

# Public Document Pack



**North East  
Derbyshire**  
District Council



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Our Ref: AM/AJD  
Contact: Asher Bond  
Tel: 01246 217375  
Email: [asher.bond@ne-derbyshire.gov.uk](mailto:asher.bond@ne-derbyshire.gov.uk)  
Date: Wednesday, 7 September 2022

To: **All Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 14 September 2022 at 2.00 pm in the District Council Offices**. District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield. S42 6NG.

Yours sincerely

A handwritten signature in cursive script that reads "Sarah Steuberg".

**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  
T Collins – Parish Council Representative

**For further information about this meeting please contact: Asher Bond 01246 217375**

# **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 5 - 7)**

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 13 July 2022

**4 Code of Corporate Governance - To Follow**

Report of the Assistant Director of Governance and Monitoring Officer

**5 Employee Code of Conduct - Update**

Human Resources and Organisation Manager

**6 Complaints Update (Pages 8 - 11)**

Report of the Assistant Director of Governance and Monitoring Officer.

**7 Work Plan (Pages 12 - 13)**

Report of the Assistant Director of Governance and Monitoring Officer

**8 Urgent Business (public session)**

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

**9 Date of the Next Meeting**

The next meeting of the Standards Committee is scheduled to take place on Wednesday 2<sup>nd</sup> November 2022 at 2.00 pm.

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# We speak your language



North East  
Derbyshire  
District Council

Polish

*Mówimy Twoim językiem*

Romanian

*Vorbim limba dumneavoastră*

Urdu

ہم آپ کی زبان بولتے ہیں

Chinese

我们会说你的语言



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please contact the Governance Team at least 72 hours before the meeting starts.

## STANDARDS COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY, 13 JULY 2022

#### **Present:**

Councillor William Armitage (Chair) (in the Chair)  
Councillor Pat Antcliff (Vice-Chair)

Councillor Nigel Barker  
Councillor Heather Liggett  
Councillor Richard Welton  
Pat Coleman – Parish Council Representative  
Trevor John Collins - Parish Council Representative

Councillor Pat Kerry  
Councillor Diana Ruff

#### **Also Present:**

S Sternberg            Assistant Director of Governance and Monitoring Officer  
A Maher                Interim Governance Manager  
A Bond                  Governance Officer

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

1/22-

23 Apologies for absence were received from the Legal Team Manager and Councillors Rouse and Hancock.

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

2/22-

23 There were no declarations of interest at this meeting.

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

3/22-

23 RESOLVED – That the Minutes of the Standards Committee held on 23 March 2022 be approved as a correct record and signed by the Chair.

#### **STA/ Review of the Constitution - Part 1**

4/22-

23 Members began their annual review of the Constitution. They heard that Officers had taken the opportunity to undertake a 'housekeeping' review of the Constitution that primarily addressed issues such as incorrect titles, references to the incorrect body and various additional minor errors. These alterations were undertaken under the Monitoring Officers Delegated Decisions. Members noted that any serious issues identified would be brought before them for consideration.

The Interim Governance Manager highlighted the location of the Council's Constitution on the NEDDC website so that Members would be able to access and direct others to an updated version of the Constitution.

Members were requested to identify any areas of the Constitution that they

believed should be considered during the review and were reminded that they would be able to recommend areas for review throughout the municipal year.

Committee considered that Questions and Motions at meetings of Council should be considered as part of the review.

Members also considered that the Call-in Protocol for Planning Committee could be considered as part of the annual review but that this would be discussed with the Monitoring Officer first.

**RESOLVED** – That Members:

1. Considered the proposed programme of review for the Council's Constitution in the corporate year 2022 to 2023.
2. Suggested any additional areas for review that they considered should be included.

**STA/** **Standards Committee Annual Report**

**5/22-  
23**

The Monitoring Officer presented a report to Committee that outlined the work undertaken by the Standards Committee during the 2021/22 municipal year. This included details on the appointment of Parish/Town Representatives, Local Government Ombudsman Complaints, reports from the Council's Independent Persons and work completed on the Constitution during the municipal year.

Members heard that the report would go to the 12 September 2022 meeting of Council.

**RESOLVED** – That Members noted the report.

**STA/** **Complaints Update**

**6/22-  
23**

Committee received an update on the number of complaints that had been received for first quarter of the financial year 2022/23.

It was reported that in the quarter, four complaints had been closed and one remained open. Of the four, three were not found to have breached the Code of Conduct. One complaint was found to be in breach of the Code of Conduct within the areas of dealing with people appropriately and remaining objective. The reasons for this decision were contained within the report.

Members discussed the report and heard that when a Member was asked to deliver an apology as a result of a Complaint being lodged against them, then they would be expected to do so within a reasonable amount of time. If the Member refused to issue an apology than this could have the potential to be a further complaint.

Committee were informed that a revised Code of Conduct that could be adopted for Parish use was currently being developed.

RESOLVED – That the Standards Committee noted the Complaints Update.

**STA/ Work Programme 2022/23**

**7/22-**

**23**

Members discussed the Work Programme and noted that the date of the August meeting would be altered.

RESOLVED – That the Work Programme be noted.

**STA/ Urgent Business (public session)**

**8/22-**

**23**

Members discussed the frequency of meetings in relation to the Code of Conduct and heard that the frequency of meetings and timetable was decided by Members and that there was no requirement under the Code of Conduct to hold a certain number of meetings per year.

## North East Derbyshire District Council

### Standards Committee

14 September 2022

### Complaint Update Report

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public.

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer, [sarah.sternberg@ne-derbyshire.gov.uk](mailto:sarah.sternberg@ne-derbyshire.gov.uk)

Contact Officer: Asher Bond, Governance Officer – [asher.bond@ne-derbyshire.gov.uk](mailto:asher.bond@ne-derbyshire.gov.uk)

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#### **PURPOSE / SUMMARY**

To provide Standards Committee with an update on the number of complaints that have been received and what action has been taken on these within Quarter two of the financial year 2022/23

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#### **RECOMMENDATIONS**

That the Standards Committee notes the complaints update.

#### **IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

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>NEDDC:</b> <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</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	No

<b>Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.</b>

**REPORT DETAILS**

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

- 1.1 Under Section 28 (6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council or parish or town council within its area has failed to comply with that Authority’s Code of Conduct can be investigation and decisions made on such allegations.
- 1.2 The Council has adopted a Code of Conduct for Members. Each parish or town council is also required to adopt a Code of Conduct.



1.3 The Monitoring Officer is a senior officer of the Authority who has the statutory responsibility for administering the system in respect of complaints of member misconduct.

1.4 Standards Committee is to receive regular reports from the Monitoring Officer on the number of complaints against members, how they are progressing, what decisions have been made and what action taken.

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

2.1 In Quarter two of the financial year 2022/23, two new complaints had been opened and one existing complaint had been closed. There are currently a total of two ongoing complaints.

2.2 The closed complaint was not found to have breached the Code of Conduct.

## **3 Reasons for Recommendation**

3.1 Under the North East Derbyshire District Council's Constitution It is a function of the Standards Committee to receive regular update reports from the Monitoring Officer on the number of complaints received against members, how they are progressing, what decisions have been made and what actions taken.

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

4.1 There are no alternative options to consider as part of this report.

### **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Complaint Update Report
<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 you must provide copies of the background papers)	

## NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

List of Cases which do not proceed to investigation

<b>DATE OF RECEIPT</b>	<b>PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED</b>	<b>NAME OF COUNCIL</b>	<b>WHETHER A POTENTIAL BREACH WAS FOUND</b>	<b>REASONS FOR DECISION</b>
<b>30/05/22</b> <b>03/2022</b>	Behaving respectfully. / Acting in in a way which could be regarded as bullying or intimidatory	Calow Parish Council	<b>No</b>	There was not enough evidence provided to suggest that a breach of the Code of Conduct had taken place.

NEDDC Standards Committee work programme 2022/23		
Meeting Date	Area for review	Comments
13 <sup>th</sup> July 2022	<p>Review of the Constitution</p> <p>Standards Committee Annual Report</p> <p>Complaints update</p>	Report to set out areas to look at and when
14 <sup>th</sup> September 2022	<p>Review of the Constitution Part 1</p> <p>(a) Employee Code of Conduct</p> <p>Code of Corporate Governance</p> <p>Complaints update</p>	Part of the Annual Governance Statement which Audit and Corporate Governance Scrutiny approves as part of the Accounts.
2 <sup>nd</sup> November 2022	<p>Review of the Constitution Part 2</p> <p>(a) Planning Protocol</p> <p>(b) Members' Code of Conduct.</p> <p>(c) Proper Officer Provisions</p> <p>RIPA Annual Review</p> <p>Whistleblowing Policy Review</p> <p>Member Training Attendance Update</p> <p>Complaints update</p>	
1 <sup>st</sup> February 2023	<p>Review of the Constitution Part 3</p> <p>(a) Review of terms of reference of Partnership Forum and Investment Forum or their replacements.</p>	

	<p>(b) Terms of reference of Asset Management Group (AMG)</p> <p>(c) Xxx</p> <p>Member Training Attendance</p> <p>Consideration of Induction Proposals for the ethical framework</p> <p>Gifts and Hospitality Review 2022</p> <p>Complaints update</p>	
<p>19<sup>th</sup> April 2023</p>	<p>Review of the Constitution Part 4</p> <p>(a) Xxx</p> <p>(b) Xxx</p> <p>(c) Xxx</p> <p>Complaints update</p>	