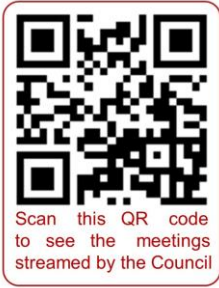


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**North East
Derbyshire**
District Council

Our Ref: AS/AJD
Contact: Asher Bond
Tel: 01246 217375
Email: Asher.bond@ne-derbyshire.gov.uk
Date: Tuesday, 23 January 2024

To: **Members of the Standards Committee**

Please attend an Informal meeting of the Standards Committee to be held on **Tuesday, 30 January 2024 at 2.00 pm in the Meeting Rooms 1 and 2 (old Council Chamber)**, District Council Offices, 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 Minutes of Last Meeting (Pages 3 - 9)

To note the Minutes of the Standards Committee held on 27 September 2023.

To note the Notes of the Informal Standards Committee held on 15 November 2023.

3 Review of the Constitution - Next Steps - TO FOLLOW

Report of the Assistant Director of Governance and Monitoring Officer

Access for All statement

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STANDARDS COMMITTEE

NOTES OF MEETING HELD ON WEDNESDAY, 15 NOVEMBER 2023

Present:

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

Councillor Pat Kerry
Councillor Kathy Rouse

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

23/2

3-24 Apologies for absence were received from Councillors C Cupit and P Antcliff.

STA/ Review of the Constitution - Stage One - TO FOLLOW

24/2

3-24 Committee were presented with a working document that highlighted typographical changes that had been made to the Council's Constitution and asked to address and raise any further inconsistencies and incorrections within the document.

Committee discussed a number of areas for potential for review. In particular they discussed the procedure rules for meetings of Full Council. Members considered that these meetings should be constrained by a time limit which could be extended by a vote of Council when required. Members also suggested that a clear definition of the public and who could submit questions to Council should be included as well as a defined limit on the length of questions that could be submitted by both Members and the public.

Committee considered motions that could be submitted to meetings of Council and were of the opinion that the procedure rules should be more clear on what motions would be permitted, this should include reasons that a motion would not be considered by Council, such as when the motion was required to be considered by the relevant Scrutiny Committee prior to being brought to a meeting of Council. Members were also of the opinion that when a Member seconds a motion, they should not be able to reserve their right to speak until the end of the debate.

Members raised concerns around the vote to set the budget. They considered that by law, they were required to approve the precept Council Tax Levels but it was possible for Members of Council to vote this down. The Monitoring Officer informed Committee that Members could be made aware of the legal consequence of voting down the precept Council Tax Levels.

Committee also drew attention to the Appointments Committee, they understood that it was required to follow political proportionality rules but considered that it would be worthwhile for other Members to be able to meet with potential candidates in a less formal setting.

Committee heard that the LGA had published a new model code and that it would be best practice to compare this with the Council's for any inconsistencies.

Members of the Standards Committee would be sent a copy of the Council's Constitution working document so that they would be able to recommend any further typographical changes.

It was agreed that any further corrections would be raised and discussed at a meeting of Standards Committee to be held in the new year.

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY, 27 SEPTEMBER 2023

Present:

Councillor Kevin Gillott (Chair) (in the Chair)

Councillor Charlotte Cupit
Councillor Fran Petersen

Councillor Pat Kerry
Councillor Kathy Rouse

Also Present:

| | |
|-------------|---|
| S Sternberg | Assistant Director of Governance and Monitoring Officer |
| R Pope | Customer Services Manager |
| A Maher | Governance Manager |
| A Bond | Governance Officer |

STA/ Apologies for Absence

13/2

3-24 Apologies for absence were received from Councillors P Antcliff and H Wetherall.

STA/ Declarations of Interest

14/2

3-24 Councillor K Gillott declared an interest in Item 7 – Complaints Update, as he believed that he was present during one of the meetings in question. He indicated that he would remain in the meeting and participate in the Committee's deliberations and determination on the Item.

STA/ Minutes of Last Meeting

15/2

3-24 RESOLVED – That the Minutes of the Standards Committee meeting held on 27 July 2023 be approved as a correct record and signed by the Chair.

STA/ Change in the Order of the Agenda

16/2

3-24 It was agreed to change the order of the agenda items and the Annual Review Letter was to be discussed before the Progress on Planning Committee Speakers.

STA/ Annual Review Letter 2022-23

17/2

3-24 The Customer Services Manager delivered a report to Committee on the Local Government & Social Care Ombudsman Annual Review Letter.

Members heard that the Council had received its Annual Review letter from the Local Government & Social Care Ombudsman on the 19 July 2023. The review contained information on how many complaints and enquiries had been referred to the Ombudsman between the period of 1 April 2022 and 31

March 2023.

Committee heard that ten complaints and enquiries had been received in total by the Local Government & Social Care Ombudsman. Out of these ten complaints, two were upheld by the Local Government & Social Care Ombudsman, three were referred back for local resolution, one was not upheld, three were closed after initial enquiries and one complaint was not received.

One upheld complaint related to a failure by the Council to notify the complainant of a change to the plans submitted by a housing development. The Council was ordered to apologise and review why the Council's Statement of Community Involvement was not adhered to.

The other upheld complaint related to a failure by the Council to establish a planning position and to resolve the unauthorised use of land next to the complainant's home causing noise disturbance for longer than was necessary. The Council was ordered to apologise, ensure the complainant was kept up to date with the issue and pay them £250.

Committee were informed on measures put in place to help mitigate and prevent complaints. These included mandatory training events, including bi-annual training on the complaints process, quality assurance documents, and a review every three years on the Compliments, Comments and Complaints Policy and Procedure. Members heard that the next review would take place in 2025.

Members discussed the update and noted that any organisation would make mistakes, but it was good practice to put measures in place and to learn from those mistakes.

RESOLVED – That Standards Committee acknowledges the report and findings of the Local Government & Social Care Ombudsman.

STA/ **Progress on Planning Committee Speakers**

18/2

3-24

Members received a report that set out the proposed changes to the Council's Constitution in relation to speaking at Planning Committee. This followed on from a discussion that took place at the previous meeting of Standards Committee on 27 July 2023.

Members heard that there were additional suggestions contained within the report as a follow-on from the discussions that had taken place at the previous meeting. This included the provision to ensure that a Parish or Town Council as an elected body as well as those Members of Parliament that covered the District, which had made a representation on an application, would also be able to register to speak at Planning Committee.

Members discussed the report at length. In particular they debated the advantages and disadvantages of placing limits on the number of speakers that can address Planning Committee and the importance of providing Planning Committee with a set of rules enshrined within the Constitution to

enable them to efficiently regulate themselves.

RESOLVED – 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:

1. 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.
2. 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.
3. 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.
4. That the Applicant and the Agent for an application should be able to register to speak at Planning Committee on their application.
5. 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.
6. 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.
7. 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.

STA/ The 2023-24 Review of the Constitution

19/2

3-24

Committee received a report which set out the proposed arrangements for reviewing and updating Council's Constitution in preparation for the 2024/25 Municipal Year.

Members heard that during the previous municipal year Standards Committee had carried out a three-stage review of the Constitution. It was suggested that this approach could be reutilised for the review during the current municipal year.

Committee considered that the process had worked well during the previous municipal year and welcomed the opportunity to again review the Constitution.

RESOLVED – That:

1. 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. 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. 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 2024.

STA/ **Complaints Update**

20/2

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 opened and five complaints had been closed. There was a total of nine ongoing complaints.

Committee were informed that two complaints had been 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.

RESOLVED – That the Standards Committee noted the complaints update.

STA/ **Work Plan**

21/2

3-24

Members considered the Work Plan for the remainder of the municipal year.

Committee were informed that the November meeting would take place on the 15th and not the 1st of the month and that the Whistleblowing Policy would be included on the agenda for that meeting.

Members considered that Parish Clerk training and guidance from the District should be prioritised and could save time further down the line.

RESOLVED – That the Standards Committee noted the Work Plan.

STA/ **Urgent Business**

22/2

3-24

There was no urgent business.

