

The Council's Ethical Framework

The Council's Ethical Framework is the set of rules and procedures which set out the standards of behaviour that the Council expects of its Councillors and staff. It also deals with the way in which Councillors and employees should relate to one another.

The Ethical Framework was derived from the Local Government Act 2000, guidance from the Office of the Deputy Prime Minister and guidance from the Standards Board for England.

The Ethical Framework is made up of the following documents:-

◆ The Constitution

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and that those who made the decisions are accountable to local people. Some of these procedures are required by law; others are a matter for the Council to choose.

– *link to Constitution*

◆ The Code of Conduct for Members

The Code of Conduct for Members sets out the standards of conduct that Members are required to adhere to whenever they are conducting the business of the Council, whenever they are carrying out the business of the office to which they have been elected or appointed and when they are acting as a representative of the Council.

– *link to Code of Conduct for Members*

◆ The Protocol for Member/Employee Relations

The Protocol for Member/Employee Relations defines the way in which Councillors and Council employees should relate to one another in carrying out their respective roles. The principles underlying the Protocol are that there must be mutual courtesy and respect between Members and Employees and that Members and Employees must carry out their respective duties in the best interests of the Council.

– *link to Protocol for Member/Employee Relations*

◆ The Code of Conduct for Employees

The Code of Conduct for Employees sets out the standards of conduct that Employees are required to adhere to whenever they are conducting the business of the Council, whenever they are carrying out the business of the office to which they have been appointed and when they are acting as a representative of the Council.

The model national Code of Conduct for Employees is now subject to consultation.

– *link to Code of Conduct for Employees*

◆ **The Local Code of Corporate Governance**

The Local Code of Corporate Governance contains the fundamental principles of good Corporate Governance which are openness, accountability and integrity. These principles are reflected in:-

- relationships with the local community;
- service delivery arrangements;
- structures and processes; and
- the conduct of Members and Employees

The Code sets out how South Derbyshire District Council has achieved this and the steps we intend to take to ensure continual improvement in this essential area.

– *link to the Local Code of Corporate Governance*

◆ **Other supporting Codes and Protocols**

The Council is developing a series of codes and protocols to assist Members and Employees in their work. Prominent among these are:-

Members' Planning Code of Good Practice

The Members' Planning Code of Good Practice is designed to assist and protect Members during their involvement in the various stages of the planning process. The purpose of the Code is to supplement the existing Members' Code of Conduct which all Members have agreed to observe in a written undertaking.

– *link to Members' Planning Code of Good Practice*

Protocol for the Use of Information Technology by Members

The IT Protocol for Members was introduced for a number of reasons, the most important of which are:-

- To protect the Authority and its Members from prosecution. This can involve Data Protection, software usage, security and virus issues.
- To protect the assets owned by the Authority. These assets include not only software and hardware, but also data.
- To standardise the working environment. This will allow every computer to operate the same, wherever you are located.
- To streamline laptop support procedures, giving the user a faster response to faults.
- To enable Members to carry out their duties safely and more effectively.

– *link to Protocol for the Use of Information Technology by Members*

Licensing Protocol and Procedure

The Licensing Protocol and Procedure sets out how Members should act, together with the procedures which should be followed to ensure that Members not only act in a fair and proper manner, but are also seen to do so. The Protocol has been prepared with a particular emphasis on Members who serve on the Licensing & Appeals Committee/Sub-Committee, but its content is also relevant to all other Councillors.

– link to the Licensing Protocol and Procedure

The Standards Committee

Role and Function of the Standards Committee

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 promote and maintain high standards of conduct for Councillors and Co-opted Members;
- (b) to assist the Councillors and Co-opted Members to observe the Members' Code of Conduct set out in Part 5 of this Constitution;
- (c) to advise Full Council on the adoption or revision of the Members' Code of Conduct;
- (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 grant dispensations to Councillors and Co-opted Members from requirements 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 the Standards Board for England to the Monitoring Officer;
- (h) to monitor the operation of the Council's Whistleblowing Procedure;
- (i) to deal with any reports from the Monitoring Officer or the Director of Corporate Services on matters relating to probity issues;
- (j) to exercise (a) to (g) above in relation to the Parish Councils wholly or mainly in its District and the members of those Parish Councils.
- (k) to discharge such other functions, either general or specific, as Full Council may from time to time allocate to the Committee.

Form and Composition of the Standards Committee

Membership

The Standards Committee has, since 2001, been composed of 8 Members.

(a) Independent Members

3 individuals, who are not Councillors or Officers of the Council or any other body having a Standards Committee, were appointed in June 2005 for a term of office of 4 years.

The Independent Members are:-

- Mr. Dudley Williams (Chair of the Standards Committee 2005/06)

(insert profile)

- Mr. Peter Dawn (Vice-Chair of the Standards Committee 2005/06)

(insert profile)

- Mr. Thomas Thompson

(insert profile)

(b) District Council Members

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

In 2005/06, the District Council Members were:-

- Councillor Raymond Jones (Chair of the Council)

(insert profile)

- Councillor Jean Mead

(insert profile)

- Councillor Mick Bale

(insert profile)

(c) Parish Members

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

The Derbyshire Association of Local Councils has nominated 2 Parish Councillors to sit on the Council's Standards Committee:-

- Parish Councillor Ron Buxton (Hatton Parish Council)

(insert profile)

- Parish Councillor Christine Barker (Barrow upon Trent Parish Council)

(insert profile)

Quorum

The quorum of a meeting will be 3 Members (including at least two District Council Members and an Independent Member) except when the Standards Committee is considering a matter relating to Parish Councils or an issue that involves Parish Councillors, when the quorum shall be 4 (which in addition to the above must include at least one Parish Member).

Officer Support to the Standards Committee

The Standards Committee has been supported by the Monitoring Officer who is also the Head of Legal & Democratic Services, who was 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 has also been supported by the Principal Democratic Services Officer, who services the Committee and makes arrangements for the distribution of the Agenda and Minutes of the Standards Committee.

Promoting Standards

A leaflet setting out the role of the Standards Committee has been produced and adopted by the Standards Committee to promote and raise the profile of its work.

A copy of the leaflet can be downloaded here

Annual Report of the Standards Committee

The first Annual Report of South Derbyshire District Council's Standards Committee, which reviews the Council year 2004/05 *can be downloaded here*

Past Reports, Agendas and Minutes of the Standard Committee

– *link*

Standards Board for England

– *link* www.standardsboard.co.uk

The Standards Board for England (“SBE”) was set up by the Government to oversee the Members’ Code of Conduct for Local Government. In particular, the SBE can investigate if a Member is thought to have broken their Authority’s Code of Conduct. The SBE also produces guidance for local government and works to promote the highest standard of conduct.

Further information about the SBE can be obtained from:-

The Standards Board for England
First Floor
Cottons Centre
Cottons Lane
LONDON
SE1 2QG

Telephone: 0800 107 2001
Fax: 020 7378 5005
E-mail: referrals@standardsboard.co.uk
Website: www.standardsboard.co.uk

Further information

More information on the Ethical Framework and the work of the Standards Committee is available from:-

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