)**

Report of the Assistant Director of Transformation & Organisation

### **8 Review of the Constitution - Part 2 (Pages 25 - 33)**

(a) Employee Code of Conduct

### **9 Complaints Update (Pages 34 - 35)**

Update on statistics of complaints received by the Council against District and Parish Councillors.

### **10 Work Programme (Page 36)**

### **11 Urgent Business (public session)**

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

# We speak your language



North East  
Derbyshire  
District Council

Polish

*Mówimy Twoim językiem*

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

*Vorbim limba dumneavoastră*

Chinese

我们会说你的语言



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## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY, 30 JUNE 2021**

#### **Present:**

Councillor William Armitage (Chair)  
Councillor Heather Liggett (Vice-Chair)

Councillor Pat Antcliff  
Councillor Kathy Rouse  
Councillor Richard Welton

Councillor Pat Kerry  
Councillor Diana Ruff

#### **Also Present:**

N Calver	Governance Manager
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
A Bond	Governance Officer
A Orchard	Independent Person
D Richardson	Independent Person

#### **STA/ Apologies for Absence**

1/21-

22

Apologies for absence had been received from Councillor D Hancock and Parish Council Representative D Skinner.

#### **STA/ Declarations of Interest**

2/21-

22

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**

3/21-

22

RESOLVED – That the Minutes of the Standards Committee held on 24 February 2021 be approved as a correct record and signed by the Chair.

#### **STA/ Draft New Code of Conduct for Councillors**

4/21-

22

The Joint Head of Corporate Governance & Monitoring Officer presented a report to Committee on the draft Code of Conduct for Councillors, for their comment and consideration and to approve a version that they would recommend to Council.

It was also necessary for Committee to consider and recommend to Council what training should be undertaken on the new code of Conduct for Councillors once adopted by Council.

Committee was informed that under “Details of Proposals or Information” paragraph 2.2 of the report; that it would be changed so that it clearly reflected that members may remain to speak and vote on a matter if they do not meet the tests to declare a significant interest.

Committee heard that Councillors had an obligation to attend Essential Training within areas such as safeguarding and Equalities & Diversity, as well as for certain committees such as Planning and Standards.

Members enquired as to any potential sanctions for failing to attend essential training and heard that the Council could not legally enforce training but the individual political groups could decide to exercise discipline over their membership and remove members from their roles on committees but the Council was unable to do this. The Monitoring Officer had written to the Secretary of State but no change in the legislation would be forthcoming.

Although the Council was unable to legally enforce members to attend essential training, including it on the Code of Conduct highlighted what was expected of Members.

There was a consensus that the political groups should be asked to honour the agreement to attend essential training and Members raised the point that attendance of non-essential training should be left to the discretion of individual members. The Governance Manager informed Committee that a responsibility to monitor attendance of training had been included in the last Terms of Reference review and would be coming to future Standards Committee meetings.

Turning to the Code of Conduct the Committee requested that the complaints process be made simpler and heard that a review into this would be undertaken. It was also noted that there was no obligation to report complaints to political groups.

The Monitoring Officer indicated that she would look at adding some examples to the section on “Register and Disclose my Interests”.

The Committee were asked their preference on the best way to inform all District Councillors of the contents of the new Code of Conduct for all Councillors and to enable them to ask questions on its contents. One way of doing this would be delivering a presentation to Council on the contents as part of the referred item from Standards Committee. Alternatively, a separate session could be arranged for Members. It could also be useful to have a briefing note explaining the differences.

The Chair and Monitoring Officer would write to the Chairs of Parish and Town Councils following adoption by Council and recommend their adoption of the North East District Council Code of Conduct for Members. This would be particularly relevant when some Parish Councils have a code, the contents of which are solely the Nolan Principles. It was also suggested that a training session for Parish Councils could take place during the District Parish Liaison Group.

It was noted that certain members had found previous training sessions to be unsatisfactory.

Committee indicated their approval for District Councillors to be notified of changes to the Code of Conduct for all Councillors during a meeting of Council.

#### **RESOLVED**

- (1) That Members recommended to Council adoption of the draft Code of Conduct for Councillors as discussed within the meeting.
- (2) That training for all District Councillors on the new Code of Conduct for Councillors should be delivered at Council.
- (3) That Members request for the Monitoring Officer to write to Parish and Town Councils recommending that they adopt the Local Government Association Model Code of Conduct for Councillors.

#### **STA/ 5/21-22      Review of the Constitution - Part 1**

The Standards Committee considered a report which set out areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the review of the Constitution to Council for adoption.

The Committee was asked to give consideration to the following proposals outlined in Appendix 1 to the report.

##### **(a)      Questions by Members**

The Committee was asked to consider a change to the Constitution which would provide provision for Members to withdraw a question which had been submitted, accepted and published, up to 24 hours in advance of the meeting.

Committee had a discussion over the proposed time limit and decided that it would be more appropriate to allow Members to withdraw a question at any point up to the morning of the same day on which the meeting was due to take place. This would all for greater flexibility prior to the meeting.

#### **RESOLVED**

- (1) That the deadline for submitted, accepted and published questions to withdrawn would be on the morning of the same day that the meeting is due to take place.
- (2) That the proposal be approved and submitted to Council.

(b) Debt Write Off

The Committee was asked to consider a change to the Constitution that would increase the limit of bad debts that could be written off from £3,500 to £7,500.

Members heard that the proposal had not been through the Audit Committee but that the Section 151 Officer had been consulted.

There was a consensus that the limit should be increased to £5,000 rather than the proposed £7,500.

RESOLVED –

- (1) That the limit of bad debts able to be written off be increased from £3,500 to £5,000.
- (2) That the proposal be approved and submitted to Council.

(c) Delegation Scheme Amendments

The Committee was asked to consider a change to the Constitution that would add some missing statutory matters into the Proper Officer Provisions within the Scheme of Delegation.

Members heard that the statutory matters related to provisions required for the notification and control powers from transmissible diseases which are given to Proper Officers within the Public Health (Control of Diseases) Act 1984 and Public Health (infectious Diseases) Regulations 1988.

The Proper Officers would use these powers and act upon Government instruction.

RESOLVED – That the proposal be approved and submitted to Council.

(d) New JSCC TORs

The Committee was asked to consider the Terms of Reference for the proposed JSCC which would replace the JCG.

“Sides” were no longer mentioned in order to create a committee of persons working together to decide on and resolve issues. The proposed Committee would also include non-Union staff for representation to reflect the views of the workforce as a whole.

Formalising these meetings would also allow for decision makers to have a rounded context of matters before them through accurate reports published within legal deadlines.

The JCG had previously been consulted and had no major concerns with the proposed arrangements. Some concerns were raised by

Unison which would be considered and reported through Council if required.

**RESOLVED** – That the proposal be approved and submitted to Council.

Committee welcomed and introduced the recently appointed Independent Person; David Richardson.

**STA/ Complaints Update**

**6/21-  
22**

The Committee received a verbal update from the Joint Head of Corporate Governance and Monitoring Officer on Member complaints.

It was reported that there were currently five complaints, one of which had been closed without any further action and four were still ongoing. All five complaints were in respect of District Councillors.

It was agreed that a table showing the outcomes of complaints would be brought to the next meeting.

**STA/ Work Programme**

**7/21-  
22**

Members gave consideration to the Work Programme for the Committee for the remainder of the municipal year. Members were reminded that this was a live and changing document and could be adapted to the needs of the Committee.

It was agreed that an Attendance of Training review would be added to the September meeting and that the Committee would receive an update on training attendance for the last 6 months. This would be brought to Committee every six months.

Members enquired into the possibility of restricting the amount of words in a motion, as well as the number of questions and motions that members were able to ask.

The Monitoring Officer agreed to look into the matter but informed Committee that at present, there is a limit to one motion and question per member per Council meeting.

**RESOLVED** – That the draft work programme be approved.

**STA/ Urgent Business**

**8/21-  
22**

Committee discussed an incident in which Unison had confused a solicitor with a Member due to them having the same name.

Unison have since issued an apology for the mistake.



**North East Derbyshire District Council**

**Standards Committee**

**10 November 2021**

**Update on the Delegation Scheme**

**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**

As Members are aware, there is an ongoing Senior Management Review. As a result it is necessary to consider the Delegation Scheme. This report updates members on what has been done so far with regard to the Delegation Scheme.

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**RECOMMENDATIONS**

1. That the Delegated Decision aligning the Delegation Scheme to the new Senior Management structure is noted and that a new draft Delegation Scheme is brought to this Committee when the Senior Management review is complete.

Approved by the Portfolio Holder – N/A

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**IMPLICATIONS**

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Finance and Risk: Yes ☐ No ☒

**Details:**

None as a result of this report.

On Behalf of the Section 151 Officer

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Legal (including Data Protection): Yes ☒ No ☐

**Details:**

As in the report

On Behalf of the Solicitor to the Council

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**Staffing:** Yes ☐ No ☒

**Details:**

None

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<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 type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes  Details: Ward Members N/A

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

N/A

## REPORT DETAILS

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

- 1.1 As Members are aware, the Council has approved a new Senior Management structure. There may be further changes to the Senior Management structure.
- 1.2 The Delegation Scheme has been revised under delegation to ensure that relevant delegations can still be legally and properly used with the changes

made so far. The relevant Delegated Decision is attached for Members information. As can be seen this will be reported to Council in due course.

- 1.3 The revised Delegation Scheme allocates existing delegations only to officers in the new structure. There are no new delegations.
- 1.4 It will be necessary to undertake a full review including consideration of what additional delegations would be required and for these to be built into the new Delegation Scheme once the Senior Management Review is complete.
- 1.5 Accordingly I propose to bring a revised Delegation Scheme to your next meeting for your consideration, provided the review itself is complete.

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

- 2.1 The Delegated Decision containing the amended Delegation Scheme is attached and it is there for Members to note.

## **3 Reasons for Recommendation**

- 3.1 To keep Members informed.

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

- 4.1 To do nothing was not an option as this would mean that decisions could be challenged on the basis that the decision maker was not as listed in the Delegation Scheme in the Constitution.

## **DOCUMENT INFORMATION**

Appendix No	Title
1	Record of Decision
<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)	

**NORTH EAST DERBYSHIRE DISTRICT COUNCIL \***

**RECORD OF DECISION TAKEN BY THE  
HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER**

**5<sup>TH</sup> AUGUST 2021**

**REASSIGNMENT OF DELEGATED POWERS FOLLOWING A RECENT SENIOR MANAGEMENT  
REVIEW**

<b>Authority for decision</b>	<b>Decision</b>	<b>Reasons</b>	<b>Alternative options considered and rejected</b>	<b>Conflicts of interest and any dispensation</b>
<b>Delegation Scheme in the 2021 Constitution.</b>  <b>Head of Corporate Governance and Monitoring Officer delegation: 13.20 To make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.</b>	To allocate existing Director delegations in the 2021 Constitution to the Directors in the new Senior Management Structure.	<p>Council decided at its meeting on the 12<sup>th</sup> July 2021 to adopt a new management structure with 2 full time Directors. The report did not deal with the Delegation Scheme for the new posts. This was an error. This means that the Delegation Scheme needs amending to reflect the new structure.</p> <p>Although this will be dealt with by Standards Committee and Council in terms of formally approving a new Delegation Scheme, this will not happen for some time. Accordingly there is an urgent need</p>	To wait until Standards Committee (in November) and Council could formalise the new Delegation Scheme. This was rejected as delegated powers need to be clear and transparent so that they can be used legitimately.	None



Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
		to put in place an amended scheme allocating existing delegations to the new posts to fill the gap before this happens.		

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature: .....

Job title: .. Head of Corporate Governance and Monitoring Officer

....

Unique Reference Number: .....

Date decision may be implemented following call in (if necessary): .....N/a.....

Circulation to:

Head of Paid Service  
Monitoring Officer  
Section 151 Officer  
Scrutiny Officer  
Internal Audit



Delegation	
10. Director of Corporate Resources and Head of Paid Service – the whole delegation.	Director of Operations and Head of Paid Service
11 Director of Environment and Enforcement	Director of Growth and Economic Development
11.1 To act as the Emergency Planning lead.	Director of Operations and Head of Paid Service
11.2 To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	Director of Growth and Economic Development
11.3 To deputise for the Head of Paid Services in his absence and exercise any powers delegated to him.	Director of Growth and Economic Development
11.4 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	Director of Growth and Economic Development
11.5 Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet to meet the statutory deadline.	Director of Operations and Head of Paid Service
11.6 Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.	Director of Operations and Head of Paid Service
11.7 To carry out Rights of Way functions for which the Council is responsible in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Director of Operations and Head of Paid Service
11.8 (Further delegated to Head of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder;	Director of Operations and Head of Paid Service



11.9 (Further delegated to Head of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder; 1	Director of Operations and Head of Paid Service
11.10 (Further delegate to Head of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.	Director of Operations and Head of Paid Service
11.11 Further delegated to Head of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder	Director of Operations and Head of Paid Service
11.12 To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants)  <b>Exception to para 11.12:</b> Applications for discretionary Disabled Facilities Grants must be submitted to Cabinet.	Director of Operations and Head of Paid Service
11.13 (i) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and; (ii) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function. To authorise the making of Public Space Protection Orders	Director of Operations and Head of Paid Service
11.14 To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation	Director of Operations and Head of Paid Service



<p>with the Leader or Deputy Leader of the Council and relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.</p>	



**North East Derbyshire District Council**

**Standards Committee**

**10 November 2021**

**Local Government & Social Care Ombudsman Annual Review Letter**

**Report of the Assistant Director of Transformation & Organisation**

**This report is public**

**Report By:** Matthew Broughton, Assistant Director of Transformation & Organisation

**Contact Officer:** Rachael Pope, Customer Services Manager,  
Tel: (01246) 217544

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**PURPOSE / SUMMARY**

To review the Annual Review letter of the Local Government & Social Care Ombudsman (LGO) **Appendix A** attached to this report.

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**RECOMMENDATIONS**

That Standards Committee acknowledge the report and findings of the Local Government & Social Care Ombudsman.

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**IMPLICATIONS**

**Finance and Risk:**      Yes ☒      No ☐

The Council is at risk of reputational damage by recommendations or decisions by the Local Government & Social Care Ombudsman, if complaints are not handled well.

In cases of maladministration, financial penalties can be imposed by the Local Government & Social Care Ombudsman.

In the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the information Commissioner's Office can issue decision notices and impose significant fines.

On Behalf of the Section 151 Officer

**Legal (including Data Protection):**                      **Yes** ☒                      **No** ☐

The policy allows compliance with the Local Government Act 1974 and guidance set out by the Local Government & Social Care Ombudsman. It is also in line with the requirements of the General Data Protection Regulation 2018, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

On Behalf of the Solicitor to the Council

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

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<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"/> <i>Please indicate which threshold applies</i>	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 type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details:

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

Transforming our Organisation – Good Governance

## REPORT DETAILS

### 1 Background

- 1.1 The Council received its Annual Review Letter from the Local Government & Social Care Ombudsman on the 21<sup>st</sup> July 2021. It contains information on how many complaints and enquiries had been referred to the Local Government & Social Care Ombudsman and how many complaints were upheld or referred back for local resolution.
- 1.2 There were 13 complaints and enquiries received in total by the Local Government & Social Care Ombudsman. To provide context, the Council received 167 complaints in total during 01<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 whilst delivering hundreds of thousands of customer transactions in that same period.

	Ref	Authority	Category	Decision
1	20001499	North East Derbyshire District Council	Planning & Development	Not investigating
2	20006092	North East Derbyshire District Council	Planning & Development	Not investigating
3	20002002	North East Derbyshire District Council	Planning & Development	No complaint received
4	20013373	North East Derbyshire District Council	Planning & Development	No complaint received
5	20003123	North East Derbyshire District Council	Planning & Development	UPHELD
6	20007276	North East Derbyshire District Council	Planning & Development	Premature complaint
7	20004769	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	UPHELD
8	20011930	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	No complaint received
9	20007741	North East Derbyshire District Council	Corporate & Other Services	No complaint received
10	20004126	North East Derbyshire District Council	Highways & Transport	Not investigating
11	20002891	Rykneld Homes	Housing	Out of scope
12	20009653	Rykneld Homes	Housing	Out of scope
13	20014271	Rykneld Homes	Housing	Out of scope
	19015495	North East Derbyshire District Council	Benefits & Tax	Closed after initial enquiries 2019/2020
	19020036	North East Derbyshire District Council	Planning & Development	Not upheld 2019/2020

1.3 From the 13 complaints and enquires received by the Local Government & Social Care Ombudsman 6 required a decisions to be made by the Local Ombudsman. The 13 can be broken down as follows:

- 3 of these were not investigated.
- 4 complaints were not received by NEDDC therefore, not followed the required process.
- 1 related to a premature complaint and referred back for local resolution
- 3 complaints fall out of scope of the Councils policy as they relate to Rykneld Homes.
- 2 complaints were UPHELD by the LG&SCO.

1.4 Of the two upheld complaints the recommendations were as follows:

- Complaint 20003123 was upheld by the LG&SCO it was recommended that the Council offer to obtain and plant a semi-mature evergreen tree that would provide some screening to the complainant's kitchen and balcony. Provide an apology and a payment of £100 to reflect the frustration and inconvenience caused through the Council's handling of the complaint.
- Complaint 20004769 was upheld by the LG&SCO as there was evidence of fault causing injustice which the Council agreed to remedy. It was recommended that the Council apologise to the complainant, pay £250 to acknowledge the frustration and uncertainty of its poor communication that it had caused. Offer to reinstate noise monitoring equipment and review how it communicates with complainants to ensure it's clear about the action it's proposing to take around whether or not noise is a statutory nuisance.

1.5 The bottom two decisions listed (19015495 & 19020036) are not included in the above 13 complaints / enquiries due to being carried over from previous years investigations but the outcome decisions wasn't made until 2020 / 2021. For information, reference 19015495 was closed after initial enquiries and 19020036 was not upheld.

1.6 This year's performance compares less favourably than the previous year's performance where complaints and enquiries were referred to the Local Government & Social Care Ombudsman as 2 was closed after initial enquiries, 2 was not upheld and 1 was referred back for local resolution.

1.7 This year's data will be uploaded to the LG&SCO website where all Councils performance can be seen on: <https://www.lgo.org.uk/your-councils-performance>

1.8 Ensuring we have a customer friendly and robust Compliments, Comments and Complaints process which aims to resolve matters prior to referral to Ombudsman is the key priority. To continually improve this we:

- Deliver mandatory training takes place virtually and is rolled out across the organisation. This provides a consistent approach in the way that all officers within the Council effectively deal with all Compliments, Comments and Complaints.
- Ensure all officers dealing with complaints complete quality assurance documentation confirming they have put suitable monitoring arrangements in place as part of our learning from complaints process.
- Arranged for officers that deal with all stages of the complaints process to attend training delivered by the LG&SCO. It's recommended that officers attend training delivered by the LG&SCO bi-annually.
- Reviewed and upgraded the Compliments, Comments and Complaints system to be more efficient and better reflect the policy.

## DOCUMENT INFORMATION

Appendix No	Title
Appendix A	Letter from the Local Government & Social Care Ombudsman
<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)	

# Local Government & Social Care OMBUDSMAN

21 July 2021

*By email*

Mr Hickin  
Director of Corporate Resources  
North East Derbyshire District Council

Dear Mr Hickin

## **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

## **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

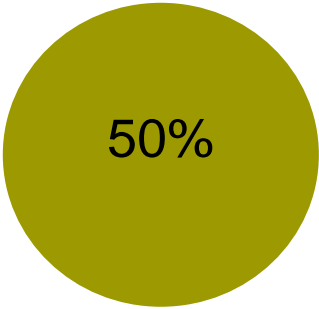
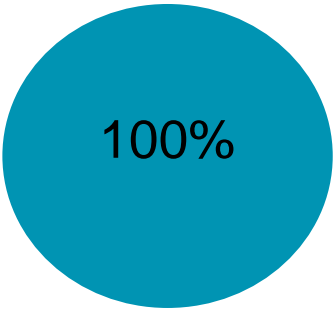
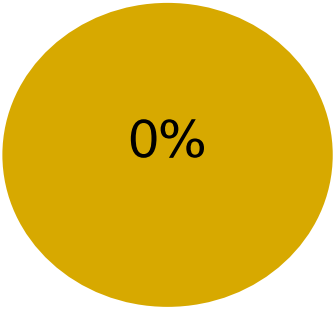
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>50%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>53%</b> in similar authorities.</p>	<p><b>1</b> upheld decision</p> <p>Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of <b>100%</b> in similar authorities.</p>	<p>Statistics are based on a total of 1 compliance outcome for the period between 1 April 2020 to 31 March 2021</p>
<ul style="list-style-type: none"> <li>Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li> </ul>		
Satisfactory remedy provided by the authority		
	<p>In <b>0%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>16%</b> in similar authorities.</p>	<p><b>0</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.



**North East Derbyshire District Council**

**Standards Committee**

**10 November 2021**

**REVIEW OF THE COUNCIL'S CONSTITUTION (PART 2)**

**Report of the Assistant Director of Corporate Governance and Solicitor of the Council & Monitoring Officer**

**Classification:** This report is public

**Report By:** Nicola Calver, Governance Manager

**Contact Officer:** Nicola Calver – 01246 217753  
[Nicola.calver@ne-derbyshire.gov.uk](mailto: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**

1. That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review at a future meeting.
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**IMPLICATIONS**

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**Finance and Risk:** Yes ☒ No ☐

**Details:**

Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

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 such other information that the authority considers appropriate.

On Behalf of the Solicitor to the Council

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**Staffing:** **Yes** ☐

**No** ☒

**Details:**

There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

On behalf of the Head of Paid Service

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## DECISION INFORMATION

Decision Information	
<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>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	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> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet / Executive</b> <input type="checkbox"/> <b>SAMT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Relevant officers are consulted at various stages of the Constitution Review

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

Demonstrating Good Governance

## REPORT DETAILS

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

- 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.

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

- 2.1 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
Review of Guidance and constitutional rules on public speaking at Council	Governance Manager	10/11/21
Training Requirements for Councillors	Governance Manager	10/11/21
Renumbering of the Articles	Governance Manager	10/11/21
Delegation Scheme Addition – Property Sale	Governance Manager / Head of Economic Development, Regeneration and Housing Delivery	10/11/21
Petition Scheme	Monitoring Officer	January
Proper Officer Provisions	Governance Manager / Legal Team Manager	January

New Forum TORs	Director of Growth and ED	January
Employee Code of Conduct	HR and OD Manager	January
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	<b>Once final draft version produced</b>

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

### **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.

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## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Rationale and details of changes
2	Training Requirements 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	

## **CHANGES FOR CONSIDERATION**

<b>Area of Review</b>	<b>Proposal and Rationale</b>	<b>Sections of the Constitution to be revised</b>
Review of the guidance and constitutional rules on public speaking at Council	<p>The guidance and rules on public speaking at Council have been reviewed.</p> <p>A revised version of the Council Procedure Rules and the guidance will be circulated before the meeting.</p>	<p>Part 4 Council Procedure Rules</p> <p>Pages 72 – 92 (of May 2021 edition)</p>
Training requirements for Councillors	The essential training schedule, as set out in the Members' Code of Conduct, is attached at Appendix 2 in order for the Committee to determine whether it wishes to make any changes.	<p>Members' Code of Conduct</p> <p>Pages 176, 186-188 (of May 2021 edition)</p>
Renumbering of the Articles	On examination of the articles within the constitution, editing over time has created gaps in numbering, leaving 9 of the original 12 articles. It is suggested that these be renumbered and re-referenced throughout the document without changing the agreed wording at this stage. This will be completed under the MO's housekeeping delegation.	Whole Constitution
Delegation Scheme – Property Sale	<p>There is an existing executive function (page 33 (y)) allowing approval of purchase, sale or appropriation of land and buildings over £50,000. There are circumstances where purchase, sale or appropriation may be required and is already in line with the acquisition and disposal policy. In instances when proposals are put to Cabinet this is an administrative process that instigates a DD to be undertaken delegating authority on a case by case basis.</p> <p>The proposal is that an addition delegation be added to the Director of Environment and Enforcement (further delegated to the Head of ED, Regen and Housing Delivery) [job titles and reporting lines determined</p>	<p>Delegation Scheme</p> <p>Page 58 of current edition.</p>

	<p>through the SMT review and subject to the temporary arrangements in place for the delegation scheme] as follows:</p> <p>11.12 (inserted, renumbering below): <b>(further delegated to Head of Economic Development, Regeneration and Housing Delivery)</b>  <b>Agreeing property transactions in line with the Acquisition and Disposal Policy in consultation with the relevant Portfolio Holder.</b></p>	
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**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.

## NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

List of Cases which do not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION
13/10/20 12/2020	Valuing my colleagues...	North East Derbyshire District Council	Yes	Language went beyond what was acceptable - Cllr invited to apologise at future meeting.
	Always treating people with respect...		Yes - borderline	Some may consider language used unacceptable but insufficiently serious to warrant formal action – Cllr issued with written warning.
	Always treating people with respect...		No	No evidence Code of Conduct had been breached.
	Always treating people with respect...		No	No evidence Code of Conduct had been breached.
	Valuing my colleagues...		Yes	This was an isolated incident. An informal warning was issued and a caution as to use of language in the future.
	Not acting independently or without undue influence		No	Not sufficient evidence Code of Conduct had been breached.
			In the majority of allegations no further action was taken, either because there	

## NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

			<p>wasn't a breach or further action would have been disproportionate. One allegation, that Cllr M Foster had used disrespectful language in the meeting, was considered to amount to a breach of the Code. A local resolution, by which Cllr M Foster could apologise at a future meeting, was offered as a resolution. Although it is understood that this has not yet happened.</p>	
12/01/21 1/2021	Disclosure of Exempt Information	North East Derbyshire District Council	No	No evidence Code of Conduct had been breached
06/04/21 2/2021	Asking a complainant to lie Complainant felt intimidated	North East Derbyshire District Council	No	No evidence Code of Conduct had been breached
10/05/21 3/2021	Not specified by complainant	North East Derbyshire District Council	No	Information/evidence not supplied to consider complaint
10/05/21 4/2021	Bringing the Council into disrepute	North East Derbyshire District Council	No	Information/evidence not supplied to consider complaint
22/07/21 6/2021	Not acting in best interests of constituents  Not acting impartially  Unduly influencing a planning committee decision	Dronfield Town Council/  North East Derbyshire District Council	No	No evidence Code of Conduct had been breached

## NEDDC STANDARDS COMMITTEE WORK PROGRAMME 2021/22

Meeting date	Item	Comments
30 June 2021	Code of Conduct Review of the Constitution Part 1 (a) Questions by Members (b) Debt Write off (c) Delegation Scheme Amendments (d) New JSCC TOR Complaints Update	
15 September 2021	MEETING CANCELLED	
10 November 2021	Member Training Attendance Local Government Ombudsman Annual Report Update on Code of Conduct Training Delegation Scheme Update Review of the Constitution Part 2 (a) Review of Guidance and constitutional rules on public speaking at Council (b) Training Requirements for Councillors (c) Renumbering of the Articles (d) Delegation Scheme Addition – Property Sale Complaints Update	Def from Sept Def from Sept
19 January 2022	Gifts and Hospitality Review 2021 Joint Whistleblowing Policy Review 2021 Review of the Constitution Part 3 (a) Petition Scheme (b) Proper Officer Provisions (c) Employee Code of Conduct (d) Limiting the amount of words in motions and questions (e) New Forum TORs Delegated Decision Review	Def from November  Def from November
9 March 2022	RIPA Annual Review Review of the Constitution Part 4 Standards Annual Report Work Programme 2021/22 – Achievements Work Programme 2022/23	