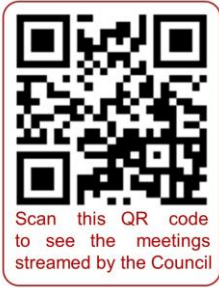


# Public Document Pack



**North East  
Derbyshire  
District Council**

Our Ref: AB/AJD  
Contact: Asher Bond  
Tel: 01246 217375  
Email: [Asher.bond@ne-derbyshire.gov.uk](mailto:Asher.bond@ne-derbyshire.gov.uk)  
Date: Tuesday, 19 September 2023

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 27 September 2023 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely



**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**

# **AGENDA**

**1 Apologies for Absence**

**2 Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item in the agenda and withdraw from the meeting at the appropriate time.

**3 Minutes of Last Meeting (Pages 4 - 7)**

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 27 July 2023.

**4 Progress on Planning Committee Speakers - NOW PUBLISHED (Pages 8 - 13)**

Report of the Assistant Director of Governance and Monitoring Officer.

**5 Annual Review Letter 2022-23 (Pages 14 - 24)**

Report of the Assistant Director of Communities.

**6 The 2023-24 Review of the Constitution - NOW PUBLISHED (Pages 25 - 28)**

Report of the Assistant Director of Governance and Monitoring Officer.

**7 Complaints Update (Pages 29 - 34)**

Report of the Assistant Director of Governance and Monitoring Officer.

**8 Work Plan (Page 35)**

Report of the Assistant Director of Governance and Monitoring Officer.

**9 Urgent Business**

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

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## **Access for All statement**

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- **Phone** - [01246 231111](tel:01246231111)
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- **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 THURSDAY, 27 JULY 2023

#### **Present:**

Councillor Kevin Gillott (Chair) (in the Chair)  
Councillor Helen Wetherall (Vice-Chair)

Councillor Pat Antcliff  
Councillor Fran Petersen

Councillor Pat Kerry  
Councillor Kathy Rouse

#### **Also Present:**

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

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

1/23-  
24

An apology for absence had been received from Councillor C Cupit.

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

2/23-  
24

There were no declarations of interest.

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

3/23-  
24

RESOLVED – That the Minutes of the Standards Committee meeting held on 19 April 2023 be noted.

#### **STA/ Change of Order of Agenda Items**

4/23-  
24

The Chair, in agreement with other Members of the Committee, changed the order of the agenda items as set out within these Minutes.

#### **STA/ Review of the Constitution - Speaking at Planning Committee**

5/23-  
24

The Assistant Director Planning introduced the report on the Review of the Constitution. The report gave information so that Members could consider whether to impose limits on the number of speakers at Planning Committee.

The Assistant Director explained that a reduction in the number of speakers would not hinder debate or reduce representation as applications would still receive representations and comments from residents. Placing a limit on the number of speakers would prevent meetings from overrunning and ultimately the Chair would hold discretion and the flexibility to exercise their judgement on how many people could speak when appropriate.

Members discussed the report at length. Key aspects of their discussion included the average number of speakers that attended meetings of the

Planning Committee, ways in which the speakers could organise themselves in order to reflect all residents' viewpoints and, the importance of acting fairly towards residents and the community.

Committee considered that ward Members should retain the ability to speak on an application irrespective of other limitations on the number of speakers.

Members agreed that, aside from ward Members, the number of speakers should be limited to a maximum of three for and three against the application as a general rule.

Members were in agreement that Planning Committee should retain the power to regulate itself on the day of the meeting and that ultimately any restrictions could be altered at the Chair's discretion.

**RESOLVED** –

- (1) That following from Annual Council's consideration of the proposed Constitution, Standards Committee reconsidered section 16.1 and recommended to Full Council that it would be appropriate to impose limits on the number of speakers at meetings of Planning Committee.
- (2) That the following be recommended to Full Council:
  - a. That Ward Members should retain the ability to speak on an application irrespective of any other limitations placed on the number of speakers.
  - b. That, aside from Ward Members, the number of speakers should be limited to a maximum of three for and three against the application.
  - c. That speakers should continue to be permitted to speak for up to a maximum of three minutes each.

**STA/ Values in the Constitution**

**6/23-  
24**

Members received a report which introduced a fifth value into the Constitution. The proposed additional value was intended to represent the view of the new Administration that the Council's business should be dealt with as openly and transparently as possible by: *Being Collaborative, open and transparent*.

They heard that the report would be voted on for approval at the next meeting of Council.

Committee considered that the introduction of the new value would be a positive benefit for the Council as a whole.

**RESOLVED** – That Council be recommended to approve the addition of the fifth value to the Constitution.

**STA/ Scrutiny Terms of Reference**

**7/23-  
24**

Members considered the draft Terms of Reference and Scrutiny Protocol.

Committee considered that the Terms of Reference could have included more information on community safety but noted that the Scrutiny Committees themselves had approved the documents.

RESOLVED – 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.

**STA/  
8/23-  
24**

**Code of Corporate Governance**

Committee was presented with the 2023 Code of Corporate Governance. This formed part of the Annual Governance Statement. Members were made aware that a major review of the Code would be carried out in 2025.

RESOLVED – That:

- (1) Members considered and commented upon the Code of Corporate Governance.
- (2) Any comments are passed to the Audit Committee for inclusion in the Code of Corporate Governance which accompanies the Annual Governance Statement.

**STA/  
9/23-  
24**

**Parish Council Representatives on Standards Committee**

Members discussed recruitment of new Parish Council representatives to the Committee.

An alternative method for selecting the representatives was proposed in order to prevent them both being from the same Parish Council.

Committee discussed the report in detail. They considered that the selection methods should be re-visited in future in order to improve the selection process.

Members considered that the selected Parish Representatives should have staggered end times so that the first representative would remain in post until 2027 and the later till 2025.

RESOLVED – That:

- (1) Members decided that the two Parish Council representatives should be selected in the following way:
  - a. Each Parish Council would be 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 first representative selected be appointed until May 2027
  - d. That the second representative selected be appointed until May

- (2) The Constitutional changes be recommended to Council for approval.

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

**10/2**

**3-24**

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

Members heard that seven new complaints had been opened and four complaints had been closed. There was a total of ten ongoing complaints.

Committee heard that three complaints had been 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 these.

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

Members discussed the report and considered that it would be worthwhile analysing trends and themes within the complaints received over time. Members also discussed the possibility of using the District Parish Liaison meetings as a method for training Parish Clerks to handle complaints at a certain level.

**RESOLVED** – That the Standards Committee noted the complaints update.

**STA/** **Review of the Complaints Procedure**

**11/2**

**3-24**

Members received a draft workflow chart to highlight work that was being undertaken in a review of the complaints procedure.

Members discussed the complaints procedure and considered that feedback from the Parish Councils would be useful. Committee also considered that it should be reported back on whether any resolution to a complaint had been successfully completed.

**RESOLVED** – That Standards Committee noted the update.

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

**12/2**

**3-24**

There was no urgent business.

## North East Derbyshire District Council

### Standards Committee

27 September 2023

#### Review of the Constitution – Speaking at Planning Committee

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

Classification: This report is public

Report By: Sarah Sternberg

Contact Officer: Assistant Director of Governance and Monitoring Officer.

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#### **PURPOSE / SUMMARY**

To set out the proposed changes to the Council's Constitution relating to speaking at Planning Committee.

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#### **RECOMMENDATIONS**

1. That Council be recommended to confirm a revised Section 16.1 of the Members (Councillors) Planning Rules, incorporating the following clarifications and amendments as set out in the report:
  - (a) That Local Ward Members and the Elected Member who has referred an application to Planning Committee should be able to register to speak at Planning Committee, either for or against an application.
  - (b) That a Parish or Town Council which has made a representation on an application should be able to register to speak at Planning Committee, either for or against an application.
  - (c) That a Member of Parliament for the all or part of the North East Derbyshire District should be able to register to speak at Planning Committee, either for or against an application.
  - (d) That the Applicant and the Agent for an application should be able to register to speak at Planning Committee on their application.
  - (e) That three other speakers should be able to register to speak at Planning Committee for an application and three should be able to register to speak against an application on a first come first served basis.



- (f) That the Chair of the Planning Committee be authorised to allow further speakers to address Committee if they feel that this would be appropriate, so that Members can better understand the case for supporting or objecting to the application.
- (g) That the revised Section 16 of the Members (Councillors) Planning Rules, as set out in the report be recommended to Council for its approval at its meeting on 27 November 2023.

## IMPLICATIONS

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**Finance and Risk:**            Yes             No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:** As in the report

On Behalf of the Solicitor to the Council

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**Staffing:**    Yes             No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	not applicable  Details:

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

## REPORT DETAILS

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

1.1 Council determined at its meeting on 22 May 2023 that Section 16.1 - Public Participation at Planning Committee Meetings - of the Planning Members (Councillors) Rules should be referred to the Standards Committee for further consideration. Consequently, this provision was not approved at the Annual Council meeting.

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

2.1 Standards Committee subsequently assessed the arrangements for public participation at Planning Committee at its meeting on 27 July 2023. As part of this assessment, it heard of the approach taken by other local authorities. In particular, Members were informed that:

- Chesterfield Borough Council and Mansfield District Council allow two speakers for and two speakers against for each application. Chesterfield sets a limit of 3 minutes per person.

- Amber Valley Borough Council, Ashfield District Council, Bassetlaw District Council, Broxtowe District Council, South Derbyshire District Council, High Peak Borough Council and Rushcliffe Borough Council all allowed one speaker for and one speaker against for each application.
  - Derbyshire Dales District Council placed no limits on the number of speakers, but public participation is limited to one hour per meeting.
  - Erewash and Bolsover District Councils did not place limits on the number of speakers allowed to address Planning Committee on specific applications.
- 2.3 Committee was informed that in those authorities where members of the public can address Planning Committee, the number who did so was ultimately at the discretion of the Chair. These authorities accepted that the Chair should be able to allow more speakers if they thought that this was necessary. Members felt that this was a sensible approach, which this Council should follow.
- 2.4 Committee was advised that reducing the number of those who could register to speak on Applications would not hinder Members of Planning Committee when determining on specific applications. They would still receive and take into account representations and comments from those who supported and objected to them. They would also still hear the main arguments presented to them at Committee and be able to hear from a range of speakers.
- 2.5 In particular, what became clear during the discussion was that Standards Committee felt that those Elected Members who represent the ward where an application was located or who had called-in the application should always be able to register to speak on it at Planning Committee.
- 2.6 With this in mind, Standards Committee may also wish to make provision for also ensuring that a Parish Council or Town Council as an elected body which has made a representation on an application would also be able to register to speak at Planning Committee.
- 2.7 Although less likely to be taken up, this right could be extended to those Members of Parliament cover the District who wish to speak on a specific application.
- 2.8 It was also apparent that whatever arrangements were put in place would have to allow Applicants and their Agents to speak on their applications as a matter of course.
- 2.9 Committee recognised the importance ensuring that local people should continue to be able to speak at Planning Committee. Members felt that the number could be safely limited to three for an application and three who objected. However, although this limit would be a general rule, Standards Committee felt that it should be applied sensitively, recognising that there may well be circumstances when it would be appropriate to allow more local people to speak on a particular application. This should be determined on a

case-by-case basis by the Chair of the Planning Committee, on the advice of the relevant Governance and Planning Officers.

2.10 The proposed revised text of Section 16.1 of the Members (Councillors) Planning Rules, based on the above, is set out below:

“The Council as Planning Authority has procedures that ensure that where they receive representations from or on behalf of the applicant or from members of the public on a particular application, there is an opportunity for advocates both for and against the proposal to be heard in a balanced manner.

In order to achieve this in an appropriate way, the following Planning Speakers Protocol will be followed.

- (a) A Local Ward Member for the ward where the application is located, the Member who has referred the application to Planning Committee for determination, the Parish or Town Council where the application is located and the Member of Parliament covering that part of the District where the application is located will be able to register to speak on the application.
- (b) The Agent and the Applicant (one applicant in the case of joint applications) will be able to register to speak on the application.
- (c) Three other people will be able to register to speak for the application and three other people will be able to speak in objection to an application. Registration will be on a first come first served basis. Those who register to speak will be asked to consult local supporters or objectors and seek to also reflect their views when they address the Planning Committee
- (d) The Chair of the Planning Committee will consider additional requests to speak on a case-by-case basis and on the advice of the relevant Governance and Planning Officers
- (e) All speakers will have three minutes in which to address the Committee.

### **3 Reasons for Recommendation**

3.1 To propose to Council specific arrangements on Public Speaking at Planning Committee for inclusion in the Constitution.

### **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**

<b>Appendix No</b>	<b>Title</b>
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 September 2023**

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

**Report of the Assistant Director of Communities**

**This report is public**

**Report By: Lee Pepper**

**Contact Officer: Rachael Pope**

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## **PURPOSE / SUMMARY**

To review the Annual Review letter of the Local Government & Social Care Ombudsman (LG&SCO) **Appendix 1** attached to this report.

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## **RECOMMENDATIONS**

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

Approved by the Portfolio Holder

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## **IMPLICATIONS**

**Finance and Risk:**      Yes       No

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

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

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

On behalf of the Section 151 Officer

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

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

On Behalf of the Solicitor to the Council

**Staffing:**                      Yes                       No

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Decision Information</b>	
<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>NEDDC:</b>  <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input checked="" type="checkbox"/></b></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>District Wards Significantly Affected</b></p>	None
<p><b>Consultation:</b>  <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b>  <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b>  <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b></p>	<p>Yes</p> <p>Details:</p>
<p><b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b></p>	
<p>Continually improve Council services to deliver excellence and value for money - Good Governance</p>	

## REPORT DETAILS

### 1 Background

1:1 The Council received its Annual Review letter from the Local Government & Social Care Ombudsman on the 19<sup>th</sup> July 2023. It contains information on how many complaints and enquiries had been referred to the Local Government & Social Care Ombudsman and how many complaints were upheld or referred back for local resolution between 01<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.

1:2 There were 10 complaints and enquiries received in total by the Local Government & Social Care Ombudsman.

To provide context, the Council received 160 complaints in total, this consists of 144 formal complaints and 16 internal reviews during the period between 01<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.

	Ref:	Authority	Category	Decided	Decision
1	21016319	NEDDC	Planning & Development	05/09/2022	UPHELD
2	22000329	NEDDC	Corporate & Other Services	07/04/2022	Referred back for local resolution
3	22001685	NEDDC	Benefits & Tax	26/05/2022	Closed after initial enquiries
4	22003195	NEDDC	Environmental Services & Public Protection & Regulation	24/02/2023	UPHELD
5	22003408	NEDDC	Environmental Services & Public Protection & Regulation	20/03/2023	Not UPHELD
6	22006667	NEDDC	Corporate & Other Services	02/09/2022	Closed after initial enquiries
7	22007758	NEDDC	Planning & Development	08/09/2022	No complaint received
8	22008554	NEDDC	Planning & Development	19/10/2022	Referred back for local resolution
9	22011369	NEDDC	Housing	16/11/2022	Referred back for local resolution
10	22012266	NEDDC	Housing	05/01/2023	Closed after initial enquiries



1.3 From the 10 complaints and enquiries received by the Local Government & Social Care Ombudsman

- 2 complaints were UPHELD by the LG&SCO
- 3 complaints were referred back for local resolution
- 1 complaint was not upheld
- 3 complaints were closed after initial enquiries
- 1 complaint was not received

1.4 The UPHELD complaints and recommendations were as follows:

- Complaint 2106319 was UPHELD by the LG&SCO this relates to a failure by the Council to notify the complainant of a change to the plans submitted for a housing development. There was evidence of fault but on balance the outcome was unlikely to have been different if the fault had not occurred.
  - The Council were ordered to apologise to the complainant in writing.
  - The Council to review why the Council's SCI (Statement of Community Involvement) was not adhered to in this case, carry out briefings or training to ensure the SCI is followed in the future.
- Complaint 22003195 was UPHELD by the LG&SCO this relates to a failure by the Council to establish the planning position and resolve the unauthorised use of land next to the complainant's home causing noise disturbance for longer than was necessary. The LG&SCO found that there was fault causing injustice.
  - The Council were ordered to apologise to the complainant in writing.
  - Ensure that he was kept up to date with how it intends to deal with any further delays by the merchant.
  - Pay the complainant £250.

1.5 This year's performance falls short of previous years where complaints and enquiries were referred to the Local Government & Social Care Ombudsman as 3 were referred back for local resolution 3 were closed after initial enquiries 1 not Upheld and 1 complaint was not received.

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

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

- Deliver mandatory training face to face to suit the audience training is being delivered to. This provides a consistent approach in the way that all officers within the Council effectively deal with all Compliments, Comments and Complaints.

- Ensure all officers dealing with complaints complete quality assurance documentation confirming they have put suitable monitoring arrangements in place as part of our learning from complaints process.
- Arrange for officers that deal with all stages of the complaints process to attend training delivered by the LG&SCO. It is recommended that officers attend training bi-annually. The next training sessions will be held during 2024 dates to be confirmed.
- A review of the Compliments, Comments and Complaints Policy and Procedure takes place every three years the next review is due in 2025.

## DOCUMENT INFORMATION

Appendix No	Title
Appendix A	Letter from the Local Government & Social Care Ombudsman
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

19 July 2023

*By email*

Mr Hickin  
Managing Director  
North East Derbyshire District Council

Dear Mr Hickin

### **Annual Review letter 2022-23**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

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

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

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

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

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

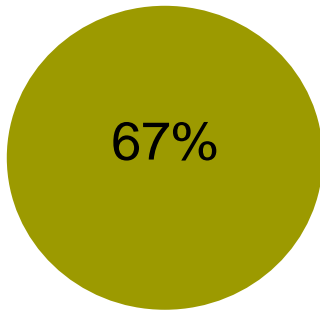
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



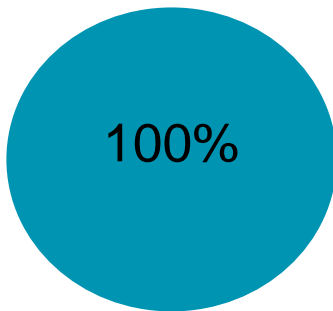
**67%** of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

**2**  
upheld decisions

Statistics are based on a total of **3** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



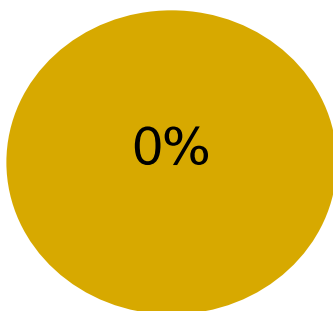
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **2** upheld decisions for the period between 1 April 2022 to 31 March 2023

Reference	Authority	Category	Received
21016319	North East Derbyshire District Council	Planning & Development	17/05/22
22000329	North East Derbyshire District Council	Corporate & Other Services	07/04/22
22001685	North East Derbyshire District Council	Benefits & Tax	10/05/22
22003195	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	09/06/22
22003408	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	10/11/22
22006667	North East Derbyshire District Council	Corporate & Other Services	17/08/22
22007758	North East Derbyshire District Council	Planning & Development	08/09/22
22008554	North East Derbyshire District Council	Planning & Development	26/09/22
22011369	North East Derbyshire District Council	Housing	16/11/22
22012266	North East Derbyshire District Council	Housing	05/12/22

Reference	Authority	Category	Decided Decision		Decision Reason	Remedy	Service improvement recommendations
21016319	North East Derbyshire District Council	Planning & Development	05/09/22	Upheld	fault no inj	Apology,Provide training and/or guidance	The Council should review why its Statement of Community Involvement was not adhered to in this case and carry out any relevant briefings or training that is required to ensure the SCI is followed in future.
22000329	North East Derbyshire District Council	Corporate & Other Services	07/04/22	Referred back for local resolution	Premature Decision - advice given		
22001685	North East Derbyshire District Council	Benefits & Tax	26/05/22	Closed after initial enquiries	26B(2) not made in 12 months		
22003195	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	24/02/23	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble	
22003408	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	20/03/23	Not Upheld	no fault		
22006667	North East Derbyshire District Council	Corporate & Other Services	02/09/22	Closed after initial enquiries	Not warranted by alleged fault		
22007758	North East Derbyshire District Council	Planning & Development	08/09/22	Incomplete/Invalid	Insufficient information to proceed and PA advised		
22008554	North East Derbyshire District Council	Planning & Development	19/10/22	Referred back for local resolution	Premature Decision - referred to Organisation		
22011369	North East Derbyshire District Council	Housing	16/11/22	Referred back for local resolution	Premature Decision - advice given		
22012266	North East Derbyshire District Council	Housing	05/01/23	Closed after initial enquiries	Not warranted by alleged injustice		

Reference	Authority	Category	Decided	Remedy	Remedy Target	Remedy Achieved Date	Satisfaction with Compliance
21016319	North East Derbyshire District Council	Planning & Development	04-Sep-22	ApologyProvide training and/or guidance	05-Oct-22	11-Oct-22	Remedy completed late



## North East Derbyshire District Council

### Standards Committee

27 September 2023

### Reviewing the Constitution

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

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer

Contact Officer: Governance Manager, Alan Maher:  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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#### **PURPOSE / SUMMARY**

To set out the proposed arrangements for reviewing and updating the Council's Constitution in preparation for the 2024-25 Municipal Year.

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#### **RECOMMENDATIONS**

1. That the Monitoring Officer carries out the necessary factual updates to the Constitution (job titles, departmental titles etc.) as provided for under the Council's Scheme of Delegation.
2. That a special informal meeting (and an additional meeting, if required) is then organised for Standards Committee Members to consider: (a) Councillor Roles and Responsibilities, the Code of Conduct and acceptable behaviour issues, and (b) The formal operation of the Council's Member and officer decision making arrangements, and the expectations which underpin them.
3. That following on from this special informal meeting or meetings, Standards Committee be asked to consider and agree a range of specific amendments to the Constitution at its meeting on **Wednesday 24 April 2024**, for recommendations to Annual Council on **Monday 20 May 2023**.

Approved by the Portfolio Holder: Not applicable.

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#### **IMPLICATIONS**

Finance and Risk: Yes  No

Details:

On Behalf of the Section 151 Officer

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

**Details:**

The Council is required under the Localism Act 2011 to prepare and keep up-to-date a Constitution. This should include its Standing Orders and the Members Code of Conduct. It should also include any other information required or directed by the Secretary of State, or which the Council considers appropriate.

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

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

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

N/A

## REPORT DETAILS

### 1 Background

- 1.1 The Council is required by law to prepare and keep up to date a Constitution. This needs to explain how the Council operates, how decisions are made, and the procedures which are to be followed to ensure that these procedures are efficient, transparent and accountable to local people.
- 1.2 One of the main functions of the Standards Committee is to undertake an annual review of the Council's Constitution. The purpose of these reviews is to make sure that the Constitution is up to date, that it is in line with current legislation and that it provides the appropriate rules and framework to ensure the good governance of the Council and how it co-operates with others.
- 1.3 As part of the review process, Standards Committee is then responsible for highlighting any areas of concern and agreeing specific changes to Annual Council for adoption.
- 1.4 In practice, the Committee has usually discharged this responsibility by considering sequentially detailed changes required to different parts of the Constitution and the rationale for these changes, This approach has helped to focus attention on specific and practical issues, which need to be addressed.
- 1.5 However, this approach has not always allowed for the Committee to consider the Constitution as a whole and, in particular, whether it still provided the relevant rules and governance framework for how the Council works and how it co-operates with others.
- 1.6 In order to address this and to carry out a more holistic assessment of the Constitution Standards Committee agreed to carry out a three-stage review during the last Municipal Year.
- 1.7 During **Stage One** officers sought to identify and then rectify any essentially factual and typographical errors in the document, such as the continued inclusion of expired powers and regulations etc. During **Stage Two** of the review, Standards Committee then considered how the Constitution should cover Councillor roles and responsibilities, the Code of Conduct and Acceptable Standards of Behaviour. Finally, during **Stage Three** Committee considered the operation of the Council's Member and Officer decision making arrangements.
- 1.8 Following on from this review, the Constitution was comprehensively revised, to both reflect the views of Standards Committee and to ensure its accuracy. The revised Constitution was then approved at Annual Council at its meeting on 22 May 2023: [the Constitution](#)

### 2. Details of Proposal or Information

- 2.1 It is recommended that a similar approach be adopted to review the Constitution in preparation for the 2024-25 Municipal Year. However, given the extensive

changes which have already been made, this would be a lighter-touch process than in 2022-23, requiring fewer additional meetings by the Committee.

- 2.2 During **Stage One** the officers would identify and rectify any essentially factual and typographical errors in the document, such as incorrect job titles or the continued inclusion of expired powers and regulations etc. The Monitoring Officer would then formally agree these revisions, as provided for under the Council’s Scheme of Delegation.
- 2.3 Following on from this, Committee would then begin **Stage Two** to consider: (a) Councillor Roles and Responsibilities, the Code of Conduct and acceptable behaviour, and (b) The formal operation of the Council’s Member and officer decision making arrangements. Members would be asked to decide if any changes were required on this. Depending on what progress was made, one or two informal meetings would be held to carry out this work, so that the Committee could agree at its meeting on 24 April 2024 a range of specific amendments to the Constitution that it wished to propose to Council at its Annual Meeting on 20 May 2024.

**3 Reasons for Recommendation**

- 3.1 To ensure the accuracy of the Council’s Constitution
- 3.2 To ensure that it remains adequate for the governance of the Council’s Member and officer governance arrangements.

**4 Alternative Options and Reasons for Rejection**

- 4.1 None

**DOCUMENT INFORMATION**

Appendix No	Title
	N/A
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

**North East Derbyshire District Council**

**Standards Committee**

**27 September 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](mailto:sarah.sternberg@ne-derbyshire.gov.uk)

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

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**PURPOSE / SUMMARY**

To provide Standards Committee with an update on the number of complaints that have been received and what action has been taken on these.

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**RECOMMENDATIONS**

That the Standards Committee notes the complaints update.

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**IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

## DECISION INFORMATION

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

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

## REPORT DETAILS

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

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

- 1.3 The Monitoring Officer is a senior officer of the Authority who has the statutory responsibility for administering the system in respect of complaints of member misconduct.
- 1.4 Standards Committee is to receive regular reports from the Monitoring Officer on the number of complaints against members, how they are progressing, what decisions have been made and what action taken.

**2. Details of Proposal or Information**

- 2.1 Since the last update was brought to Committee in July, four new complaints have been opened and five complaints have been closed. There are currently a total of nine ongoing complaints.
- 2.2 Two complaints were closed because the Member was found to have been acting accordingly around the matters concerned.

Two complaints were closed because the Member was found to have not been acting as a Councillor at the time. One of these complaints was also closed in part because the Member was not required to declare an interest.

One complaint was closed as not enough evidence was provided to suggest that a breach of the Code of Conduct had taken place.

**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
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	





## NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

List of Cases which do not proceed to investigation

<b>DATE OF RECEIPT</b>	<b>PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED</b>	<b>NAME OF COUNCIL</b>	<b>WHETHER A POTENTIAL BREACH WAS FOUND</b>	<b>REASONS FOR DECISION</b>
13.04.23 <b>04/2023</b>	Not being transparent and lacking integrity and respect.	Pilsley Parish Council	<b>No</b>	The Member was found to have been acting accordingly around the matters concerned.
11.04.23 <b>05/2023</b>	Going against the decision of the Council and acting in their own self-interest without foundation, honesty, integrity, fairness or transparency	Pilsley Parish Council	<b>No</b>	The Member was found to have been acting accordingly around the matters concerned.
20.04.23 <b>06/2023</b>	Failing to declare an interest and making a number of inflammatory statements and personal attacks against a resident.	Killamarsh Parish Council	<b>No</b>	The Member was found to have not been acting in their capacity as a Councillor.  The Member was not required to declare an interest.
01.06.23 <b>09/2023</b>	Bullying and harassment	Temple Normanton Parish Council	<b>No</b>	There was not enough evidence provided to suggest that a breach of the Code of Conduct had taken place.
16.06.23	Acting in a discriminatory way.	Morton Parish Council	<b>No</b>	The Member was found to have not been acting

**NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE**

<b>10/2023</b>				in their capacity as a Councillor.
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# Agenda Item 8

Date	Agenda items
27 <sup>th</sup> July 23	<ul style="list-style-type: none"> <li>• Code of Corporate Governance</li> <li>• Scrutiny Committees Terms of Reference</li> <li>• LGA guidance on complaints processing/Flow Chart</li> <li>• Planning Committee number of speakers – kick off debate</li> <li>• Parish Cllrs representatives selection process</li> <li>• Scrutiny Committee Terms of Reference</li> </ul>
27 <sup>th</sup> September 23	<ul style="list-style-type: none"> <li>• Progress on Planning Committee speakers issue</li> <li>• Annual Letter from the Local Government Ombudsman</li> <li>• The 2023-24 Review of the Constitution</li> </ul>
1 <sup>st</sup> November 23	<ul style="list-style-type: none"> <li>• Review Members complaints Process and Complaints Procedure including flow charts</li> <li>• Choice of PC representatives as per report</li> <li>• Standards Committee training proposals for District Councillors – Kick off consideration</li> <li>• Social Media guidance for Members – policy?</li> <li>• RIPA Policy Review</li> <li>• Options for Parish Cllrs training</li> <li>• Visits to other Standards Committees?</li> <li>• Annual Parish Conference</li> </ul>
28 <sup>th</sup> February 24	<ul style="list-style-type: none"> <li>• Review of Members' Attendance at training events</li> <li>• Holding meetings at alternative venues</li> </ul>
24 <sup>th</sup> April 24	<ul style="list-style-type: none"> <li>• Annual report of Standards Committee</li> <li>• Annual report of the Independent Persons</li> <li>• Final changes to the Constitution</li> </ul>