



**North East  
Derbyshire**  
District Council

**Standards Committee  
Annual Report 2019/20**

## **Standards Committee Annual Report 2019/20**

### 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 2019/20 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 2019/20
- 5 Reports of Independent Persons
- 6 Local Government Ombudsman Complaints 2018/19
- 7 Policy and Constitution Review Work
- 8 Guidance and reports considered by the Committee

## **1. Chair and Vice Chair of Standards Committee 2019/20**

- 1.1. At the Annual Council meeting in May 2019, Councillor William Armitage was appointed as the Chair of Standards Committee, with Councillor Diana Ruff appointed as the Vice Chair.

## **2. Appointment of Parish/Town Council Representatives**

- 2.1. During 2019/20 two new Parish and Town Council Representatives were elected as co-opted Members of the Committee. Pat Coleman of Wingerworth Parish Council and Derrick Skinner of Clay Cross 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.

## **4. Complaints received during 2019/20**

- 4.1. The Council received 11 complaints relating to members acting in their capacities as Parish/Town Councillors, and 7 complaints relating to a NEDDC District Councillor. Of the complaints, 13 resulted in no further action and 5 complaints are still ongoing.
- 4.2. During the previous year (2018/19) nine complaints were received against a District, Parish or Town Councillor.

## **5. Reports of Independent Persons**

- 5.1. At the Council meeting in February 2019, the extension of Mr Stuart Hooton's term as an Independent Person to March 2023 was approved.
- 5.2. At the Annual Council meeting in May 2019, the Mr Graham Hudson was appointed to the position of Independent Person for a period of 4 years (until the end of May 2023).
- 5.3. The annual reports of the Independent Persons are attached as **Appendices A and B** to the Standards Committee Annual Report.

## **6. Local Government Ombudsman Complaints 2018/19**

- 6.1 The Council received its Annual Review letter from the Local Government Ombudsman on the 24 July 2019. 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 3 complaints submitted to the Local Government and Social Care Ombudsman. One was closed after initial enquiries, one was referred back for local resolution and one complaint was investigated but not upheld.

## **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 Annual Meeting of Council for approval which included:

- Standards Committee Terms of Reference
- Joint Employment and Appeals Committee
- Questions and Motions to Council
- Delegations Scheme
- Exemption Sessions at Cabinet/Executive
- Reserves – Approval of Transformation Reserve
- Small increases in expenditure and effect on the Council's budget
- Council Procedure Rules – Rule 8 Questions by the Public

### **7.2 Whistle-blowing Policy**

At its meeting on 19 February 2020 the Standards Committee considered the Whistleblowing Policy.

In accordance with the Joint Whistleblowing Policy, the Monitoring Officer has overall responsibility for the maintenance and operation of the Policy, and would maintain a record of concerns raised and the outcomes. The current Whistleblowing Policy was considered and the Standards Committee agreed that a greater emphasis could be placed on an employee's responsibility to report instances of malpractice. The Head of Corporate Governance and Monitoring Officer endeavoured to reflect this into the policy but overall the Committee agreed that the Whistleblowing Policy was fit for purpose.

The Monitoring Officer was also required to report as necessary to both Councils on instances of whistleblowing. Members noted that there had been no instances to report for the 2019/20 municipal year.

### 7.3 **The Councillors Standard**

The Standards Committee considered a report that outlined the draft Members' Standard. The Standards Committee had previously considered a document that set out the standard of conduct expected from each Councillor that had been produced by another Council. This was with a view to consider whether North East Derbyshire District Council should adopt such a standard of personal behaviour. The Committee discussed the attached draft North East Derbyshire version.

The Committee 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.

The Committee approved the draft Councillors Standard.

## 8. **Guidance and reports considered by the Committee**

### 8.1 **Flintshire County Council – Update to the Code of Conduct**

The Standards Committee considered a statement issued by another Authority explaining the standard of conduct expected from Councillors and co-opted Members in dealing with each other and with officers. This was not to replace the Code of Conduct or the Member/Officer Relations Protocol, but to be read in conjunction with those to create a basic statement of what was acceptable and not acceptable within the Council Chamber. The Committee were generally supportive of the document and requested for examples to be added to the document, as well as details of any consequences to negative behaviour.

**APPENDIX A**  
**REPORT OF MR GRAHAM HUDSON, INDEPENDENT PERSON**

**September 2019**

I received a complaint made by a member of the public against a Member of NEDDC and Member of Dronfield Town Parish Council. The Member originally provided no response to any attempts to investigate further. Based on the information provided my opinion was that a breach of the code in terms of openness/ listening to the interest of all parties and always treating people with respect took place. My recommendation was that the complaint was valid and should be dealt with in an appropriate manner.

A response from the Member was received some time after the initial opinion was given and this resulted in a recommendation for some personal development training.

**November 2019**

I was asked to give an opinion on the two complaints which were received from one Member against two other Members of a different political persuasion. In the first complaint, my opinion was that the code was not breached in that there was no evidence of deliberately lying, more likely a mix up of words.

In relation to the second complaint, I reviewed the video recording of the meeting which did not show the incident referred to. I therefore concurred with the monitoring officer that the issue did not breach the code of conduct.

**December 2019**

I received a copy of a complaint from a Parish Councillor against another Councillor which was very difficult to discern. Despite a number of attempts to clarify the complaint it appeared that it boiled down to two points, neither of which in my opinion constituted a breach of the code.

Graham Hudson

## **APPENDIX B**

### **REPORT OF MR STUART HOOTON, INDEPENDENT PERSON**

#### **Complaints received 2019/20.**

July/19.

The complaint concerned a Parish Councillor not valuing colleagues and treating them without appropriate respect. The complaint also referenced a breach of the Code of Conduct in terms of objectivity.

The initial evidence was from two distinct sides but after contact with an independent witness it was found that the Code could have been breached by not valuing colleagues, however the issue of objectivity was not clear as a breach. The recommendation was an investigation or interview.

August /19.

The complaint concerned a District Councillors behaviour towards the Chair of a meeting and subsequent speakers. The evidence provided included the broadcast of the meeting. It was highly probable that the Code had been breached from the reaction of the Chair and others present. The Monitoring Officer was present at this meeting and witnessed the events so was able to take an independent view. The recommendation was that some action should be taken.

September/19.

The complaint concerned a planning application and the actions of a political group in terms of supporting changes to a previous decision. The specific accusation referenced failure of selflessness, objectivity and honesty.

There was concern that a link existed between a political group and the applicant. There was also an issue of the opposition group being excluded from a vote on the decision.

An investigation revealed that none of the accused group were members of the premises subject to the application.

The opposition group were unable to take part in the vote as they had withdrawn from the meeting but a decision had inadvertently been taken at this time.

After discussion with the Monitoring Officer it was decided that although the voting issue was of concern, it was felt this was an inadvertent mistake and not a deliberate breach of the Code. As none of the members supporting the change to the original decision were members of the club, it was decided that undue influence was not exerted and no breach had taken place.

October/19.

The complaint concerned a Parish Councillor and Parish and District Councillor. The two Councillors were acting in their respective roles to visit a public site in a village which had caused some concern to some local people.

Independent information was not available to determine the exact nature of the initial interaction between the Councillors and members of the public who were the complainants. There are two very different accounts presented. However the argument escalated and resulted in raised voices, accusations of aggression and an unpleasant exchange.

The Parish councillor does accept he raised his voice but it is very likely this was the tone used by all throughout, this is confirmed by witnesses. In the event the police were involved but did not take any action.

Due to the lack of clarity on the initial contact which appears to result in an aggressive argument it was not possible to apportion blame or determine if a breach of the code took place.

May/20.

This complaint concerns a NEDD and Parish Councillor who was accused of breaching the Code with a lack of integrity, objectivity, not dealing with people fairly and appropriately. It was also stated that bullying of fellow Councillors by tone and content of e-mails had taken place. This took place at Parish Council level.

The issue seems to involve the accused becoming frustrated at the complications of dealing with a matter before the council.

The decision was that the Code had been breached but at a level that could be addressed by advice and discussion with the Councillor warned about future conduct.

Stuart Hooton. Independent Person

11th September 2020