

# **SOUTH DERBYSHIRE DISTRICT COUNCIL**

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## **Standards Committee Annual Report 2007/08**

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# STANDARDS COMMITTEE – ANNUAL REPORT – 2007/08

## INTRODUCTION

This is the Fourth Annual Report of South Derbyshire District Council's Standards Committee and reviews the Council year 2007/08.

## FORM AND COMPOSITION

### MEMBERSHIP

The Standards Committee was, since 2001, 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.

#### 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 2007/08, the District Council Members were:-

- Councillor Michael Bale (Chairman of the Council)
- Councillor Jean Mead
- Councillor Henry Timms

#### Independent Members

Five individuals, who are not Councillors or Officers of the Council or any other body having a Standards Committee, for a term of office of four years.

The Independent Members are:-

- Mr. Dudley Williams (Chairman of the Standards Committee 2007/08)
- Mr. Peter Purnell (Vice-Chairman of the Standards Committee 2007/08)
- Mr. Peter Dawn
- Mr. Robert Pearson
- Mr. Tom Thompson

#### Parish Members

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

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

- Christine Barker (Barrow upon Trent Parish Council)
- Helen Scott-South (Melbourne Parish Council) (Resigned April 2008)
- Ken Fairbrother (Castle Gresley Parish Council) (From April 2008)

### **Quorum**

The quorum of a meeting will be three 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 four (which in addition to the above must include at least one Parish Member).

## **ROLE AND FUNCTION**

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 the 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.

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
- Employees' Code of Conduct
- Protocol on Member/Employee Relationships
- Licensing Protocol and Procedure
- Code of Conduct for Representatives on Outside Bodies

## **OFFICER SUPPORT TO THE COMMITTEE**

The Standards Committee has been supported by the Monitoring Officer who is also the Head of Legal & Democratic Services, appointed in November 2002, along with the Deputy Monitoring Officer. 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 Democratic Services Manager, who services the Committee and makes arrangements for the distribution of Agendas and Minutes of the Standards Committee.

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

These Regulations came into effect on 8<sup>th</sup> 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 8<sup>th</sup> May 2008, 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.

## **AMENDMENTS TO THE MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS**

Following the Committee's recommendations on the draft of a proposed new model code of conduct for local authority Members, Full Council at its Meeting on 19<sup>th</sup> April 2007 approved the revised Model Code of Conduct for Members with effect from 8<sup>th</sup> May 2007. All Members elected at the District Council elections on 3<sup>rd</sup> May 2007 agreed to observe this revised Code as part of their declaration of acceptance of office.

Several Members of the Standards Committee attended a training seminar on standards and the revised Code of Conduct at North West Leicestershire District Council on 25<sup>th</sup> September 2007.

The Standards Board for England produced a guidance DVD entitled 'The Code Uncovered', which used a fictional planning application dispute to illustrate the key changes to the revised Model Code of Conduct. The DVD examined the rules about declaring interests, disclosing confidential information and bullying. The Standards Committee viewed this DVD and requested Members of the District Council to view this, which was subsequently arranged.

## **WEBSITE**

A section on the Ethical Framework has been developed within the District Council's website to promote standards and raise the profile of the Committee. This includes information on the Constitution, various Codes and Protocols, the role, function and composition of the Committee and details of the Standards Board for England.

## **DISPENSATIONS**

At a Meeting of the Standards Committee in November 2007, the Committee considered four requests for dispensations from members of Barrow-on-Trent Parish Council under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. The Committee granted dispensations to the four Parish Councillors to enable them to participate in decision-making on the matter concerned for a period of one year or upon the conclusion of the matter, whichever was the earlier.

## **UPDATE ON COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND**

There have been no cases referred to the Standards Committee from Ethical Standards Officers during 2007/08.

## **DERBYSHIRE FORUM FOR INDEPENDENT MEMBERS OF STANDARDS COMMITTEES**

During the year, the Chairman and Vice-Chairman of the Committee have attended meetings of this Forum to exchange views and gather best practice.

## **ANNUAL CONFERENCE**

The Standards Board 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 2007, the Standards Committee was again represented at the sixth Annual Assembly by Dudley Williams (Independent Chairman) along with Andrea McCaskie (Monitoring Officer) and Neil Betteridge (Democratic Services Manager).

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 BOARD FOR ENGLAND GUIDANCE AND BULLETINS**

The regular bulletins and newsletters produced by the Standards Board for England are circulated to South Derbyshire District Council Members and Co-opted Members and are also circulated to the Clerks to the Parish Councils, in order that all Members are fully aware of the latest news and advice.

Members can find additional information at [www.standardsboard.co.uk](http://www.standardsboard.co.uk)

## **REGISTERS OF INTERESTS**

The Standards Committee receives annual updates in relation to Members' Registers of Interests. Following the District Council elections on 3<sup>rd</sup> May 2007, all District Councillors completed a new Register of Members' Interests.

With regard to Parish Councillors, a letter was sent to all Parish Clerks, advising them to undertake the same action outlined above in respect of their Councillors.

## **CONCLUSIONS**

The year under review has again seen some further consolidation but following the publication of the local assessment regulations, the Committee needs to be in a position in 2008/09 to deal with any complaints in the prescribed manner, which will involve ongoing training as necessary.

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.