

STANDARDS COMMITTEE

12th January 2011

**PRESENT:-**

**District Council Member**

Councillor Atkin (Conservative Group).

**Parish Members**

Mr. R. Buxton (Hatton), Mr. K. Fairbrother (Castle Gresley) and Mr. K. Overton (Willington).

**Independent Members**

Mr. D.R. Williams (Chairman), Mr. P. Dawn (Vice-Chairman), Mr. P.B. Purnell and Mrs. K. St. Clair.

SC/12. **APOLOGIES**

Apologies for absence from the Meeting were received from District Councillors Harrison (Conservative Group) and Mrs. Mead (Labour Group).

It was reported that Mr. R. Pearson (Independent Member) had tendered his resignation from the Committee on 11th January 2011 with immediate effect.

SC/13. **MINUTES**

The Open and Exempt Minutes of the Meeting held on 15th June 2010 were taken as read, approved as true records and signed by the Chairman.

SC/14. **DECLARATIONS OF INTEREST**

Mr. P. Dawn (Vice-Chairman) and Mr. P.B. Purnell both declared prejudicial interests in the item relating to the reappointment of Independent Members (Minute No. SC/16), as they were directly affected.

All Members present declared personal interests in the item relating to the future of the local standards framework (Minute No. SC/15), as Members of the Committee affected by the proposals.

**MATTERS DELEGATED TO COMMITTEE**

SC/15. **FUTURE OF LOCAL STANDARDS FRAMEWORK**

It was reported that the Government had set out its intention to abolish the 'Standards Board Regime' in the coalition agreement published in May 2010. It was the intention to effect the abolition through the Localism Bill which was introduced to Parliament on 13th December 2010. It was then likely that Standards for England would cease to investigate complaints in late 2011 and would be formally abolished in early 2012.

The Localism Bill gave local authorities new freedoms and flexibilities to act in the best interests of their area, including revocation of the Members' Code of Conduct and abolition of Standards for England and the requirement for local authorities to have a Standards Committee. Instead, it would be a criminal offence to fail to register or withdraw for a personal interest (the scope of which awaited regulations) and on conviction the court may by order disqualify a Member for up to five years. Local authorities may still adopt a non-statutory Code and would be under a duty to promote and maintain high standards of conduct by Members and co-opted Members. They would also have a duty to consider allegations of any breach of such a Code and decide whether it was appropriate to investigate the allegation and then decide whether to take action and if so, what action to take. However, it was noted that there were no statutory sanctions against an offending Member. Therefore, there would no longer be a power to suspend or disqualify councillors who bullied, were rude, disclosed confidential information or brought their own authorities and local government generally into disrepute. Provided they did not commit a criminal offence, they would remain in office until the electorate had a chance to remove them at the next election. Proposals for electoral recall, to allow the removal of councillors mid-term on evidence of serious misconduct, were not included in the Bill.

Ahead of the legislation, Standards for England received a letter from Local Government Minister Bob Neill setting out the Government's proposition in detail and a copy of the letter was attached to the report. In summary, the Government's proposals were as follows:-

- to abolish Standards for England;
- to remove the First-tier Tribunal's (Local Government Standards in England) jurisdiction over member conduct;
- to remove the national Code of Conduct for councillors and the requirement to have a Standards Committee;
- to allow councils to choose whether or not they wished to have a local Code or a Standards Committee;
- to create a criminal offence relating to failure to register or declare interests.

The Minister's letter also set out the transition arrangements that the Government intended to apply to any cases which had not been concluded when the framework ceased to operate. The Chair of Standards for England had written to Standards Committee Chairs to inform them of the content of the Minister's letter and a copy of his letter was also attached to the report.

Members referred to the valuable work undertaken by the Committee since its establishment and felt that the Council should adopt a voluntary Code of Conduct in due course to maintain public confidence and transparency. A framework mechanism could then be discussed arising from this. With regard to the future of the Standards Committee, it was also considered that independent representation was vital to neutralise any element of public perception concerning potential political prejudice.

It was suggested that a report be prepared for consideration by the Full Council in due course on the Committee's recommendations and, if possible, it

was felt that the Chairman of the Committee should attend the Full Council Meeting to present the report and answer any questions.

**RESOLVED:-**

***That Full Council be recommended to adopt a voluntary Code of Conduct in due course and a report be prepared for its consideration, as outlined above.***

(All Members present declared personal interests in this item, as Members of the Committee affected by the proposals).

SC/16. **REAPPOINTMENT OF INDEPENDENT MEMBERS**

It was reported that the terms of office of the Independent Members of the Committee would expire this year on the dates indicated below:-

- 24th May 2011                      Mr. R. Pearson and Mr. P. Purnell
- 21st June 2011                     Mr. P. Dawn

As reported earlier in the Meeting, Mr. R. Pearson had resigned as an Independent Member of the Committee and accordingly, there was now a vacancy.

Standards for England (SE) had recently issued guidance following a query from an authority on the previous recommendation that Independent Members should serve no more than two terms of four years. Some authorities were concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who had been trained and understood their role rather than try to recruit and appoint new Members. In the light of the uncertain future of the standards framework, SE had now advised that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by Full Council, after being openly advertised and having assessed the suitability of all the applicants), an authority could extend that term for a further period. This could only be done during the term of office of an existing Independent Member and by approval from Full Council. Once the Independent Member's term had expired, the full recruitment procedures must be followed again.

In considering the vacancy that had now arisen following the resignation of Mr. R. Pearson, Members were mindful that the current standards regime was only likely to continue for a period of approximately one year.

**RESOLVED:-**

- (1) That Full Council be recommended to extend the terms of office for Mr. P. Dawn and Mr. P.B. Purnell until the end of the current standards regime.***
- (2) That Full Council be recommended to leave vacant the position previously held by Mr. R. Pearson.***

(Mr. P. Dawn (Vice-Chairman) and Mr. P.B. Purnell declared prejudicial interests in this item as they were directly affected and withdrew from the Meeting during the consideration and determination thereof).

SC/17. **COMPLAINT HANDLING**

Members were reminded that at the last Meeting, the Committee considered a proposed questionnaire concerning satisfaction with complaint handling, to be forwarded to the complainant and the subject Member following the decision of a Sub-Committee (Consideration) on an Investigator's report. At that Meeting, Members had suggested several amendments to the questionnaire and these had now been incorporated into a revised document attached to the report.

**RESOLVED:-**

***That the questionnaire concerning satisfaction with complaint handling be adopted.***

SC/18. **PROTOCOL FOR LOCAL AUTHORITY PARTNERSHIP WORKING**

It was reported that Standards for England firmly believed that high standards must be at the heart of all local government decision-making. Partnership working between local authorities and other agencies – public bodies, the private sector and the voluntary sector – was an increasingly important aspect of public service delivery. Good governance of partnership arrangements enabled an authority to work more effectively and to manage risk.

Partners involved in local authority decision-making who were not members of an authority were not subject to the same rules governing their behaviour as elected or co-opted members on the same bodies. To help address this, Standards for England had developed a partnership behaviour protocol. The values and behaviours in the protocol had been developed in conjunction with Manchester City Council and some of its partners. As well as being devised through consultation, the protocol also drew on, and was consistent with, the CIPFA SOLACE (Chartered Institute of Public Finance Society of Local Authority Chief Executives) Good Governance Framework and the General Principles for the conduct of people in public life.

The approach involved partners developing a shared set of values and behaviours that they considered should underpin their partnership work. Local authorities were invited to use the protocol and either adopt it wholly or adapt it to fit their own circumstances and a template for the protocol for partnership working was attached to the report.

The aims of the partnership behaviour protocol were outlined and local authorities and their partners were encouraged to adapt the protocol to fit local circumstances. Examples of its uses were also outlined. Although the protocol did not have a statutory basis or have sanctions attached to it, authorities may wish to consider the role of their Standards Committee in maintaining and overseeing adherence to the protocol. In this regard, various suggestions on the Committee's role were made.

In response to a query, it was considered that the partnership could be promoted through the Derbyshire Association of Local Councils (DALC) for distribution to parish councils in the District.

**RESOLVED:-**

***That Full Council be recommended to adopt a partnership behaviour protocol for promotion throughout the Council's partnerships.***

SC/19. **LOCAL CODE OF CORPORATE GOVERNANCE – REVIEW OF SELF ASSESSMENT**

The Committee received a report which outlined the background and process which had led to the submission of a Review of Self Assessment document and Action Plan and which also invited the Committee to consider the document and report to Full Council on progress.

A revised Local Code of Corporate Governance was adopted by the Council on 3rd July 2008, at which time it was reported that a Self Assessment audit had been carried out by officers to provide evidence of how the Council had fulfilled or intended to fulfil its commitment to corporate governance. In approving the Code, Full Council had agreed that the Standards Committee should receive half-yearly reports on progress in relation to compliance with the six core principles on which the Code was based. This would ensure that this Committee had a pivotal role in promoting and maintaining high standards of conduct throughout the Authority.

On 11th November 2010, officers had again met to review the assessment undertaken on 17th May 2010 and a report showing the progress that had been made in the last six months, with a recalculation of the score where justified, was attached to the report. It had been agreed that an Action Plan, identifying those areas with a score of 3 or below, would be created with a view to addressing those issues over the next twelve months. A copy of the Action Plan, indicating the progress made to date, was attached to the report.

The Committee had previously suggested that it would be beneficial if the Chairman could be involved in the Self Assessment process. On 9th December 2010, the Chairman met with the Head of Legal and Democratic Services to review the Council's baseline position in relation to Principle 3, to assess both the source documents and scoring.

Major items that had been achieved in the last six months included the implementation of the Corporate Services Partnership with Northgate from August 2010. In relation to corporate governance, the creation of the Client Services Team and wider governance arrangements for the Corporate Services Partnership would ensure that the Council was able to manage and monitor the contract effectively to sustain good performance, ensuring that Northgate delivered on the key success criteria and that the approved objectives of working in partnership were both realised and sustained. The governance arrangements between the Council and Northgate were a contractual requirement. The Strategic Partnership Board, the role of which

was to develop the partnership and ensure that it gave added value to the Council, included three Members as well as officers.

It was noted that the quarterly and annual returns to Standards for England referred to in requirement no. 25 were no longer necessary and should be deleted. It was suggested that the narrative in the Action Plan relating to the abolition of the statutory ethical framework could be extended to refer to the forthcoming report to be submitted to Full Council on the recommended adoption of a Voluntary Code to address the abolition (Minute No. SC/15 above refers) and the Monitoring Officer confirmed that this could be reported verbally to the Full Council on 20th January 2011, when a similar report on the Local Code of Corporate Governance would be considered.

**RESOLVED:-**

- (1) That the Council be recommended to note progress in achieving the actual points set out in the Self Assessment of performance under the Local Code of Corporate Governance.***
- (2) That the additional information relating to the abolition of the statutory ethical framework, as outlined above, be reported verbally to the Full Council Meeting on 20th January 2011.***

SC/20. **SUMMARY OF COMPLAINTS TO STANDARDS SUB-COMMITTEES**

Members were reminded that the Local Assessment regime introduced by the Standards Committee (England) Regulations 2008 relating to the assessment of complaints had been operative since 8th May 2008. A summary of outstanding complaints was attached to the report without naming the complainants and the subject Members.

Regulation 8(5) required a Sub-Committee to produce a summary in writing of its consideration of an allegation or a review of a decision. The written summary must record the main points considered, the conclusions as regards the allegation or review of the decision and the reasons for that conclusion; be prepared having regard to any relevant guidance issued by Standards for England; be available for inspection by members of the public at the offices of the authority for a period of six years beginning with the date of the Meeting; and be given to any parish council of which any Member who was the subject of an allegation referred to in the written summary was a Member.

It was noted that these ongoing reports only referred to any current cases together with those that had not been previously reported to the Committee.

**RESOLVED:-**

***That the summary of complaints considered by the Standards Sub-Committees be noted.***

SC/21. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

*That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**COMPLAINTS TO STANDARDS SUB-COMMITTEES (Paragraphs 1 & 2)**

*The Committee noted the Decision Notices relating to Meetings of the Standards Sub-Committee (Initial Assessment) and Standards Sub-Committee (Review) since the last Meeting together with a Decision Notice from Standards for England.*

D.R. WILLIAMS

CHAIRMAN