

SOUTH DERBYSHIRE DISTRICT COUNCIL

Standards Committee Annual Report 2008/09

STANDARDS COMMITTEE – ANNUAL REPORT – 2008/09

INTRODUCTION

This is the Fifth Annual Report of South Derbyshire District Council's Standards Committee and reviews the Council year 2008/09.

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 2008/09, the District Council Members were:-

- Councillor John Harrison
- Councillor Ann Hood (Chairman of the Council)
- Councillor Jean Mead

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, for a term of office of four years.

The Independent Members are:-

- Mr. Dudley Williams (Chairman of the Standards Committee 2008/09)
- Mr. Peter Dawn (Vice-Chairman of the Standards Committee 2008/09)
- Mr. Robert Pearson
- Mr. Peter Purnell
- Mr. Tom Thompson

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:-

- Christine Barker (Barrow upon Trent Parish Council) (resigned January 2009)
- Ron Buxton (Hatton Parish Council) (From January 2009)
- Ken Fairbrother (Castle Gresley Parish Council)
- 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 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 and any other Codes and Protocols as necessary;
- (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 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 Assessment, Review and Consideration hearings 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 (a) 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, 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 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.

Four Sub-Committees have been established for the potential stages involved in a complaint (Initial Assessment, Review, Consideration and Determination) and since the Regulations came into effect, Sub-Committees have met as follows:-

- Initial Assessment 7 Meetings to consider 22 cases
- Review 3 Meetings to consider 5 cases
- Consideration 2 Meetings to consider 3 cases

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.

CONSULTATION PAPER – COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

In December 2008, the Committee formulated a response to the Department for Communities and Local Government on behalf of the Council to this consultation paper on further revisions to the Members' Code of Conduct. At that time, it was intended to introduce any revised Code with effect from the local elections in June 2009.

TRAINING

In June 2008, Members of the Committee attended a training session on the new system for complaints.

In November 2008, the Secretary of the Derbyshire Association of Local Councils (DALC) addressed the Committee in relation to the role and work carried out by DALC on behalf of parish councils throughout the District.

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 new complaints process and details of the Standards Board for England.

DISPENSATIONS

The Committee considered four requests for extensions to previous dispensations granted to members of Barrow-on-Trent Parish Council under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. The Committee granted further 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.

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 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 2008, the Standards Committee was again represented at the seventh Annual Assembly by Peter Dawn (Independent Vice-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 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.standardsboard.gov.uk

MONITORING OFFICER PROTOCOL

The Committee recommended the adoption of a Monitoring Officer Protocol to the Full Council, which covered statutory responsibilities, working arrangements and sanctions for breaches of the Code of Conduct. This was subsequently approved for incorporation in Part 5 of the Council's Constitution.

CONCLUSIONS

Following the implementation of the local assessment regulations, the year under review has been the most active since the Committee was established in 2001. 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 looking forward to the forthcoming municipal year to build on knowledge and experience and to continue to help strengthen public confidence in local democracy.

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.