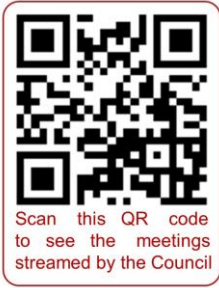


Public Document Pack



**North East
Derbyshire**
District Council

Our Ref: AB/AJD
Contact: Asher Bond
Tel: 01246 217375
Email: Asher.bond@ne-derbyshire.gov.uk
Date: Tuesday, 9 April 2024

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 17 April 2024 at 2.00 pm in the Meeting Rooms 1 and 2**, 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 3 - 5)

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 28 February 2024.

4 Review of the Constitution - TO FOLLOW

Report of the Assistant Director of Governance and Monitoring Officer.

5 Complaints Update - NOW PUBLISHED (Pages 6 - 10)

Report of the Assistant Director of Governance and Monitoring Officer.

6 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, 28 FEBRUARY 2024

Present:

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

Councillor Pat Antcliff
Councillor Pat Kerry
Councillor Kathy Rouse

Councillor Charlotte Cupit
Councillor Fran Petersen

Also Present:

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

STA/ Apologies for Absence

28/2

3-24 There were no apologies for absence.

STA/ Declarations of Interest

29/2

3-24 There were no Declarations of Interest.

STA/ Minutes of Last Meeting

30/2

3-24 The Notes of the last meeting were approved subject to clarification on Minute Number: STA/27/23-24, that the Chair of the Committee had asked to explore further with the Assistant Director of Planning whether any prohibitions were in place that would prevent Executive Members from serving on the Planning Committee.

RESOLVED – That, subject to the above clarification, the Notes of the informal meeting of Standards Committee held on 30 January 2024 be approved as a true and accurate record.

STA/ RIPA Policy Review and Social Media Guidance for Members

31/2

3-24 Members received a report on the use of the RIPA policy over the last year. The report also outlined training that was to be provided to Authorising Officers and the Applying Officers over the next year.

Committee heard that the policy had been reviewed and there were no major changes proposed. They were also made aware that work would be undertaken to incorporate the use of drones into the policy.

Members were informed that the Council was periodically inspected by the Office of Surveillance Commissioners and that the last inspection had taken place in 2022, the outcome of this Inspection had been overall positive.

It was explained that there was likely to be an inspection in the current year.

Committee were informed that training was last carried out in 2022 and that refresher training would be carried out in the current year for all potentially involved in the process.

Members were made aware that there had been no applications of RIPA in the previous year. Most enforcement Officers in the Council were overt and therefore outside of RIPA.

RESOLVED – That Standards Committee:-

- (1) Approved the RIPA Policy as amended.
- (2) Received the update on training, the statistics and a likely inspection.

STA/ Whistleblowing Policy Review

**32/2
3-24**

Committee were presented with a report on the Whistleblowing Policy following a review. No major changes were recommended to the Policy.

Members heard that the Policy had last been reviewed in December 2022.

There were no instances of whistleblowing to report to Members.

RESOLVED – That Standards Committee:-

- (1) Approved the amended Policy for including on the Council's website.
- (2) Noted that no disclosures had been made under the Policy in 2023.

STA/ Complaints Update

**33/2
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 four new complaints had been received and seven complaints had been closed. There were a total of six ongoing complaints.

Committee were informed that two of the complaints had proceeded to investigation. The investigation concluded that in one case it would no longer be in the public interest to continue to pursue the complaint. In the other case, the investigation recommended that Members of the relevant Parish Council undertake compulsory training. After receiving the recommendations, the Parish Council concluded that it would not make the training compulsory for all Members. The training event was held and attended by five Members of the Parish Council.

Members heard that of the complaints that did not proceed to investigation, four were closed due to a lack of evidence, and one was closed as the Member had previously apologised for their behaviour.

Members discussed the report and considered that it would be worthwhile to include information on the timeframe of each complaint. They also heard that examples and lessons learned from complaints were used during training events.

RESOLVED – That Standards Committee noted the complaints update.

STA/ Work Plan

34/2

3-24

Committee discussed the Work Plan for the remainder of the municipal year as well as some specific issues and questions that could be used to guide the future work of the Committee.

Members discussed the need for increased engagement with Parish Councils and considered that it would be worthwhile for each Parish Council to undertake a self-assessment on their approach to governance issues. It was agreed that this proposed approach should be included on the review and assessment of the District, Parish and Town Councils Annual Conference event.

Committee considered that the use of informal committee meetings to discuss specific issues had been beneficial and that this should continue to form part of the Committee's remit in the future.

RESOLVED – That Standards Committee noted the Work Plan.

STA/ Urgent Business (public session)

35/2

3-24

There was no urgent business.

North East Derbyshire District Council

Standards Committee

17 April 2024

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 February, no new complaints have been opened and three complaints have been closed. There are currently a total of three ongoing complaints.
- 2.2 Of the complaints that were closed, none proceeded to investigation.
- 2.3 One complaint was closed because it related to a Parish Council decision and the Member in question was not found to have acted contrary to the Code.

One complaint was closed because there was no evidence to suggest that a breach of the Code of Conduct had taken place.

One complaint was closed because a breach was found and this was settled by way of official written advice from the Monitoring Officer.

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
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	KEY DATES	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION
<p>25/07/23</p> <p>13/2023</p>	<p>05/10/23 – Formal notification of complaint received sent to complainant.</p> <p>13/10/23 – Formal notification of complaint sent to Member and Parish Clerk</p> <p>18/12/23 – IP Contacted</p> <p>21/12/23 – IP responded with view</p> <p>02/02/24 – Monitoring Officer discusses the IP’s response with the IP.</p> <p>15/02/23 – IP Responds with another view.</p> <p>06/03/24 – Final letters sent out.</p>	<p>Selflessness</p> <p>Integrity</p> <p>Objectivity</p> <p>Accountability</p> <p>Openness</p> <p>Honesty</p> <p>Leadership</p>	<p>Clay Cross Parish Council</p>	<p>No</p>	<p>The complaint was about a Parish Council decision not a breach of the code by a councillor. The Member in question was also not found to have acted contrary to the Code.</p>
<p>07/06/23</p> <p>18/2023</p>	<p>07/06/23 – Potential complaint received.</p> <p>01/12/23 – Complaint formalised.</p> <p>04/12/23 – IP Contacted for a view</p>	<p>Integrity</p> <p>Accountability</p> <p>Openness</p> <p>Honesty</p>	<p>North East Derbyshire District Council</p>	<p>Yes</p>	<p>A breach was found in that statements were made which lacked evidence and were therefore unjustified.</p>

NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

	<p>and responds on the same day.</p> <p>08/01/24 – Formal notification of complaint sent to complainant.</p> <p>16/01/24 – Formal notification of complaint sent to Member.</p> <p>15/03/24 – IP Contacted.</p> <p>18/03/24 – IP Responds with a view.</p> <p>28/03/24 – Final letters sent out.</p>				The Member has received written advice from the Monitoring Officer.
<p>24/11/23</p> <p>19/2023</p>	<p>24/11/23 – Potential complaint received.</p> <p>21/02/24 – Complaint formalised.</p> <p>22/02/24 – Formal notification of complaint received sent to complainant.</p> <p>29/02/24 – Formal notification of complaint sent to Member and Parish Clerk.</p> <p>15/03/24 – IP Contacted.</p> <p>18/03/24 – IP responds with a view.</p> <p>21/03/24 – Final letters distributed.</p>	<p>Acting in a rude, aggressive and unfriendly manner.</p> <p>Integrity</p>	<p>Clay Cross Parish Council</p>	<p>No</p>	<p>There is no evidence to suggest that a breach of the Code of Conduct has taken place.</p>