

STANDARDS COMMITTEE

13th August 2003

**PRESENT:-**

**District Council Members**

Councillor Bale (Chair) and Councillors Dunn and Mrs. Mead.

**Parish Members**

Mrs. C. Barker and Mr. R. Buxton.

**Independent Members**

Mr. P. Dawn and Mr. D. R. Williams.

**APOLOGY**

An apology for absence from the Meeting was received from Mr. L. Taylor (Independent Member).

SC/1. **MINUTES**

The Open Minutes of the Meeting held on 20th March 2003 were taken as read, approved as a true record and signed by the Chair.

With regard to complaints to the Standards Board for England, it was reported that the Standards Board had now advised that appropriate details of future complaints should now be provided to Members of the Committee by means of a confidential letter, rather than a Committee agenda item.

SC/2. **CHAIR OF COMMITTEE**

Members were reminded that Article 8.01 of the Council's Constitution provided that the Chair of the Council would Chair the Standards Committee. However, it had become evident from the majority of other authorities, including most within Derbyshire, that the position was held by an Independent Member. This was also supported by good practice issued by the Standards Board for England. Accordingly, Members reviewed the position of Chair and it was noted that any amendment to the Constitution would require the approval of the Council.

**RESOLVED:-**

- (1) That the Council be recommended to amend the Constitution to provide that an Independent Member shall Chair the Committee.***
- (2) That, subject to (1) above, Mr. D. R. Williams be nominated to fill the position of Chair of the Committee.***

SC/3. **APPOINTMENT OF VICE-CHAIR****RESOLVED:-**

***That consideration of this matter be deferred until consideration by the Council of the position of Chair.***

SC/4. **DETERMINATION OF STANDARDS ALLEGATIONS BY THE STANDARDS BOARD**

It was reported that the Government had now made the first part of the Section 66 Regulations. This enabled the Ethical Standards Officers of the Standards Board for England (ESO's) to refer allegations to the Standards Committee for local determination, once the ESO had completed an investigation of and report on the allegation. A further set of Section 66 Regulations would be made later in the year, once the Local Government Bill was in force. The Regulations would enable an allegation to be referred to the Monitoring Officer before investigation of the allegation, in order that the Monitoring Officer could undertake the investigation and report to the Standards Committee.

The first part of the Section 66 Regulations contained no great surprises in terms of the procedure which authorities would be required to follow in dealing with allegations of failure to comply with the Members' Code of Conduct. Key features together with a range of sanctions were outlined and ESO's would now start to refer allegations to Monitoring Officers and Standards Committees where they considered that the alleged misconduct was of such a nature that, if proven, it would merit a sanction within the powers outlined, rather than the more draconian sanctions available to a national Case Tribunal. These involved suspension up to one year or disqualification from any local authority for up to five years.

The Standards Board had recently issued guidance including practical procedural information for Standards Committees on how to hold a hearing relating to a referred allegation. Under the Regulations, Standards Committees must take this guidance into account. It was important for the authority to have determined a procedure which it would apply to any such referred allegations so that all parties were clear as to how the matter would be dealt with and when they would have an opportunity to contribute to the process.

The Derbyshire Secretaries and Solicitors Group comprising of the Monitoring Officers representing the City, County and District Councils had agreed to consider the adoption of a common procedure for dealing with matters under the Regulations. This example of joint working would ensure a consistency of approach across the County and in particular, would allow the authorities with small legal departments the opportunity to ensure that an appropriately experienced officer was available to advise the Standards Committee if there was a conflict of interests with its own officers. The Standards Board had recommended in guidance that such joint working arrangements with neighbouring authorities should be explored. Accordingly, it was intended to submit to a future Meeting of the Committee the draft procedure for dealing with determinations under the Regulations together with the draft protocol for joint working with the other authorities in Derbyshire.

Copies of a publication received from the Standards Board for England earlier in the day on “Standards Committee Determinations – Guidance for Monitoring Officers and Standards Committees” were circulated to Members of the Committee.

**RESOLVED:-**

***That the report be noted and the Monitoring Officer report further on a procedure for determining referred complaints when the Standards Board Guidance has been received.***

SC/5. **THE STANDARDS BOARD FOR ENGLAND ANNUAL CONFERENCE 2003**

The Chair of the Committee, Mr. D. R. Williams and the Monitoring Officer reported on their attendance at this Conference on 9th and 10th June 2003 at the ICC Birmingham. The majority of local authorities had been represented in the capacities of Monitoring Officers, Chairs of Committees, Independent Members and Parish Members. It was evident that many Standards Committees had not been particularly active whilst awaiting the issue of the Section 66 Regulations. Various statistics presented to delegates had revealed that the majority of complaints had been lodged against Parish Councillors. Details of the various workshops attended during the period of the Conference were provided to Members of the Committee.

SC/6. **TRAINING**

It was reported that as part of the Induction Programme arranged for all Members of the District Council following the elections on 1st May 2003, a session on the new ethical framework was held on 6th May 2003. This incorporated training on the Members’ Code of Conduct, general provisions, personal and prejudicial interests, dispensations, the Register of Interests and quasi-judicial roles relating to Regulatory Committees. With regard to the latter issue, a specific training session on the planning function was also held for all Members on 29th May 2003 by the Planning Co-operative, an external training provider. This included the role of Members when considering quasi-judicial issues.

All newly-elected Members were provided with the opportunity to attend a seminar at Melton Mowbray on 9th July 2003 for newly-elected Members organised by the East Midlands Regional Local Government Association under the Modern Members Development Programme.

On 14th July 2003 at Etwall, the Monitoring Officer had provided training for Parish Councils on the new ethical framework and the Committee received a copy of the presentation slides for information. This session had been requested by the Secretary to the Derbyshire Association of Local Councils (DALC) and included the role of Monitoring Officer and the District Council’s Standards Committee in relation to the Code of Conduct. Personal and prejudicial interests were also covered in detail, together with the Register of Gifts and Hospitality. The Secretary of DALC then explained the role of his Association prior to a question and answer session. The training session was well received and the 27 attendees represented 11 parish councils in South Derbyshire. Further joint training sessions would be arranged with DALC, if necessary.

Members expressed concern that 20 parish councils had not been represented at the training session and the Monitoring Officer expressed a willingness to attend individual parish council meetings, if required. In this regard, it was suggested that those parish councils who had not been represented at the training session be asked if they wished the Monitoring Officer to address a forthcoming meeting.

SC/7. **THE CODE IN PRACTICE VIDEO**

The Committee viewed this video produced by the Standards Board for England designed to help Councillors review the contents of the Code of Conduct and identify how it applied to particular aspects of their work. The video contained 5 scenarios, each illustrating the application of the Code in different situations. The issues covered were declarations of interests and the duty to inform, appropriate allegations, personal and prejudicial interests, “dual-hatted” Members and the investigation.

It was considered that the video should be shown to all Members of the District Council at a future Council Meeting.

SC/8. **REGISTERS OF INTEREST**

It was reported that following the District and Parish elections on 1st May 2003, all newly-elected District Councillors had completed the relevant form in respect of the necessary declarations on the Register of Interests. All re-elected Members had reviewed their existing entries and either confirmed that there were no amendments and that the information was still correct, all had completed a new form, as appropriate. These actions were undertaken within 28 days of the Councillor completing the Declaration of Acceptance of Office, as required.

With regard to Parish Councillors, a letter was sent to Parish Clerks following the elections advising them to undertake the same action outlined above in respect of their Councillors. Although the Parish Clerk was the Proper Officer for ensuring all Parish Councillors completed the relevant form, Clerks were requested to forward copies of the documents to the Monitoring Officer to provide a complete record of Parish declarations. Responses had been received from the majority of Parish Councillors but several had not yet responded. Accordingly, a reminder letter had been sent to these Parish Councils and the matter would continue to be pursued.

SC/9. **PROMOTING STANDARDS**

A draft leaflet was circulated to the Committee explaining the duties of the Committee. The content was approved by Members and it was suggested that this should be circulated as widely as possible, including Area Meetings, Members of the Council, Parish Councils and the Council’s website. A press release would also be issued and the contents included on the Core Brief for the weekly Team Briefings for District Council staff.

SC/10. **REVISED EMPLOYEE CODE OF CONDUCT**

The Committee received a report seeking views on the proposed revised Employee Code of Conduct. There had not been a corporate review of the

Code since it was first produced approximately four years ago. Following the introduction of the Modernising Legislation and the Comprehensive Performance Assessment regime, there was an expectation placed upon authorities to review, communicate, implement and monitor Codes of Conduct to reflect current guidance. The underlying principles of the Code remained unchanged, ie. “the public is entitled to expect the highest standards of conduct from all employees who work for local government and that their conduct should never be influenced by improper motives”.

The Code provided a set of standards of conduct expected of employees at work. It was interlinked with the new Member/Employee Protocol (Minute No. SC/11 refers) and was also linked to other employment policies and procedures. It covered the following matters:-

- Employee Standards of Conduct
- Disclosure and Confidentiality of Information
- Political Neutrality and Activity
- Relationships between Employees and Members
- Relationships between Employees and the Community and Service Users
- Relationships between Employees and Contractors
- Involvement in appointments and other employment matters
- Employees’ commitments outside of work
- Employees’ Personal Interests
- Equality Issues
- Separation of Roles during Tendering
- Corruption
- Use of financial and other resources
- Gifts and Hospitality
- Sponsorship Giving and Receiving
- Use of Information Technology

The main section of the Code had not changed substantially, other than updates to reflect current structures and to recognise how it was now interlinked to the new Member/Employee Protocol.

Firstly, it was considered appropriate to reach an agreement on a way forward with the Unions in relation to the impact on employees. Accordingly, a report was considered by the Joint Negotiating Group on 30th July 2003 and no objections were raised. Following consideration by this Committee, the matter would be considered by the Joint Consultative Committee, where both Unions and Members could agree a finalised version and address any outstanding issues jointly prior to a recommendation to the Finance and Management Committee and finally to the Council for approval.

**RESOLVED:-**

***That the revised Employee Code of Conduct be noted and no objections be raised thereto.***

SC/11. **MEMBER/EMPLOYEE PROTOCOL**

It was reported that there had not been a corporate review of the Member/Employee Protocol for many years and the Council did not have an independent written protocol available to all Members and employees.

However, following the introduction of the Modernisation Legislation and the Comprehensive Performance Assessment regime, there was an expectation placed on local authorities to produce, communicate, implement and monitor such a Protocol. The underlying principles of this Protocol were as follows:-

- ❑ There shall be mutual courtesy and respect between Members and Employees with regard to their respective roles.
- ❑ Members and Employees shall each carry out their respective duties in the best interests of the Council.
- ❑ The Protocol applies to all dealings between Members and Employees and not just in formal Meetings.

The aspects of the document were outlined and firstly, it was considered appropriate to reach an agreement on the way forward with the Unions in relation to the impact on employees. Accordingly, a report had been submitted to the Joint Negotiating Group on 30th July 2003 and no objections had been raised. Following consideration by this Committee, further reports would be submitted to the Joint Consultative Committee and the Finance and Management Committee, prior to a final report to the Council for approval.

Following a query, the Monitoring Officer agreed to reconsider Clause 14 of the draft Protocol relating to “breach” and make any amendments for clarification purposes, if necessary.

**RESOLVED:-**

***The Member/Employee Protocol be noted and no objections be raised thereto.***

M. J. BALE

CHAIR

The Meeting terminated at 7.05 p.m.