

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY, 19 FEBRUARY 2020

Present:

Councillor William Armitage (Chair)
Councillor Diana Ruff (Vice-Chair)

Councillor Pat Antcliff
Councillor Michael Roe
Councillor Ross Shipman

Councillor Pat Kerry
Councillor Kathy Rouse
Councillor Carolyn Renwick

Also Present:

N Calver	Governance Manager
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
V Dawson	Solicitor - Team Manager (Contentious)
D Stanton	Governance Officer
P Coleman	Parish Council Representative
D Skinner	Parish Council Representative

537a Apologies for Absence

There were no apologies for absence.

538 Urgent Business

With the permission of the Chair, the Committee heard one item of urgent business, which advised Members of the outcome of the election for two co-opted members of Standards Committee.

The report outlined that following the May Elections, the two appointed co-opted members of the Standards Committee were no longer eligible. Subsequently, an election was held where Pat Coleman, who represented Wingerworth Parish Council, and Derrick Skinner, who represented Clay Cross Parish Council, were duly elected.

RESOLVED – That the update be noted.

539 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 on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at the meeting.

540 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 19 September 2019 be approved as a correct record and signed by the Chair.

541 Joint Whistleblowing Policy

The Standards Committee considered a report that provided an annual update to Members on use of the Joint Whistleblowing Policy. Members heard that there had been no instances of whistleblowing to report during the 2019/20 municipal year.

The Committee discussed the Whistleblowing Policy. Members agreed that the Policy could place a greater emphasis on an employee's responsibility to report instances of malpractice, and the Corporate Governance and Monitoring Officer endeavoured to reflect this into the Policy. The Officer also advised that whistleblowers received statutory protection, and that whilst a register of concerns raised and their outcomes were maintained, only the Monitoring Officer and Deputy Monitoring Officer had access to it. Members received clarity on the process of whistleblowing in regards to senior members of staff.

RESOLVED – That the Standards Committee:-

- (1) Agree the current Joint Whistleblowing Policy is fit for purpose.
- (2) Note that no instances of Whistleblowing have been made since the 2019 Annual Review of the Joint Whistleblowing Policy.

542 Review of the Council's Constitution

The Governance Manager presented a report that outlined a review of the Council's Constitution. Members were asked to give consideration to proposals for review outlined in Appendix 1 to the report.

(a) Delegations Scheme

Members were asked to consider changes to the Delegations Scheme. The Committee heard that from time to time, there were changes in legislation, Government guidance or other regulatory changes that impacted on Council policies. Currently, all those changes were brought to Cabinet or Council for approval. It was therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Service in the Delegation Scheme.

The proposed wording of the delegation was:-

To make amendments to Council Policy, subject to consultation with the Monitoring Officer, in order to:

- (i) **reflect changes in the law, government or regulators' guidance, and other Council policies; or**
- (ii) **correct obvious, technical or clerical errors and to take account**

of those changes of any names or titles.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(b) Questions and Motions

Members heard that the deadline for Questions and Motions was seven clear working days before the meeting, and that this left very little preparation time for those who had to answer questions or those who wanted to participate in the Motions debate. Accordingly, the Committee was presented with three options – to keep the current deadline of seven clear days; to extend the deadline to 12 clear days; or to extend the deadline to 17 clear days.

Members discussed the practicalities of the current deadline, and whether there had been any complaints from staff in regards to the limited time available to prepare answers. The officers advised that whilst there had been no complaints, extending the deadline would reduce the pressure on staff and Members.

The Committee agreed that the Council should be pro-active in its social media use, so that the public was informed of the deadline for public questions.

Members received clarity on the process of asking questions to other Members, in particular, Portfolio Holders, and the Committee reiterated that it was important that all Councillors were kept informed of proceedings at the Council.

RESOLVED –

- (1) The deadline for Questions and Motions be extended to 12 clear days.
- (2) That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(c) Exemption Sessions at Cabinet/Executive

The Committee heard that the Council Procedure Rules made provision, at Rule 25.3 for Members who were not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that Committee or Sub-Committee during the private session considering exempt items, unless the Committee or Sub-Committee asked them to leave.

It was stated that this rule had been applied to Cabinet meetings, although technically this was not a Committee, therefore for the purpose of clarity, it was proposed that the term Cabinet be added to the wording of that rule.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(d) Reserves – Approval of Transformation Reserve

Members heard that expenditure from Reserves had always been agreed by Cabinet in a formal decision, however, for reasons unknown it had been removed from the Constitution.

It was stated that there needed to be a decision route for expenditure from the Reserves – for openness and transparency reasons. It was therefore suggested that this be placed back into the Constitution to make the position clearer.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(e) Small increases in expenditure and effect on the Council's budget

The Governance Manager informed Members that any increase in the budget had to receive formal Member approval through Cabinet, even if it was a small increase in expenditure.

The proposed change to the Constitution would authorise a small increase in individual budgets of up to £10,000 per budget on one occasion in any corporate year, subject to a delegated decision notice being produced. The Section 151 Officer would also be delegated to cover small increases in budgets.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(f) Council Procedure Rules – Rule 8 Questions by the Public

The Committee heard that a review of neighbouring authorities had found that they would allow any member of the public to ask a question at Council so long that it met the question scope.

Members noted that there had been concerns that some whom had a connection to the District may not qualify to ask a question under the current rules and consideration was given to whether this should be extended to include those who had a local connection to the District. The Committee agreed that this was a positive change, and acknowledged that in line with Rule 8.4, the Monitoring Officer could still reject questions if it was not about a matter for which the Council had a responsibility for or which affected the District.

The proposed wording of the amendment to Rule 8.1(a) was:-

~~Members of the public who are on the Register of Electors for North East Derbyshire District Council, or who are Non Domestic Rate Payers to District,~~ may ask questions of members of the Cabinet at ordinary meetings of the Council.

RESOLVED – That the proposal be approved and submitted to Council as part of Constitution Review in May 2020.

543 The Councillors Standards

The Joint Head of Corporate Governance and Monitoring Officer presented a report that outlined the draft Members' Standard for discussion.

At the last meeting of the Standards Committee, Members were presented with a copy of a document that set out the standard of conduct expected from each Councillor that was produced by another Council. This was with a view to consider whether this Council should adopt such a standard of personal behaviour. The Committee discussed the attached draft North East Derbyshire version.

Members had a wide ranging discussion of the merits of having a Members' Standard and enquired about the possible repercussions if Members were to fail to meet the required Councillor standards.

The Committee agreed that it would be useful to send out to the District's Parish Councils as it provided good guidelines. It was also agreed that the document be circulated to Members to sign, and provide them with a timely reminder of the behaviour that was expected of them.

There was a consensus that poor behaviour could affect the reputation of the Council, and that Members should behave respectfully at all times.

RESOLVED – That the draft Policy be approved and submitted to Council for approval.

544 Complaints Update

The Committee received a verbal update from the Joint Head of Corporate Governance and Monitoring Officer on Member Complaints.

Members noted that there had been 17 complaints in 2019 and that they were all now closed. In 2020, there was currently one open complaint.

545 Work Programme

Members gave consideration to the Work Programme for the Standards Committee for the remainder of the municipal year. Members were reminded that this was a live and changing document and could be adapted to the needs of the Committee.

RESOLVED – That the Work Programme for 2019/20 be noted.