

North East Derbyshire District Council

Standards Committee

19 February 2020

The Councillors Standard

Report of the Joint Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- Attached to this report is a draft Members' Standard for discussion – **Appendix 1.**

1 Report Details

- 1.1 At the last meeting a copy of a document setting out the standard of conduct expected from each Councillor produced by another council was presented. This was with a view to considering whether this Council should adopt such a standard of personal behaviour. A draft North East Derbyshire District Council version is attached for discussion.

- 1.2 Since that meeting the Chair of the Committee on Standards in Public Life has issued an open letter to all public office holders. This seems to be largely resulting from behaviour in the House of Commons. However, the letter states:-

“It is also vital that the tone of public debate should avoid abuse and intimidation, which have become increasingly widespread. Parliamentary democracy is under threat if those in public life and public office cannot express their views freely and without fear.”

This is clearly stating there is a standard of conduct expected of those in public office and it is not a matter of personal opinion. However it is not stating what the acceptable level of behaviour is.

The letter contents is attached at Appendix 2.

- 1.3 at the last review of the Constitution, an Appendix was added to the Protocol for Member/Officer Relations. This dealt with what Members can expect from officers, what officers can expect from members and what members acting in their role as employer should do and not do. This is reproduced at **Appendix 3.** This includes:-

“Chairs of Meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct.”

- 1.4 Finally, as I hope Members are aware, there was a complaint following the last Council meeting in relation to the behaviour of Members. Now that Council meetings are filmed and streamed both officially and by the public and members themselves the public is seeing more of how the Council meeting is run by members. Clearly in this case the complainant thought the behaviour was unacceptable.
- 1.5 Members are requested to look at the draft with a view to establishing what level of behaviour is acceptable from Councillors in their official role.

2 Conclusions and Reasons for Recommendation

- 2.1 The Monitoring Officer considers it to be a good idea to have an explicit description of acceptable behaviour from Members in view of recent issues arising from the Council meetings and the complaints arising from those meetings.
- 2.2 The attached document does not set out anything unusual in terms of expected behaviour.

3 Consultation and Equality Impact

- 3.1 Consultation is carried out by submitting this to the Standards Committee. If members wish to do so, it could be sent to party Leaders for comment.
- 3.2 There is no equality impact from the report though the statement as drafted recognises that there must be respect for diversity and equality in the actions of Members. This is part of the Equality Act 2010 public sector duty.

4 Alternative Options and Reasons for Rejection

- 4.1 the option not to propose this was rejected because Members need as much guidance as possible.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 The Council is obliged by law to have a Code of Conduct for Members. Ancillary documents are a matter of choice for the Council. However as said above, Members should also have guidance on what is required as well as training.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations that

- 6.1 Members consider the draft North East Derbyshire Councillors Standard and whether to recommend to Council for approval.

6.2 Members decide whether to forward to the party Leaders for comment

7 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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None directly
Links to Corporate Plan priorities or Policy Framework	All indirectly

8 Document Information

Appendix No	Title
1	Draft North East Derbyshire Councillors Standard
2	The Chair of the Committee on Standards in Public Life's open letter.
3	Appendix to the Protocol for Member/Officer Relations
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 (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
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