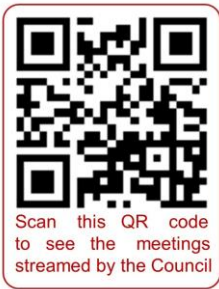


Public Document Pack



**North East
Derbyshire**
District Council

Our Ref: AB/AJD
Contact: Asher Bond
Tel: 01246 217375
Email: Asher.bond@ne-derbyshire.gov.uk
Date: Wednesday, 19 July 2023

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Thursday, 27 July 2023 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 Skerby".

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor K Gillott (Chair)
Councillor H Wetherall (Vice-Chair)
Councillor P Antcliff
Councillor C Cupit
Councillor P Kerry
Councillor F Petersen
Councillor K Rouse

G Hudson
A Orchard
D Richardson

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 4 - 6)

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 19 April 2023.

4 Values in the Constitution (Pages 7 - 9)

Report of the Assistant Director of Governance and Monitoring Officer.

5 Scrutiny Terms of Reference - NOW PUBLISHED (Pages 10 - 18)

Report of the Assistant Director of Governance and Monitoring Officer.

6 Code of Corporate Governance (Pages 19 - 48)

Report of the Assistant Director of Governance and Monitoring Officer.

7 Parish Council Representatives on Standards Committee (Pages 49 - 52)

Report of the Assistant Director of Governance and Monitoring Officer.

8 Review of the Constitution - Speaking at Planning Committee (Pages 53 - 56)

Report of the Assistant Director of Governance and Monitoring Officer.

9 Complaints Update (Pages 57 - 61)

Report of the Assistant Director of Governance and Monitoring Officer.

10 Review of the Complaints Procedure - NOW PUBLISHED (Page 62)

Report of the Assistant Director of Governance and Monitoring Officer.

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.

Access for All statement

You can request this document or information in another format such as **large print** or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - connectne@ne-derbyshire.gov.uk
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with [Sign Solutions](#) or call into the offices at Wingerworth.
- Call with [Relay UK](#) via textphone or app on [0800 500 888](tel:0800500888)– a free phone service
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY, 19 APRIL 2023

Present:

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

Councillor John Funnell
Councillor Pat Kerry
Councillor Kathy Rouse

Councillor David Hancock
Councillor Heather Liggett

Also Present:

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

STA/ Apologies for Absence

44/2

2-23 Apologies for absence were received from Councillors R Welton, K Gillott, P Coleman (Parish Council Representative) and the Legal Team Manager & Deputy Monitoring Officer.

STA/ Declarations of Interest

45/2

2-23 There were no Declarations of Interest.

STA/ Minutes of Last Meeting

46/2

2-23 RESOLVED – That the Minutes of the Standards Committee meeting held on 7 March 2023 be approved as a correct record and signed by the Chair.

STA/ Review of the Constitution - Proposed Revised Version

47/2

2-23 Committee received the updated draft version of the proposed constitution. Members discussed the draft at length and drew particular attention to the proposed protocols for changing the Constitution and Council Policy that would require any proposed changes to be first debated at the relevant Scrutiny Committee. Members considered that these protocols could cause difficulties if the necessary meetings could not be arranged but heard that emergency ad-hoc meetings could be organised and the Council's Procedure rules could be suspended if necessary.

Members considered that having the Parish Representatives attend meetings of the Standards Committee was useful but that an amendment should be made in order to prevent the two representatives being from the same Parish Council.

RESOLVED – That:

- (1) Standards Committee approved an amendment to the proposed constitution that restricted the two Parish Representatives from being from the same Parish Council.
- (2) Standards Committee noted the proposed constitution.

STA/ 48/2 **Complaints Update**

2-23 Committee received an update on the number of complaints that had been received and what action had been taken on these.

Members heard that two new complaints have been received and two existing complaints had been closed. There were a total of seven ongoing complaints.

Committee were informed that the Monitoring Officer would be organising training sessions for the Parish Councils. Members considered that it would be useful for a Member of the Standards Committee to accompany the Monitoring Officer during these sessions.

RESOLVED – That Standards Committee noted the complaints update.

STA/ 49/2 **Monitoring Member Training in the new Municipal Year:- Proposals**

2-23 Committee were informed that a package of training events would be put in place as part of the Members Induction following on from the Local Government Elections in May. Member attendance and feedback at the training events would be carefully recorded and reported back to Committee.

Members discussed possible repercussions against those Members that did not attend training events and heard that the Council could not impose any sanctions against Members and that this would instead need to be a decision taken by each political Group. Committee agreed that they could write to the Group leaders, as a Committee, to inform them of the attendance statistics.

RESOLVED – Committee supported and noted the suggested approach to monitoring Member Training attendance.

STA/ 50/2 **Setting the Committee Work Plan for 2023-24: Proposals**

2-23 Committee discussed the arrangements for developing the Work Plan for the 2023-24 Municipal Year and some of the specific issues that the reconstituted Committee might be asked to consider.

Members enquired as to when the schedule of meetings and the Council Diaries would be distributed to the newly elected Members and heard that a pre-diary, containing the schedule of meetings, would be distributed to Members during the 10 May 2023 induction session. The full diary would be rapidly distributed following Annual Council.

RESOLVED – Committee agreed on the proposed approach to setting the Committee Work Plan for the 2023/24 municipal year.

STA/ Urgent Business (public session)

51/2

2-23 The Chair thanked Members for their work over the course of the municipal year and wished them luck in the future.

There was no other urgent business.

North East Derbyshire District Council

Standards Committee

27 July 2023

Values in the Constitution

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

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer sarah.sternberg@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To introduce a fifth value into the Constitution.

RECOMMENDATIONS

1. That Council be recommended to approve the addition of the fifth value to the Constitution.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Cabinet Members and Scrutiny Committees

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.
None

REPORT DETAILS

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

- 1.1 A draft Council Plan has been produced and discussed with Cabinet Members and the 4 Scrutiny Committees. As part of these discussions, it has been suggested that an extra value be added to the Constitution.
- 1.2 This report seeks agreement to the Council being recommended to add the new value be added to the Constitution.

2. **Details of Proposal or Information**

- 2.1 A presentation on the new Council Plan has been given to Cabinet Members, SMT and the 4 Scrutiny Committees. As part of this presentation, it was proposed that a new Value be added to the existing 4 values in the Constitution.
- 2.2 The existing Values can be found on page 8 of the Constitution and are:

- Honest, open and accountable;
- Treat everyone fairly and with respect;
- Listen, involve and respond; and
- Embrace change and innovation.

2.3 The following new Value is proposed. It represents the view of the new Leader and the new Labour administration that business should be dealt with as openly and transparently as possible. It is:

- Being collaborative, open and transparent

2.4 It is proposed that this is added to the existing Values in the Constitution. To do this, Standards Committee will need to recommend its inclusion to the Council.

3 Reasons for Recommendation

3.1 To ensure that the Values in the Constitution represent all aspects of the Council's views.

4 Alternative Options and Reasons for Rejection

4.1 Not to include. This would mean the Values in the Constitution did not represent all the values that underpin what the Council does.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (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)	
Draft Council Plan	

North East Derbyshire District Council

Standards Committee

27th July 2023

Scrutiny Committees Terms of Reference

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

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer sarah.sternberg@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To propose the draft Terms of Reference and Scrutiny Protocol to Standards Committee for Members to consider referring to Council for approval.

RECOMMENDATIONS

1. That the Scrutiny Committees Terms of Reference and Scrutiny Protocol be recommended to Council for approval and inclusion in the Constitution in place of the existing Terms of Reference.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report.

There must be Terms of Reference approved for all Committees.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None directly
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Cabinet Members and all 4 Scrutiny Committees.

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.
Yes

REPORT DETAILS

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

- 1.1 A new four year Council Plan has been developed and is to be presented to Council at the meeting on 31st November 2023.

1.2 Part of this has included a review of the Scrutiny Committees and their functions. This was reviewed and the new Scrutiny Committees agreed at the Annual Council Meeting in May 2023.

1.3 As part of the continuing development of the new Council Plan, the four Scrutiny Committees have been briefed on the emerging Council Plan and on their role in relation to it. This included consideration of the draft Scrutiny Committees Terms of Reference and Scrutiny Protocol.

2. Details of Proposal or Information

2.1 Attached at the Appendix are the draft Scrutiny Committees Terms of Reference and Scrutiny Protocol that have been informally presented to the Scrutiny Committees.

2.2 These show the place the Scrutiny Committees will have in relation to the Council Plan and their role in the “connecting thread” in relation to the Council Plan,

2.3 These Terms of Reference also include a new enhanced role in policy development and review in relation to all policies which do not form part of the Council's Budget and Policy Framework. Traditionally it has not been the Scrutiny Committees role to take play a significant role in policy development and review.

3 Reasons for Recommendation

3.1 To provide Terms of Reference for the 4 new Scrutiny Committees to work to. Currently there are none.

4 Alternative Options and Reasons for Rejection

4.1 Alternative Terms of Reference could by developed but they wouldn't connect to the Council Plan and so have been rejected.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Terms of Reference and Scrutiny Protocol
Background Papers (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)	
The draft Council Plan 2023 to 2027	

Section 21 of the Constitution: The Functions Scheme

Appendix 1 – Committee Terms of Reference

1. Scrutiny Committees

The Council has established four Scrutiny Committees, with nine Members on each. The Committees are:

- a) Communities Scrutiny Committee (responsibilities focussed upon housing, the public realm and leisure activities)
- b) Business Scrutiny Committee (responsibilities focussed upon our business and employment opportunities)
- c) Environment Scrutiny Committee (responsibilities focussed upon our environmental improvement and tackling climate change)
- d) Services Scrutiny Committee (responsibilities focussed on providing excellent services both ourselves and influencing partners)

In addition, Council has also established a special Joint Scrutiny Committee, consisting of the Members of the four Scrutiny Committees. The Joint Scrutiny Committee will meet as and when required to scrutinise cross-cutting issues, such as the Council's Budget.

All Councillors, except Members of the Cabinet, may be Members of a Scrutiny Committee. Members of the Scrutiny Committees will be appointed annually at the Annual Council meeting.

The Scrutiny Committees will operate in accordance with the Council Procedure Rules, as set out in Section 10 of the Constitution. The arrangements for the Call-In of Key Decisions is set out on page 82 of the Constitution. Scrutiny's role is to consider and make recommendations to the Cabinet.

The role of the Scrutiny Committees

The role of Scrutiny Committees in helping deliver the outcomes of the Council Plan are key – they will provide the 'checks and balances' on the effective delivery of the plan and undertake reviews and targeted work where necessary in support of the successful delivery of the plan. For this to best be achieved, alignment with the objectives of the plan and the Committees is established so that each Committee have a clear 'focus' individually and collectively, all Scrutiny Committees will ensure a comprehensive coverage and connection to all aspects of the Council Plan.

The new Council Plan is intended to be a 'dynamic' plan, a non-static plan, one that can flex and adapt to meet the challenges and maximise the opportunities of the day. With Scrutiny Committees being aligned to the Plan, there will be an additional 'connecting thread' running through the organisation from the 'frontline' right the way through to Council – this will complement the Performance

Management Framework, help with transparency and organisational clarity of purpose and add another source of momentum to the operating environment

This alignment to the Plan and the key objectives will allow the whole organisation to 'flex and change' as one system as and when we need to act or react. This organisational connectivity and agility will help ensure the Council is best placed to 'collectively' deliver the positive outcomes for the communities that we serve.

The main role of the Scrutiny function is to hold the Executive (the Cabinet) to account for its decisions and to monitor the overall performance of the Council. Scrutiny makes its own decisions in relation to its programme. However, as the Council's key policy is the Council Plan for the 4 year term, the Scrutiny Committees should be heavily involved in its development, review and the Council's performance against the Plan.

Protocol for Overview and Scrutiny in the Council

This Protocol sets out the role, purpose and operational arrangements for the Overview and Scrutiny Committees.

At its Annual Meeting on 22 May 2023 Council agreed to establish four Scrutiny Committees. These are:

- (a) The Business Scrutiny Committee
- (b) The Communities Scrutiny Committee
- (c) The Environment Scrutiny Committee
- (d) The Services Scrutiny Committee

Subsequently, Council also established a special Joint Scrutiny Committee, comprising the Members of all four Scrutiny Committees. This Joint Scrutiny Committee will meet as and when required, in order to scrutinise cross-cutting issues, such as the Council's Budget.

Council recognised that although it would be a matter for the Members of each Committee to determine their specific workloads, they should all seek to carry out their remit during the Municipal Year by:

- (i) Considering decisions taken by Cabinet and Council;
- (ii) Monitoring and seeking explanation of how specific Council and partner organisation services are performing as against the Council Plan
- (iii) Providing a 'Sounding Board' for proposed policy developments and an assessment of their likely contribution to delivering the Council Plan goals and specific targets; and
- (iv) 'Horizon Scanning' to consider and contribute to potential changes in the operating environment which may include legislation, regulation and key projects being undertaken by the Council for example.

In undertaking this work, the Committees have been asked to keep the following in mind. The aim is that by doing so, the Committees will be able to use the

information which they have obtained to help answer the bigger questions about how we are performing as an organisation and whether the Council Plan is being delivered. The remits are aligned to the Committee's specific area within the Council Plan.

The Business Scrutiny Committee – Council Plan Responsibilities

A community with a diverse range of commutable employment that match the skills of residents

- Work with partners to match and develop local skills with local businesses employment need.

A community with growing commutable employment opportunities

- Support existing businesses (including the Council) to maintain and grow the workforce
- Support new businesses to start creating employment
- Attract new businesses to the area which brings new jobs

Key Questions for Scrutiny:

Does the committee have assurance that the strategies in the Council Plan are being delivered?

Prompts:

- What has been presented to demonstrate this?
- Is any data presented robustly evidenced?
- Is there, where appropriate, independent verification of the data and/or benchmarking data? *(this is a good "can opener" to help us measure ourselves against peers and the sector)*
- Is the right information available?
- Are there improvement recommendations for Cabinet to consider?
Is this feedback being listened to and acted on?

The Communities Scrutiny Committee– Council Plan Responsibilities

A community with lifelong good health

- Maximise opportunities for residents of all ages and abilities to participate in physical and social activity
- Directly or in partnership reduce health inequality supporting public health DCC and other partners to deliver targeted programmes in the district
- Assist residents in ensuring their homes are suitable and meet their health needs
- Protect the public from ill health caused by environmental factors and business operations

A Place to live that people value

- Develop and continually improve the quality and range of housing providing a nice home and area for all residents to meet all needs
- Well maintained public realm that connects our communities
- Directly and with partners improve where people live to ensure they are safe clean functional and attractive

A Place where people enjoy spending time

- Improve and promote places and attractions to spend leisure time
- Develop and promote the local offer to ensure high quality diverse range of activities and place to spend time

Key Questions for Scrutiny:

Does the committee have assurance that the strategies in the Council Plan are being delivered?

Prompts:

- What has been presented to demonstrate this?
- Is any data presented robustly evidenced?
- Is there, where appropriate, independent verification of the data and/or benchmarking data? *(this is a good "can opener" to help us measure ourselves against peers and the sector)*
- Is the right information available?
- Are there improvement recommendations for Cabinet to consider?
- Is this feedback being listened to and acted on

The Environment Scrutiny Committee– Council Plan Responsibilities

Increase Biodiversity across the District

- Assist and influence other public partners, residents, and businesses to utilise their assets to improve biodiversity
- Where appropriate utilise council assets to improve biodiversity

Reduce Pollution Across the District

- Assist and influence other public partners, residents, and businesses to utilise their assets to reduce pollution
- Develop policies and plans which require/encourage alternatives to car usage
- Directly with partners and residents reduce litter and pollution from waste

Key Questions for Scrutiny:

Does the committee have assurance that the strategies in the Council Plan are being delivered?

Prompts:

- What has been presented to demonstrate this?

- Is any data presented robustly evidenced?
- Is there, where appropriate, independent verification of the data and/or benchmarking data? (*this is a good "can opener" to help us measure ourselves against peers and the sector*)
- Is the right information available?
- Are there improvement recommendations for Cabinet to consider?
- Is this feedback being listened to and acted on

The Services Scrutiny Committee– Council Plan Responsibilities

Continually improve council services to deliver excellence and value for money

- Financially responsible and efficient
- Ensure good governance and transparency in all we do
- Listen to customers to improve services
- Modernise and innovate service to continually improve
- Maintain a motivated and skilled workforce

Assist and influence other public partners to improve their services in the district

- Actively participate, nurture relationships, and maximise benefits for NE residents in partnerships such as health economy and resilience
- Directly assist businesses and residents to access all available public services and support
- Collate and analyse district wide data to inform improvements

Key Questions for Scrutiny:

Does the committee have assurance that the strategies in the Council Plan are being delivered?

Prompts:

- What has been presented to demonstrate this?
- Is any data presented robustly evidenced?
- Is there, where appropriate, independent verification of the data and/or benchmarking data? (*this is a good "can opener" to help us measure ourselves against peers and the sector*)
- Is the right information available?
- Are there improvement recommendations for Cabinet to consider?
- Is this feedback being listened to and acted on

Policy Development

Scrutiny will have an especially important role to play as a 'Sounding Board' on Policy Development. In particular:

- Any policy which forms part of the Budget and Policy Framework will be referred to the relevant Scrutiny Committee or Committees by Cabinet for consideration before it is submitted to Council.

- The relevant Scrutiny Committees will be proactively engaged by Cabinet in the development of all major policies or to changes of policy for the Scrutiny Committee's area of responsibility. And
- All Council motions recommending a substantial change to policy will be referred to the relevant Scrutiny Committee for consideration **before** they are considered by Council. This will be done automatically in accordance with the Council Procedure Rules.

The Budget and Policy Framework contains those policies which by law must be determined by Council following proposals by the Executive and consideration of the proposals by Scrutiny. These policies are listed below. The Council has chosen to add other policies to this list.

- MTFP, including borrowing, capital expenditure and investments
- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Plans and alterations which together comprise the Development Plan.

Officers and Members Working Together to Support Scrutiny

The Scrutiny Committees have a vitally important part to play in the life of the Council. In recognition of this Cabinet Portfolio Holders, Statutory Officers and Directors and the officers who make up the Council's Senior Management Team have all committed to working in a co-operative and productive way with the Scrutiny Committees. They will attend Committee meetings, when requested, provide appropriate advice and assistance, when this is needed and seek to always ensure effective scrutiny within the Council. Portfolio Holders and the Senior Management Team will be regularly informed of the work of the Scrutiny Committees.

The Scrutiny Chair and Vice Chairs and Members of the Committees have also agreed to conduct their meetings in an open, transparent, courteous and non-party political way.

Scrutiny is asked to provide a report annually to a meeting of Council which outlines their work over the course of the past Municipal Year.

North East Derbyshire District Council

Standards Committee

27 July 2023

Code of Corporate Governance

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: The Assistant Director of Governance and Monitoring Officer)

Contact Officer: Sarah Sternberg sarah.sternberg@ne-derbyshire.gov.uk and Ext 7731

PURPOSE / SUMMARY

To present to Members of the Standards Committee the 2023 Code of Corporate Governance which is a part of the Annual Governance Statement the Council is required to produce with the Accounts each year.

RECOMMENDATIONS

1. That Members consider and comment upon the Code of Corporate Governance.
2. That any comments are passed to the Audit Committee for inclusion in the Code of Corporate Governance which accompanies the Annual Governance Statement.

Approved by the Portfolio Holder – N/A

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details:

As in the report

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None directly
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Audit Committee approves the final version

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.
No direct links but important in achieving all the Council's aims.

REPORT DETAILS

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

- 1.1 The purpose of the Code of Corporate Governance is included in the Code itself. This is stated at point 1 of the Introduction to the Code as being:

“The purpose of this Code is to state the importance to the Council of good corporate governance and to set out the Council's commitment to the principles involved.”
- 1.2 The first section of the Code deals with the importance of good corporate governance.
- 1.3 The format of the Code is that the items listed on the left in the table are those items the Council is required to provide evidence for. The Council has no choice about the items in the left hand column.

- 1.4 The version you have attached to this report is slightly amended version from last year's version of the Code. Each year there is a review to update the Code, add or remove items as things change. A major review, as you can see from the Code will be carried out in 2025. However, it is important that annually the Code is reviewed in this way.
- 1.5 The Code was not brought to Standards Committee for consideration before 2022. The Section 151 Officer and I believe that this should happen each year as a part of the monitoring process and that Standards Committee should pass an opinion. The Audit Committee will also consider it as a part of their consideration of the Annual Governance Statement (the AGS). This will be in September 2023 subject to the approval of the Meeting Schedule by Council on 31 July 2023.

2. Details of Proposal or Information

- 2.1 The draft Code as modified is attached and covers all aspects of the governance framework.
- 2.2 Any comments from the Standards Committee will be passed on to the Audit Committee at the September meeting.

3 Reasons for Recommendation

- 3.1 In order that Standards Committee may give an opinion on the contents of the Code.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternatives. It is appropriate that the Standards Committee consider the draft Code of Corporate Governance.
- 4.2 Standards Committee considering the contents of the Code of Corporate Governance in advance of its approval is good practice.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Code of Corporate Governance
Background Papers (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)	
None	



North East Derbyshire District Council

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

CORPORATE GOVERNANCE CODE

NORTH EAST DERBYSHIRE DISTRICT: GOVERNANCE CODE

INTRODUCTION

1. The purpose of this Code is to state the importance to the Council of good corporate governance and to set out the Council's commitment to the principles involved.
2. The Code is based on guidance to all UK local authorities.
3. It is intended that the Code is included in the Council's Constitution as an appendix. It therefore applies to all Members and employees of the Council and also to any individuals or bodies authorised to act on its behalf.
4. How the effectiveness of the Code is reviewed is set out in Section 4.
5. The Code will be reviewed in its entirety by no later than 31 March 2025, but minor reviews and updates will be made annually as required.

Approved by:

Director of Finance and Resources and section 151 Officer
Assistant Director of Governance and Monitoring Officer

xx yyyy 2023

CONTENTS

SECTION 1: THE IMPORTANCE OF GOOD CORPORATE GOVERNANCE...	4
SECTION 2: THE BASIS OF THIS CODE	... 5
SECTION 3: COMMITMENTS TO GOVERNANCE PRINCIPLES	... 6
Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.	... 6
Principle B: Ensuring openness and comprehensive stakeholder engagement.	9
Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits	... 12
Principle D: Determining the interventions necessary to optimise the achievement of intended outcomes	... 14
Principle E: Developing the Council's capacity, including the capability of its leadership and the individuals within it	... 16
Principle F: Managing risks and performance through robust internal control and strong public financial management.	... 19
Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability	... 22
SECTION 4: HOW CORPORATE GOVERNANCE IS REVIEWED	... 24
APPENDIX A	... 25

SECTION 1: THE IMPORTANCE OF GOOD CORPORATE GOVERNANCE

1.1. Corporate Governance refers to the processes by which organisations such as the Council are directed, controlled, led and held to account. It is also about culture and values - the way that Councillors (Members) and employees think and act. In summary, if management is about running the Council, corporate governance is about seeing that it is run properly.

1.2. The Council is a complex organisation which affects all who live and work in North East Derbyshire District Council's area and businesses and organisations that are based here. It is therefore essential that there is confidence in our corporate governance, and the Council must therefore ensure that:

- as a democratic body, we engage with and account to our citizens and stakeholders effectively;
- we conduct our business in accordance with the law and to proper standards;
- public money is properly accounted for and is used economically, efficiently and effectively;
- controls are proportionate to risk so as not to impede performance;
- we continuously improve the way in which we function, in terms of effectiveness, quality, service availability, fairness, sustainability and innovation; and
- we fulfil our purpose and meet our priorities as set out in the Council Plan.

1.3. The Council is therefore committed to good corporate governance and to doing the right things in the right way for the right people in a way which is timely, inclusive, open, honest and accountable. This Code sets out that commitment and how we evidence it.

1.4. This commitment includes improving governance on a continuing basis across the Council as a whole, through a process of evaluation and review. This is detailed further in Section 4.

SECTION 2: THE BASIS OF THIS CODE

2.1 This Code is based on guidance provided to all UK local authorities which are centred on seven Core Principles, designed to underpin the governance arrangements of all public sector bodies.

1 Delivering Good Governance in Local Government Framework 2016, issued jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE).

2 From the International Framework: Good Governance in the Public Sector (CIPFA/International Federation of Accountants, 2014)

2.2 These Core Principles are as follows:

A Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

B Ensuring openness and comprehensive stakeholder engagement

C Defining outcomes in terms of sustainable economic, social, and environmental benefits

D Determining the interventions necessary to optimise the achievement of the intended outcomes

E Developing the entity's capacity, including the capability of its leadership and the individuals within it

F Managing risks and performance through robust internal control and strong public financial management

G Implementing good practices in transparency, reporting, and audit to deliver effective accountability

2.3 Core Principles A and B are fundamental to the application of the other principles. Further good governance requires all of the principles to be met and through a dynamic approach, good governance can be achieved.

2.4 This Code sets out our commitment to all seven of the Core Principles shown above and to the various elements of our governance framework, the policies, strategies and processes - which help us to ensure that the principles are met (Section 3).

2.6 Since effective Corporate Governance relies on the way that Councillors (Members) and employees think and act, the Code also recognises the importance of the seven "Principles of Public Life" (the Nolan Principles) which are the basis of the ethical standards expected of public office holders (Appendix A). These support the seven Core Principles of this Code which in turn underpin the Council's approach to planning fair, effective and sustainable services and its responsibilities for sustainable development.

SECTION 3: COMMITMENTS TO GOVERNANCE PRINCIPLES

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

The Council is accountable not only for how much it spends, but also for how we use the resources under our stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes we have achieved. In addition, we have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, we can demonstrate the appropriateness of all our actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

To support Principle A, the Council is committed to:

Behaving with integrity	What is in place to support this?
<p>A1. Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the Council</p> <p>A2. Ensuring members take the lead in establishing specific standard operating principles or values for the Council and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)</p> <p>A3. Leading by example and using these standard operating principles or values as a framework for decision making and other actions</p> <p>A4. Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</p>	<ul style="list-style-type: none">• Agreed Values in the Constitution.• Organisation Development and Workforce Strategy• Codes of Conduct for Members and employees• Registers of interests, gifts and hospitality on the website.• Induction training for Members and employees• Ongoing training for Members and employees• Members Allowances Scheme• Financial Regulations rules• Contract Procurement rules• Protocol on Planning• Standards and Audit Committees• Anti-Fraud Bribery and Corruption Strategy• Anti-Money Laundering Policy• Whistleblowing Policy• Compliments, Comments and Complaints Procedure• Members Complaints Procedure• Internal Audit Charter• Safeguarding Responsibilities• Health and Safety Policy• Single Equality Plan and review• Transparency around decision making• Member Development Plan

<p>Demonstrating strong commitment to ethical values</p> <p>A5. Seeking to establish, monitor and maintain the Council's ethical standards and performance</p> <p>A6. Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the Council's culture and operation</p> <p>A7. Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p> <p>A8. Ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with high ethical standards expected by the Council</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Agreed Values in the Constitution • Organisation Development and Workforce Strategy • Codes of Conduct for Members and employees • Registers of interests, gifts and hospitality on the website • Financial Regulations rules • Contract Procurement rules • Protocol on Planning • Protocol on Gifts and Hospitality • Protocol for Councillors representing the Council on outside bodies. • Induction training for members and employees • Ongoing training for Members and officers • Regular governance awareness raising for employees • Planning Principles • Procurement Strategy • Partnership & collaborative working arrangements
---	--

<p>Respecting the rule of law</p> <p>A9. Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</p> <p>A10. Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p> <p>A11. Striving to optimise the use of the full powers available for the benefit of</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Key statutory responsibilities set out in the Council's Constitution • Compliance with CIPFA Statement of the "Role of the Chief Financial Officer in Local Government) • Protocol on Member/Officer relations (Constitution) • Officer Job Descriptions • Regular governance awareness raising for employees
--	---

<p>citizens, communities and other stakeholders</p> <p>A12. Dealing with breaches of legal and regulatory provisions effectively</p> <p>A13. Ensuring corruption and misuse of power are dealt with effectively</p>	<ul style="list-style-type: none"> • Report template requires assessment of legal and financial issues including powers • Standards Committee • Audit Committee • Anti-Fraud Bribery and Corruption Strategy • Anti-Money Laundering Policy • Whistleblowing Procedure • Complaints Procedure • General Data Protection Regulation guidance • Governance Codes of Practice • Disciplinary Procedures • Corporate Enforcement Officers Group • Planning's Local Enforcement Plan for dealing with breaches of planning • Corporate Enforcement Policy • Delegation Scheme in the Constitution
---	--

Principle B. Ensuring openness and comprehensive stakeholder engagement

Local government is run for the public good, and organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

To support Principle B, the Council is committed to:

Openness	What is in place to support this?
<p>B1. Ensuring an open culture through demonstrating, documenting and communicating our commitment to openness</p> <p>B2. Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p> <p>B3. Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</p> <p>B4. Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action</p>	<ul style="list-style-type: none">• Constitution• Procurement Strategy• Contract Procedure Rules• Whistleblowing Procedure.• Council Plan• External audit and inspection reports• Directory of published information.• Online Council Tax information• Reporting and publishing & distribution timetables• Delegation of Powers Scheme• Meetings open to public• Agendas and Minutes• Webcasting page• Codes of Conduct for Members and employees• Public Participation in Council and Planning meetings• Webcasting Meetings and library of Meeting recordings• Publishing of Delegated Decisions• Nedi News and other communications including on Social Media• Council tax leaflet

<p>Engaging comprehensively with institutional stakeholders</p> <p>B5. Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</p> <p>B6. Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</p> <p>B7. Ensuring that partnerships are based on trust, a shared commitment to change and a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Consultation and Engagement Strategy • Current consultations • Complaints Procedure • Partnership & collaborative working arrangements • Clear terms of reference for partnerships and other arrangements. • Clay Cross Town Board
--	---

<p>Engaging stakeholders effectively, including individual citizens and service users</p> <p>B8. A clear policy on the type of issues that the Council will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service provision is contributing towards the achievement of intended outcomes</p> <p>B9. Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</p> <p>B10. Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Consultation and Engagement Strategy • Medium Term Financial Plan • Planning Principles • Complaints Procedure (and compliments) • Employee survey • Use of social media for communicating matters • Partnership with partners both public, private and the Community and Voluntary sector infrastructure provider • Partnership with RHL for the management of the Council's social housing • Petition Scheme • Public consultation – for example on regeneration proposals for
--	---

<p>B11. Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account</p> <p>B12. Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</p> <p>B13. Taking account of the interests of future generations of tax payers and service users</p>	<p>town centres and Community Governance Reviews</p> <ul style="list-style-type: none"> • Ability for members of the public to ask questions at Council. • Meet the Council events
--	--

Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the authority's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

To support Principle C, the Council is committed to:

<p>Defining outcomes</p> <p>C1. Having a clear vision which is an agreed formal statement of the Council's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the Council's overall strategy, planning and other decisions</p> <p>C2. Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</p> <p>C3. Delivering defined outcomes on a sustainable basis within the resources that will be available</p> <p>C4. Identifying and managing risks to the achievement of outcomes</p> <p>C5. Managing service users expectations effectively with regard to determining priorities and making the best use of the resources available.</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Council Plan Planning Principles • Local Plan • Consultation and Engagement Strategy • Medium Term Financial Plan • Half-yearly performance reports to the Cabinet • Risk Management Strategy • Report template for reports to Council meetings
<p>Sustainable economic, social and environmental benefits</p> <p>C6. Considering and balancing the combined economic, social and environmental impact of policies, plans</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Medium Term Financial Plan • Budget consultation exercises • Risk Management Strategy • Council Plan Planning Principles

<p>and decisions when taking decisions about service provision</p> <p>C7. Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council's intended outcomes and short-term factors such as the political cycle or financial constraints</p> <p>C8. Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</p> <p>C9. Ensuring fair access to services</p>	<ul style="list-style-type: none"> • Local Plan • Procurement Strategy • Member workshops • Strategic Equality Plan • Equality Impact Assessments • Customer Focus Strategy • ICT & Digital Strategy
--	---

Principle D: Determining the interventions necessary to optimise the achievement of intended outcomes

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised

To support Principle D, the Council is committed to:

<p>Determining necessary interventions</p> <p>D1. Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided.</p> <p>D2. Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Council Plan • Reporting requirements for Full Council and Cabinet in the report template including requirement for statutory officers' input • Decision making Principles (Constitution) • Scrutiny committees and support • Risk Management Strategy • Consultation and Engagement Strategy • Medium Term Financial Plan • Senior Management Structure (SMT) • SOD (Strategic Officers and Directors) • Leadership • Officer Delegation Scheme • Calendar of meetings • Pre-meetings • The Forward Plan • Corporate complaints process
<p>Planning interventions</p> <p>D3. Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets</p> <p>D4. Engaging with internal and external stakeholders in determining how services</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Council Plan • Reporting and publishing & distribution timetables • Consultation and Engagement Strategy • Medium Term Financial Plan

<p>and other courses of action should be planned and delivered</p> <p>D5. Considering and monitoring risks facing each partner when working collaboratively including shared risks</p> <p>D6. Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances</p>	<ul style="list-style-type: none"> • Partnership & collaborative working arrangements • SMT • SOD • Leadership • Half-yearly performance reports to the Cabinet • Budget and Policy Framework Procedure Rules • Budget Monitoring & Control Procedures • Council Procedure Rules • Financial Regulations • Contract Procedure Rules • Senior Management Structure • Regular Portfolio Holder meetings
---	---

Principle E: Developing the Council's capacity, including the capability of its leadership and the individuals within it

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole.

Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members. Leadership in local government entities is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity.

To support Principle E, the Council is committed to:

Developing Capacity E1. Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources. E2. Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness, E3. Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the Council's resources are allocated so that outcomes are achieved effectively and efficiently, E4. Recognising the benefits	What is in place to support this? <ul style="list-style-type: none">• Talent Pipeline and One Team• Scrutiny Committees and support• Senior Management Structure• Reviews commissioned by Senior Management• External audit and inspection reports• Partnership & collaborative working arrangements• Corporate Land and Buildings Strategy• Employee Celebratory Awards• Internal Audit reports• Review of structures by Senior Officers• Learning and Development function
Developing the capability of the leadership and other individuals E5. Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the	What is in place to support this? <ul style="list-style-type: none">• Constitution• Protocol on Member/Officer relations (Constitution)

<p>relationship and that a shared understanding of roles and objectives is maintained</p> <p>E6. Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</p> <p>E7. Ensuring the leader and the senior management team have clearly defined and distinctive leadership roles within a structure, whereby the senior management team leads the authority in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority</p> <p>E8. Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the Council to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged, ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis, ensuring personal, organisation and system-wide development through shared learning, including lessons learnt from both internal and external governance weaknesses</p> <p>E9. Ensuring that there are structures in place to encourage public participation</p> <p>E10. Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to</p>	<ul style="list-style-type: none"> • Regular meetings between Strategic Leadership Team and Lead Members • Delegation Scheme and Terms of Reference of Committees • Financial Regulation • Contract Procedure Rules • Regular publication of Forward Plan. • Learning and Development function • Member Development Working Group and programme of training • Performance Review and Development Process • Consultation and Engagement Strategy • Organisation Development and Workforce Strategy • Workforce Policies • Codes of Conduct for Members and employees • Internal Communications • Health and Safety Policy • Corporate Health Standard • HR Policies • Appraisals • Member Inductions and midterm Member Induction refresh • Employee training • Petition Scheme • Consultation events on specific projects
---	--

<p>constructive feedback from peer review and inspections</p> <p>E11.Holding staff to account through regular performance reviews which take account of training or development needs</p>	
---	--

Principle F: Managing risks and performance through robust internal control and strong public financial management

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability. It is also essential that a culture and structure for scrutiny is in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

To support Principle F, the Council is committed to:

<p>Managing Risk</p> <p>F1. Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</p> <p>F2. Implementing robust and integrated risk management arrangements and ensuring they are working effectively</p> <p>F3. Ensuring that responsibilities for managing individual risks are clearly allocated</p>	<p>What is in place to support this ?</p> <ul style="list-style-type: none"> • Risk management group • Risk Management Strategy, Risk and Control Registers and Internal / External audit coverage of risk management • Audit Committee • Partnership and Collaborative Working arrangements • Reporting requirements for Full Council and Cabinet • Service Continuity arrangements • Annual review of Constitution
<p>Managing Performance</p> <p>F4. Monitoring service delivery effectively including planning, specification, execution and independent post-implementation review</p> <p>F5. Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council's financial, social and environmental position and outlook</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Council Plan • Service Plans and service planning guidance • Procurement Strategy • Quarterly performance reports to the Performance Management group, Audit Committee and Cabinet • Forward Work Programmes

<p>F6. Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made, thereby enhancing the Council's performance and that of any organisation for which it is responsible</p> <p>F7. Providing members and senior management with regular reports on progress towards outcome achievement.</p> <p>F8. Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)</p>	<ul style="list-style-type: none"> • Reporting and publishing & distribution timetables • Scrutiny committees and support • Scrutiny reviews • Report template • Report screening (Full Council and Cabinet) • Member Development • Financial Regulations • Budget and Policy Framework Procedure Rules • Budget Monitoring & Control Procedures • Budget – Medium Term Financial Plan • Annual Statement of Accounts • Portfolio Holder briefings and trackers • Leadership meetings
--	--

<p>Robust Internal Control</p> <p>F9.Aligning the risk management strategy and policies on internal control with achieving objectives</p> <p>F10.Evaluating and monitoring risk management and internal control on a regular basis</p> <p>F11.Ensuring effective counter fraud and anti-corruption arrangements are in place</p> <p>F12.Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</p> <p>F13.Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment and that its</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Risk Management Strategy • Principal Risk Register • Heads of Departments Internal Control Assurances • Internal Audit Charter (inc Annual Plan) • Audit Committee Terms of Ref (Constitution) • Audit Committee effectiveness surveys and training • Financial Regulations • Contract Procurement Rules • Counter Fraud Policy & Procedures • Anti-Money Laundering Strategy • Annual Governance Statement & Action Plan • Head of Internal Audit's Annual Report • Audit Committee Chair's Annual Report to Cabinet and Council • Identification of Assurance Gaps • Standards Committee
---	--

recommendations are listened to and acted upon	
--	--

<p>Managing Data</p> <p>F14.Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data</p> <p>F15.Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</p> <p>F16.Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</p>	<p>What is in place to support this ?</p> <ul style="list-style-type: none"> • General Data Protection Regulation guidance • Appointment of qualified Data Protection Officer • GDPR clauses in contracts • Freedom of Information guidance • Information Management Strategy and Action Plan • Acceptable Use of ICT Facilities • ICT Security Policy and Guidelines • Secure Data Transfer Standards and Procedures • Information Security Policy • Records Management Policy • Corporate Records Retention Scheme • Regular data protection training • Appointment and training of Senior Responsible Officer (SRO) and the Senior Risk Information Officer (SIRO)
---	---

<p>Strong public financial management</p> <p>F17.Ensuring financial management supports both long-term achievement of outcomes and short-term financial and operational performance</p> <p>F18.Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Regular Budget monitoring • Annual Governance Statement • External Audit reports • Report template requiring (amongst others) Section 151 Officer input
--	--

Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

To support Principle G, the Council is committed to:

<p>Implementing good practice in transparency</p> <p>G1. Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</p> <p>G2. Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none">• Report template which requires that the statutory officers review the report and the involvement of the Portfolio Holder and that reasons are given for the recommendations• Report screening (Full Council and Cabinet)• Website including summary and easy-to-read reports• Compliance with access requirements• Use of Mod. Gov to record all open reports (in advance) and minutes on the website.• Streaming of some meetings
<p>Implementing good practice in reporting</p> <p>G3. Reporting at least annually on performance, value for money and the stewardship of resources</p> <p>G4. Ensuring owners and senior management own the results</p> <p>G5. Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none">• Quarterly reporting of performance• Annual Governance Statement and Action Plan• Risk Management Strategy• Risk and Control Registers• Annual Statement of Accounts• Consideration of performance by Senior Management Team• Annual Standards and Scrutiny reports to Council

<p>governance (annual governance statement)</p> <p>G6. Ensuring that the Framework is applied to jointly managed or shared service organisations as appropriate</p>	
<p>Assurance and effective accountability</p> <p>G8. Ensuring that recommendations for corrective action made by external audit are acted upon</p> <p>G9. Ensuring an effective internal audit service with direct access to members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon</p> <p>G10. Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</p> <p>G11. Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</p> <p>G12. Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met</p>	<p>What is in place to support this?</p> <ul style="list-style-type: none"> • Audit Committee Terms of Reference (Constitution) • Regular reporting of progress on implementing audit recommendations to Audit Committee and Senior Management Team • External audit and inspection reports • Internal Audit Charter • Head of Internal Audit's Annual Report • Internal Audit self-assessment and compliance with Public Sector Internal Audit Standards • Partnership and collaborative working arrangements • Annual review of Constitution

SECTION 4: HOW CORPORATE GOVERNANCE IS REVIEWED

1. The Leader and Senior Management Team are required to ensure that each year, a review is undertaken to measure the extent to which the Council as a whole has met the requirements of this Code.
2. The results of the review are included in the Annual Governance Statement which is published with the Annual Statement of Accounts.
3. Where the review reveals possible gaps or weaknesses, action is agreed to ensure effective governance in future. Agreed action is monitored for implementation.
4. Where necessary, this Code will be amended as a result of the annual review, changes in best practice or statutory changes. Minor amendments to wording, titles and to details of 'what is in place' to support the principles (Section 3 above) may be approved by the Director of Finance and Resources and Section 151 Officer but any substantive changes to the Code and the principles will require Audit Committee approval.
5. This code will be renewed no later than 31st March 2025

APPENDIX A.

THE SEVEN PRINCIPLES OF PUBLIC LIFE (THE NOLAN PRINCIPLES)

These apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in:

- the civil service
- local government
- the police
- the courts and probation services
- non-departmental public bodies
- health, education, social and care services.

1. Selflessness

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

2. 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 declare and resolve any interests and relationships.

3. Objectivity

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

4. 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.

5. 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.

6. Honesty

Holders of public office should be truthful.

7. 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.

North East Derbyshire District Council

Standards Committee

27 July 2023

Parish Council Representatives on Standards Committee

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

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer sarah.sternberg@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To raise the issue of the recruitment of new Parish Council representatives to the Standards Committee

RECOMMENDATIONS

1. That Members decide if the two Parish Council representatives should be selected in the following way:
 - a) each Parish Council is asked if they wish to put forward a Member of the Parish Council as a Parish Council representative.
 - b) the Chairman of Standards Committee be asked to pick two names from a ballot box as the representatives of the Parish Councils on the Standards Committee
 - c) that the representatives are appointed until May 2027.
2. That the Constitutional changes be recommended to Council for approval.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☐

No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐

No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	None Details:

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

None

REPORT DETAILS

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

- 1.1 The Standards Committee under the previous administration include two Parish Councillors as representatives of the Parish Councils on the Committee. The

two representatives had no right to vote, but could speak and offer an opinion from a Parish Council's point of view.

- 1.2 The Parish Council representatives were selected by an election conducted amongst the Parish Councils. Parish Councillors put themselves forward as individuals. This resulted in the two Parish Councillors coming from the same Parish Council.
- 1.3 During the consideration of the Constitution, the Members of the previous Standards Committee meeting as a working party, considered this situation. Initially they decided that the Parish Council representatives would no longer be sought. On further reflection, the Members decided that provided it could be ensured that the two Parish Council representatives came from different Parish Councils, there should continue to be two Parish Council representatives on the Standards Committee.
- 1.4 This report proposes new arrangements for selecting Parish Council Members on the Standards Committee.

2. Details of Proposal or Information

- 2.1 The running of an election amongst the Parish Councils, as said above, has resulted in both Parish Councils representatives coming from the same Parish Council.
- 2.2 To avoid this happening an alternative way of selecting the representatives would be to ask each Parish Council to submit a nomination. The selection would then be by someone (the Chair) picking the successful candidates from a ballot box.
- 2.3 Whilst this does not give all Parish Councillors a vote, it does ensure that each Council can put forward a nomination. This means the process is as inclusive as possible. There would have to be sufficient time for all Parish Councils to meet and make their nominations following the August recess.
- 2.4 If Members are wishing to pursue this route, it would have to be a recommendation to Council to change the Terms of Reference to this Committee. These explicitly state that the two representatives should be elected.
- 2.5 Members may wish to consider whether there should be any consultation on the mechanism with the Parish and Town Councils.
- 2.6 Members are also asked to propose any suggestions that they have for how to select the Parish Council representatives for consideration by Committee.

3 Reasons for Recommendation

- 3.1 To ensure that the two Parish Council representatives come from different Parish and Town Councils.

4 **Alternative Options and Reasons for Rejection**

- 4.1 To continue with the existing election process. This would not ensure that the representatives came from different Parish or Town Councils.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (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)	
None	

North East Derbyshire District Council

Standards Committee

27 July 2023

Review of the Constitution – Speaking at Planning Committee

Report of the Assistant Director Governance & Monitoring Officer

Classification: This report is public

Report By: Asher Bond

Contact Officer: Asher Bond, Governance Officer 01246 21 7375
Asher.bond@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To commence a review of the issue of whether the number of speakers at Planning Committee should be restricted to a maximum number.

RECOMMENDATIONS

1. That following from Annual Council's consideration of the proposed Constitution, Standards Committee reconsider section 16.1 and recommend to Full Council whether it would be appropriate to impose limits on the number of speakers at meetings of Planning Committee.
2. Should Standards Committee require more information, that the extra information required is outlined.
3. That Standards Committee decide whether they want Planning Committee's views before making a decision.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details: As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	not applicable Details:

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.
Delivering high quality services

REPORT DETAILS

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

- 1.1 One of the main functions of the Standards Committee is to undertake an annual review of the Council's Constitution. Standards Committee is then responsible for highlighting any areas of concern and agreeing specific changes to Annual Council for adoption.
- 1.2 The proposed Constitution of the Council was brought to Annual Council on 22 May 2023 for approval. Council raised concerns over the proposed changes to 16.1 of the Constitution, which would limit the number of speakers at Planning Committee.

- 1.3 Annual Council voted to refer Section 16.1 of the Constitution back to Standards Committee for a review of the issue.

2. Details of Proposal or Information

- 2.1 A number of local authorities impose some form of limit on the number of speakers allowed at Planning Committee meetings, this ranges from one or two in support and one or two against, to imposing a time limit for public participation at the meeting.

- 2.2 Details on the restrictions imposed by other authorities is included below:

- Chesterfield Borough Council, Mansfield District Council: Two speakers for and two speakers against for each application. Chesterfield sets a limit of 3 minutes per person. The limit at Mansfield is 4 minutes;
- Amber Valley Borough Council, Ashfield District Council, Bassetlaw District Council, Broxtowe District Council, South Derbyshire District Council, High Peak Borough Council and Ruschcliffe Borough Council: One speaker for and one speaker against for each application – all allow 3 minutes per speaker except Ashfield and Ruschcliffe which allow 5 minutes per speaker;
- Derbyshire Dales District Council: No limit on the number of speakers, but public participation is limited to one hour per meeting. This often means that they have to impose limits on the number of speakers or the length each person can speak for;
- Erewash and Bolsover: No limit;
- Gedling: 3 minutes per speaker and if more than 1 objector or supporter then that 3 minutes divided between them (Chair's discretion to extend);
- Newark and Sherwood – no speakers either for or against- local Member and Parish rep only

- 2.3 In those cases where members of the public can address the committee, often the number of speakers is ultimately in the discretion of the Chair, who can override limits and allow more speakers if they feel it was necessary.

- 2.4 Other local authorities that are not currently imposing limits, such as Derbyshire Dales District Council, were considering introducing them as meetings featuring a large quantity of speakers had led to lengthy meetings.

- 2.5 Imposing limitations on the number of speakers would prevent lengthy meetings and would decrease the likelihood of speakers repeating the same arguments multiple times. However, it would also decrease public representation and limit public participation in Council business at the Planning Committee meeting. There is and cannot be any restriction on the number of written representations

submitted. All the material Planning considerations made in these submissions must be dealt with in the Planning Officer's report on the application.

- 2.6 Imposing a limit on the number of speakers does not breach the rules of Natural Justice or Human Rights legislation. This may well be argued by anyone who is dissatisfied with the approach. However, everyone has the right to submit formal written comments and objections on a planning application and so everyone gets an opportunity to make their points without restriction. Speaking at Planning Committee is not for introducing new points over and above what has been put in written comments.
- 2.7 The Council could extend the time allotted to individual speakers to 5 minutes from the current 3. This means we would still be allowing more people to speak than the majority of Councils in Notts and Derbyshire and also for longer.

3 Reasons for Recommendation

- 3.1 So that the Council is in a position to carry out its Planning role in relation to planning applications efficiently but fairly.

4 Alternative Options and Reasons for Rejection

- 4.1 None. The alternative is not to review this which would be against the Council's decision.

DOCUMENT INFORMATION

Appendix No	Title
None	
Background Papers (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)	
The Speaking at Planning Committee guidance	

North East Derbyshire District Council

Standards Committee

27 July 2023

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

Contact Officer: Asher Bond, Governance Officer
asher.bond@ne-derbyshire.gov.uk

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.

RECOMMENDATIONS

That the Standards Committee notes the complaints update.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒
Details:

On Behalf of the Section 151 Officer

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

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

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

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 Since the last update was brought to Committee in April, seven new complaints have been opened and four complaints have been closed. There are currently a total of ten ongoing complaints.
- 2.2 Three complaints were closed because the subject Member of the complaints was no longer a Member of the relevant Council and it would not have been in the public interest to continue to pursue the complaint.

One complaint was found to have breached the Code of Conduct and this was handled by the police.

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

Appendix No	Title
1	Complaint Update Report
Background Papers (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

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
27/09/22 7/2022	<p>Being able to undertake your role as a Councillor without intimidation, abuse, bullying or threat</p> <p>Being treated fairly, equally and with respect, leading by example and securing public confidence</p> <p>Treating others with respect</p> <p>Bullying, harassment and intimidation</p>	Killamarsh Parish Council	No	The subject of the Complaint is no longer a Member of the Council in question so it would not be in the public interest to continue to pursue this complaint.
05/01/23 01/2023	Failure to declare an interest.	NEDDC	Minor breach	The matter was dealt with by the Police
16.03.23 03/2023	Being treated fairly, equally and with respect, leading by example and securing public confidence	Killamarsh Parish Council	No	The subject of the Complaint is no longer a Member of the Council in question so it would not be in the public interest to continue to pursue this complaint.
25.04.23	Being treated fairly, equally and with respect, leading by	NEDDC	No	The subject of the Complaint is no longer a Member of the Council

NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

08/2023	example and securing public confidence Ignoring correspondence			in question so it would not be in the public interest to continue to pursue this complaint.
----------------	--	--	--	--

Complaint Received

In writing, complainants name/address, who they are, who the complaint is about, details of the alleged misconduct (dates, other people present, supporting evidence).

Initial assessment - 2 stage test completed in 15WD

Can we?

Should we?

Acknowledgement (Ltr 1) sent to complainant setting out the process, confirming that the subject member will be notified unless there are compelling reasons why they shouldn't and confirm timescales. Notification (Ltr 2) sent to subject member of complaint and invite them to comment giving 10 WD.

Notification (Ltr 3) to be sent to the clerk requesting minutes from the meeting in question (if appropriate) and inviting comment on the complaint giving 10 WD

*Seek view of IP on one of the available outcomes (see below) within 5 WD of receiving comment from subject member and clerk (they should have responded within 10 WD of Ltr 2 and 3 being sent)

NFA

Ltr 4 sent to all parties providing reasons for the decision

Informal Resolution

Give details and invite comment.
Restate allegation
No finding of facts

Formal Investigation

Final letter (Ltr 5)

sets out what the resolution is and when it should be completed by – no finding of fact

Informal Resolution
Consult IP first*

Hearing

If informal resolution not complied with, consult with the IP.

Report to Standards