



**North East
Derbyshire**
District Council

**Standards Committee
Annual Report 2021/22**

Standards Committee Annual Report 2021/22

Foreword from the Chair of the Standards Committee

[FOREWARD TO BE ADDED BY CHAIR PRIOR TO SUBMISSION TO COUNCIL]

The Annual Report outlines the work of the Standards Committee during the municipal year 2021/22 and covers the following subjects:

- 1 Chair and Vice Chair of the Committee
- 2 Parish/Town Council Representatives
- 3 Register of Interests Forms
- 4 Complaints received during 2021/22
- 5 Reports of Independent Persons
- 6 Local Government Ombudsman Complaints 2021/22
- 7 Policy and Constitution Review Work
- 8 Guidance and reports considered by the Committee

1. Chair and Vice Chair of Standards Committee 2021/22

- 1.1. At the Annual Council meeting in April 2021, Councillor William Armitage was appointed as the Chair of Standards Committee, with Councillor Heather Liggett appointed as the Vice Chair.

2. Appointment of Parish/Town Council Representatives

- 2.1. During 2021/22 two new Parish and Town Council Representatives were elected as co-opted Members of the Committee. Pat Coleman of Wingerworth Parish Council and Trevor Collins of Wingerworth Parish Council.

3. Register of Interests Forms

- 3.1. Register of Interest Forms for District and Parish Councillors continue to be issued to and completed by new councillors, following by-elections or co-option.
- 3.2. Councillors are also reminded to update their Register of Interests within 28 days of any changes.
- 3.3. All completed forms that had been returned have been published on the District Council's website.
- 3.4. As part of the roll out of the Modern.Gov system, the Governance department are looking to enable these forms to be completed electronically by District Council Members using the Modern.Gov system. Standards Committee will receive further details of these proposals at a future date.

4. Complaints received during 2021/22

- 4.1. The Council received five complaints relating to members acting in their capacities as Parish/Town Councillors, and four complaints relating to a NEDDC District Councillor. One complaint related to both a District and a Parish Councillor. Of the complaints, nine resulted in no further action and one complaint resulted in the Councillor being advised to apologise and attend a Member training event.
- 4.2. During the previous year (2020/21) 18 complaints were received against a District, Parish or Town Councillor.

5. Reports of Independent Persons

- 5.1. During the course of 2021/22 it became necessary to recruit a new Independent Person following the resignation of one of the two Independent Persons. The recruitment exercise was so successful that Council on 26 April 2021 was invited to appoint 2 new Independent Persons in addition to the existing Independent Person.
- 5.2. The Council's current three Independent Persons are:

- Amanda Orchard
- David Richardson
- Graham Hudson

5.3. The Independent Persons have been asked to provide a brief report of their activities.

6. Local Government Ombudsman Complaints 2021/22

6.1 The Council received its Annual Review letter from the Local Government Ombudsman on the 21 July 2021. It contained information on how many complaints and enquiries had been referred to the Local Government Ombudsman and how many complaints were upheld or referred back for local resolution.

6.2 There were 13 complaints and enquiries submitted to the Local Government and Social Care Ombudsman. Three of these were not investigated, four complaints were not received by NEDDC and therefore did not follow the required process, one related to a premature complaint and was referred back for local resolution, three complaints were not within scope of the Council's policy as they related to Rykneld Homes and, two complaints were upheld by the LG&SCO.

6.3 Of the two upheld complaints the recommendations were as follows:

- Complaint 20003123 was upheld by the LG&SCO it was recommended that the Council offer to obtain and plant a semi-mature evergreen tree that would provide some screening to the complainant's kitchen and balcony. Provide an apology and a payment of £100 to reflect the frustration and inconvenience caused through the Council's handling of the complaint.
- Complaint 20004769 was upheld by the LG&SCO as there was evidence of fault causing injustice which the Council agreed to remedy. It was recommended that the Council apologise to the complainant, pay £250 to acknowledge the frustration and uncertainty of its poor communication that it had caused. Offer to reinstate noise monitoring equipment and review how it communicates with complainants to ensure it's clear about the action it's proposing to take around whether or not noise is a statutory nuisance.

7. Policy and Constitution Review Work

7.1 Constitution Review

The Standards Committee have undertaken their duty to carry out a review of the Constitution. All revisions were put to the April meeting of Council for approval which included:

- Questions by Members to Meetings of Council
- Debt Write Off Limits
- Proper Officer Provisions in respect of Public Health

- New TORS for JSCC
- Review of the Guidance and Constitutional Rules on Public Speaking at Council.
- Training Requirements for Councillors.
- Renumbering of the Articles.
- Delegation Scheme – Property Sale.
- Petitions Scheme.
- MO Delegations.
- Clarifications on Delegations Scheme in relation to ACPA 20112.
- Planning and Licensing Decisions (rejected).
- Delegations for Officers in Acting-Up Positions.
- Renaming of the JEAC to the EAC.
- Licensing Sub-Committees.
- Delegations in relation to the Management Agreement with Rykneld.
- Housekeeping Changes (Such as formatting and job titles)

7.2 **Whistle-blowing Policy**

At its meeting on 26 January 2022 the Standards Committee considered the Whistleblowing Policy.

North East Derbyshire District Council and Bolsover District Council have previously had in place a Joint Whistleblowing Policy. This has now been adapted to a North East Derbyshire only policy.

In accordance with the Whistleblowing Policy, the Monitoring Officer has overall responsibility for the maintenance and operation of the Policy, and will maintain a record of concerns raised and the outcomes. The current Whistleblowing Policy has been reviewed by Standards and no substantive changes were recommended other than housekeeping amendments.

The Monitoring Officer is also required to report as necessary to Council on instances of Whistleblowing. There have been no instances to report for the 2021 calendar year.

7.3 **The Councillors Code of Conduct**

The Standards Committee considered a report that outlined a new Code of Conduct for Councillors based on the new Local Government Association Moral Code at their meeting on the 30 June 2021. This was recommended to Council and approved at the Council meeting on 12 July 2021.

Standards Committee considered that training should be undertaken on the Code of Conduct for Councillors and a number of training events for District and Parish Councillors took place towards the end of 2021.

The Monitoring Officer, and the Standards Committee, were obliged to publicise the adoption of the new Code to the Parish and Town Councils in the North East Derbyshire Council area and recommend it to each for adoption.

8. Guidance and reports considered by the Committee

As part of the Committee's remit, the Committee considered a review of the RIPA policy and proposals for training relevant officers. RIPA is the Regulation of Investigatory Powers Act 2000 and is the legislation which regulates the use of covert surveillance in the public sector for the more serious offences. Although it is little used by the Council, as it is preferred that investigations are overt, it is necessary for the policy and training to be kept up to date. The Council is inspected regularly (about every 3 years) by the Investigatory Powers Commissioner's Office whether or not the powers have been used. The latest light touch inspection was carried out in 2021.

The Committee also carried out its annual review of the Gifts and Hospitality Register entries. The Standards Committee noted the entries that had been made and reinforced the guidance on Gifts and Hospitality. As part of the Mod.Gov implementation this will become an electronic process.

In accordance with the Standards Committee Terms of Reference, the committee reviewed attendance at Member Training events. Sadly attendance was not as good as would be liked.

The Standards Committee approved an advice sheet (Aide Memoire) on Member and Officer Relations for circulating to all Members. This was a simple reminder of the rules applicable to both officers and members.

9. Monitoring Officer

During the course of the year, the Council approved the establishment of a full time Monitoring Officer for the Council. This came into effect from the beginning of February 2022. This has and continues to provide considerable extra resource to the Council.

APPENDIX A REPORT OF THE INDEPENDENT PERSONS – To Follow