

SOUTH DERBYSHIRE DISTRICT COUNCIL

Standards Committee Annual Report 2009/10

May 2010

STANDARDS COMMITTEE – ANNUAL REPORT – 2009/10

INTRODUCTION

This is the Sixth Annual Report of South Derbyshire District Council's Standards Committee and reviews the Council year 2009/10.

FORM AND COMPOSITION

The Standards Committee was formed in 2001 and was composed of eight Members until 2007, when the Council approved a recommendation of the Committee to appoint a further two Independent Members to the Committee. In 2008, the Council agreed to appoint an additional Parish Member to the Committee, taking the composition to eleven Members.

District Council Members

Three Councillors, including the Chairman of the Council, being two Members from the majority party and one Member from the minority party.

In 2009/10, the District Council Members were:-

- Councillor John Harrison
- Councillor Jean Mead
- Councillor Pat Murray (Chairman of the Council)

Independent Members

Five individuals, who are not associated with any political party and have not been in the last five years Councillors or Officers of the Council or of any other body having a Standards Committee.

The Independent Members are:-

- Mr. Dudley Williams (Chairman of the Standards Committee 2009/10)
- Mr. Peter Dawn (Vice-Chairman of the Standards Committee 2009/10)
- Mr. Robert Pearson
- Mr. Peter Purnell
- Mrs. Kay St. Clair

Parish Members

Three Members of Parish Councils wholly or mainly in the Council's District.

The Derbyshire Association of Local Councils has nominated three Parish Councillors to serve on the Council's Standards Committee:-

- Mr. Ron Buxton (Hatton Parish Council)
- Mr. Ken Fairbrother (Castle Gresley Parish Council)
- Mr. Keith Overton (Willington Parish Council)

Quorum

The quorum of a meeting will be three Members (including at least one District Council Member and two Independent Members) and where Parish Council business is being discussed the quorum shall be four (which in addition to the above must include at least one Parish Member).

ROLES AND FUNCTIONS

Article 8 of the Council's Constitution sets out the requirements for and composition of the Standards Committee. The Standards Committee will discharge the general and specific functions as specified in Section 54 of the Local Government Act 2000 (and elsewhere in Part III of the Act), including the following roles and functions:-

- (a) to advise Full Council on the adoption or revision of the Members' Code of Conduct and any other Codes and Protocols as necessary;
- (b) to promote and maintain high standards of conduct for Councillors and Co-opted Members;
- (c) to assist the Councillors and Co-opted Members to observe the Members' Code of Conduct set out in Part 5 of the Constitution;
- (d) to monitor the operation of the Members' Code of Conduct;
- (e) to advise, and to provide or arrange for training for Councillors and Co-opted Members on matters relating to the Members' Code of Conduct;
- (f) to consider, whether in all the relevant circumstances, to grant dispensations to Councillors and Co-opted Members relating to interests set out in the Members' Code of Conduct;
- (g) to deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer of Standards for England to the Monitoring Officer;
- (h) to assess all written complaints alleging a breach of the Members' Code of Conduct against a Councillor or Co-opted Member, review such decisions and hear and determine any allegations;
- (i) to receive reports from the Sub-Committees in relation to the Initial Assessment, Review, Consideration and Hearing and determination of any allegations and to consider whether any further recommendations need to be made to the District or Parish Council;

- (j) to monitor the operation of the Council's Local Code of Corporate Governance on a half-yearly basis in conjunction with the Audit Sub-Committee and report findings and make recommendations to Full Council;
- (k) to deal with any reports from the Monitoring Officer or the Director of Corporate Services on matters relating to probity issues;
- (l) to exercise (b) to (h) above in relation to the Parish Councils wholly or mainly in its District and the members of those Parish Councils.
- (m) to discharge such other functions, either general or specific, as Full Council may from time to time allocate to the Committee.

CODES AND PROTOCOLS

Part 5 of the Constitution contains various Codes and Protocols relevant to the functions of the Committee, as follows:-

- Members' Code of Conduct
- Members' Planning Code of Good Practice
- Protocol for the Use of Information Technology by Members of the Council
- Protocol for Member/Employee Relations
- Monitoring Officer Protocol
- Local Code of Corporate Governance
- Licensing Protocol and Procedure
- Code of Conduct for Representatives on Outside Bodies

OFFICER SUPPORT TO THE COMMITTEE

The Standards Committee and its Sub-Committees have been supported by the Monitoring Officer who is also the Head of Legal & Democratic Services, appointed in November 2002. One of the roles of the Monitoring Officer is to contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

The Committee and Sub-Committees have also been supported by the Democratic Services Manager, who services the Committee and makes arrangements for the distribution of Agendas and Minutes of the Standards Committee and its Sub-Committees.

THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008 – LOCAL ASSESSMENT OF COMPLAINTS

These Regulations came into effect on 8th May 2008 and set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of Member misconduct. From this date, anyone who considers that a Member may have breached the Code of Conduct may make a

complaint to that Member's local Standards Committee. Each complaint must then be assessed to see if it falls within the authority's legal jurisdiction. The assessment of complaints is a new function for Standards Committees and was previously undertaken centrally by the Standards Board for England (now renamed Standards for England).

Four Sub-Committees have been established for the potential stages involved in a complaint (Initial Assessment, Review, Consideration and Hearing). In 2009/10, Sub-Committees have met as follows:-

- Initial Assessment 3 Meetings to consider 5 cases
- Review 1 Meeting to consider 1 case
- Consideration 2 Meetings to consider 5 cases

These Meetings were all held within the time limits contained in the guidance from Standards for England. The Committee receives ongoing reports summarising complaints received and has also approved a press policy to help the press officers in responding to media enquiries about the work of the Committee relating to the local assessment and determination of complaints.

CODE OF CONDUCT TRAINING

It had been anticipated that a new Code of Conduct would be introduced during the year. However, in February 2010, Standards for England advised that a new Code of Conduct for Members would not be laid before Parliament in the current session. Communities and Local Government had notified that the Government was concentrating on financial instruments and there would not be Parliamentary time available for the Code. Training will be provided to District and Parish Councillors on the new Code when it is introduced.

No substantial refresher training was necessary in 2009/10 as there were no amendments to the Code and no new District Council Members were elected during this period.

TRAINING

In July 2009, the Monitoring Officer gave a presentation to the Committee on the local assessment of complaints process, including Initial Assessment, Other Action, Reviews, Investigations, Hearings and Sanctions. The Committee also viewed a training DVD produced by Standards for England on the assessment process.

WEBSITE

The section on Standards and Behaviour within the District Council's website has been developed continually to promote standards and raise the profile of the Committee. This now includes information on the Constitution, various Codes and Protocols, the role, function and composition of the Committee, the complaints

process, dispensations and details of Standards for England and the First-Tier Tribunal (Local Government Standards, England) (formerly the Adjudication Panel for England).

DISPENSATIONS

The Committee adopted the Regulations clarifying the rules which apply to Standards Committees when granting dispensations to local authority Members in Summer 2009 and has since adopted the procedure to deal with such requests.

The Committee considered requests for dispensations from twenty Members of the District Council under the Standards Committee (Further Provisions) (England) Regulations 2009. The Committee granted dispensations to speak but not vote on the matters concerned until 29th April 2011 or upon the conclusion of the matters, whichever was the earlier.

LOCAL CODE OF CORPORATE GOVERNANCE

The Committee has received half-yearly reports on progress in relation to compliance with the six core principles on which the Local Code of Corporate Governance is based. This ensures that the Committee has a pivotal role in promoting and maintaining high standards of conduct throughout the authority. The Chairman of the Committee has been involved in reviewing the Council's position in relation to Principle 3 (Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour), by assessing both the source documents and scoring.

DERBYSHIRE FORUM FOR INDEPENDENT MEMBERS OF STANDARDS COMMITTEES

During the year, Independent Members of the Committee have attended meetings of this Forum to exchange views and gather best practice.

ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Standards for England holds an Annual Assembly of Standards Committees, which is a two day conference held at the ICC in Birmingham. The purpose of this conference is to gain the latest information from the Government and learn from best practice from other authorities across the country. It is seen as an opportunity to develop strong partnerships with all stakeholders through opening up channels of communication and sharing information and experience.

In October 2009, the Standards Committee was represented at the eighth Annual Assembly by Andrea McCaskie (Monitoring Officer).

Attendance at these conferences and associated events is felt to be extremely important, giving the opportunity to network with other authorities and to assimilate and implement best practice.

STANDARDS FOR ENGLAND GUIDANCE AND BULLETINS

The regular bulletins and newsletters produced by Standards for England are circulated to Standards Committee Members and also District Council Members, in order that all Members are fully aware of the latest news and advice.

Members can find additional information at www.standardsforengland.gov.uk

CONCLUSIONS

Following the implementation of the local assessment regulations, the year under review has been less active than 2008/09 in relation to the local assessment of complaints framework. However, the Committee has continued to promote and maintain high standards of Member conduct, taking ownership of the local standards framework by being involved in the assessment of complaints which are reported on a quarterly basis to the Standards Committee. The Committee is again looking forward to the forthcoming municipal year to build on knowledge and experience and to continue to help strengthen public confidence in local democracy.

It is widely anticipated that a new Code of Conduct for Members will be introduced during 2010/11 and the Committee will be involved in providing training for District and Parish Councillors.

This report is commended to the Council for acceptance and the Committee's thanks are due to all Councillors, Officers and others who have contributed to its work. It recognises that South Derbyshire has a sound record in ensuring good standards of conduct and it is the Committee's intention to build on that to ensure that standards are maintained and enhanced.

Dudley R. Williams
Chairman