

ANNEXE 'A'

# **SOUTH DERBYSHIRE DISTRICT COUNCIL**

---

## **Standards Committee Annual Report 2004/05**

---

April 2005

# STANDARDS COMMITTEE – ANNUAL REPORT – 2004/05

## INTRODUCTION

This is the first Annual Report of South Derbyshire District Council's Standards Committee and reviews the Council year 2004/05. In reviewing the activities in 2004/05, it also looks back to when the Standards Committee was created in 2001, as well as forward to next year.

## FORM AND COMPOSITION

### MEMBERSHIP

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

#### 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 2004/05, the District Council Members were:-

- Councillor Jean Mead (Chair of the Council)
- Councillor Bill Dunn
- Councillor Mick Bale

#### 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 2001 for a term of office of 4 years.

The Independent Members are:-

- Mr. Dudley Williams (Chair of the Standards Committee 2004/05)
- Mr. Peter Dawn (Vice-Chair of the Standards Committee 2004/05)
- Mr. Les Taylor

In November 2004, Mr. Les Taylor resigned from the Standards Committee due to personal circumstances. The term of office of all 3 Independent Members ends on 21st June 2005. As it is a requirement that where a Standards Committee has more than 3 Members, at least 25% are independent, a Recruitment and Selection Process will commence in April 2005 to ensure that 3 Independent Members are appointed to the Standards Committee so that its work can continue.

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

## **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).

## **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 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.

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

## **OFFICER SUPPORT TO THE 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.

## **CODES AND PROTOCOLS**

### **Members' Planning Code of Good Practice**

Part of the role of the Standards Committee is to promote and maintain high standards of conduct for Councillors and Co-opted Members. One of the ways the Committee has sought to achieve this function is by considering and reviewing various Codes and Protocols which assist Members in carrying out their duties, by developing an internal framework of ethical governance which complements the Members' Code of Conduct.

The Standards Committee considered the Members' Planning Code of Good Practice, which 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.

The Standards Committee considered the Code in September 2004 prior to final consideration and adoption by Full Council.

## **Revised Employees' Code of Conduct and Protocol on Member/Employee Relationships**

On 13th August 2003, the views were sought of the Standards Committee on the proposed revised Employees' Code of Conduct and the newly created Protocol on Member/Employee Relationships before the documents were considered and adopted by Full Council. In particular, the Committee looked at their potential impact on Members and how they would assist in promoting and maintaining high standards of conduct.

### **Protocol for the Use of Information Technology by Members**

On 21st April 2005, the second version of this Protocol was considered and reviewed by the Standards Committee. The first version was introduced in November 2004. However, due to the need to continually update and expand the information, it was necessary for the Standards Committee to consider and review the Protocol within 6 months of its initial adoption, to ensure it fully addressed all relevant areas.

## **SECTION 66 REGULATIONS**

### **Local Determination of Cases**

Section 66 of the Local Government Act 2000 ("the Act") provides for the local determination of those cases referred to Standards Committees by Ethical Standards Officers appointed by the Standards Board for England ("SBE").

No cases were referred to the Standards Committee during 2004/05, however it was recognised that procedures needed to be in place for the consideration of such cases. A substantial piece of work has been undertaken during 2003/04 and 2004/05 in conjunction with a group of Monitoring Officers across the County to produce procedures which will enable full and fair consideration of these cases by a Standards Sub-Committee drawn from membership of the Standards Committee. The procedures were approved by the Committee in September 2004.

### **Local Investigation by Monitoring Officers of Alleged Breaches of the Members' Code of Conduct**

Further Regulations under Section 66 of the Act were issued in 2004 relating to the local investigation by Monitoring Officers of alleged breaches by Members of the Code of Conduct. Again, a similar process was undertaken, with Monitoring Officers of District Councils throughout the County. The procedure was approved by the Committee in April 2005.

This example of joint working was to ensure that there was a consistency of approach across the County and, in particular, allow Authorities with small legal Departments the opportunity to ensure that an appropriately experienced officer was available to advise a Standards Committee if there was a conflict of interest with an Authority's own officers.

The SBE has recommended in guidance that such joint working arrangements with neighbouring Authorities should be explored.

The Standards Committee views the availability of these two sets of procedures as vital to enable issues relating to the standards of conduct of Councillors to be properly and fairly investigated, heard and adjudicated upon.

One side effect of these changes has been a recognition of the desirability of maintaining continuation of membership of the Committee in the interests of building up knowledge of this specialised area and in the consistent application of standards.

## TRAINING

District Council Elections were held in May 2003. This resulted in 12 new Councillors being appointed to the Authority.

All Members of the Authority undertook an induction programme which included a session on the new Ethical Framework held on 6th May 2003. This session 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 seminar on the Planning function was also held for all Members on 29th May 2003. This has been followed up by annual training courses provided to all Members of the Authority in relation to the Planning function carried out by the District Council. In fact, no Member of the District Council is able to sit on the Development Control Committee unless they have attended the annual Planning Seminar which is held at the commencement of the Civic year during May.

The Monitoring Officer has also provided sessions for Parish Councils on the new Ethical Framework. Three such sessions have been undertaken in association with the Derbyshire Association of Local Councils on 14th July 2003, 17th November 2003 and 20th July 2004. In addition, the Monitoring Officer has provided individual training on ethics and probity to Barrow upon Trent Parish Council on 5th April 2005.

On the 2nd and 4th December 2003, all District Councillors were invited to attend awareness training on the Codes of Conduct for Members and Employees and the Protocol on Member/Employee Relationships, to ensure that they were fully aware of the new Protocol and their duties and responsibilities under both documents.

All Members of the Authority have attended an Equalities & Diversity training seminar held during the Spring/Summer 2004. A similar training session is to be held with the Members of the Standards Committee.

All Members of the Standards Committee, apart from Councillor Bill Dunn, attended a training course entitled 'Local Determination Hearings, Training for Members on Standards Committees' held by the East Midlands Regional Local Government Association on 15th October 2004. This training session provided a useful introduction to the new procedures for dealing with issues referred to the Standards Committee under the Section 66 Regulations.

## **DISPENSATIONS**

In September 2004, the Standards Committee approved a report setting out the procedure that would be adopted when Councillors and Co-opted Members requested dispensations from the Standards Committee.

The Secretary of State has given authority to Standards Committees to grant dispensations to enable Members with prejudicial interests in an item of business to participate in decision making, despite that interest.

The Committee recognised that it was imperative that they had a procedure adopted in order that they could fulfil their function to grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct.

There have been no requests from Councillors in 2004/05 for the grant of dispensations relating to interests in accordance with the Members' Code of Conduct.

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

There have been no cases referred to the Standards Committee from Ethical Standards Officers during 2004/05.

Since the introduction of the Standards Board for England and the Members' Code of Conduct in May 2002, a total of 3 cases have been investigated by the Standards Board for England. Of these, 3 involved Parish Councillors, one of whom was also a District Councillor until he resigned prior to the conclusion of the investigation.

In one case, the matter was referred to the Adjudication Panel, which in January 2004 disqualified the Councillor from membership of any relevant authority for a period of 18 months.

In relation to the other 2 cases, there were findings that the Code of Conduct had been breached, but the SBE decided to take no further action as one Councillor had, since the commencement of the investigation, completed the Register of Interests and the other Councillor had resigned his position.

## **ANNUAL CONFERENCE**

The SBE has introduced Annual Assemblies of Standards Committees which are two day conferences held at the ICC in Birmingham. The purpose of these conferences is to gain the latest information from the Government and learn from best practice from other Authorities across the country.

The Standards Committee has been represented at each of these over the past three years by Dudley Williams (Chair and Independent Member) along with Neil Betteridge (Principal Democratic Services Officer). Andrea McCaskie (Monitoring Officer) has attended the last two conferences and Councillors Jean Mead and Mick Bale also represented the Authority during their terms as Chair of the Committee. The Chair and Officers have also attended Roadshows and Seminars in the past year.

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 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 news from the SBE.

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

## **REGISTER OF INTERESTS**

The Standards Committee receives annual updates in relation to Members' Registers of Interests. All District Councillors in 2004/05 have been requested to review their existing entries in the Register of Members' Interests and either confirm that there were no amendments and the information was correct or complete a new form, as appropriate. During the course of last year, several Members had made ongoing amendments to their entries, as appropriate.

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

## **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. This leaflet is generally available to members of the public and has been circulated to all Parish Councils and placed in public offices.

There have also been a number of press releases relating to the appointment of an Independent Chair to the Standards Committee, again helping to raise its profile.



Items have also been placed in the Core Brief which is circulated to all members of staff at South Derbyshire District Council and the website has been updated, detailing the work undertaken by the Standards Committee.

## **REVISIONS TO THE MEMBERS' CODE OF CONDUCT**

Consultation has been launched by the SBE on the Members' Code of Conduct which was introduced 3 years ago.

The SBE has been asked to conduct the review by central government to gauge opinions on the areas of the Code that would benefit from change and gather ideas about how that change could best be achieved. The deadline for responses to the consultation is 17th June 2005 and the Standards Committee intends to hold a separate meeting to consider a response to this document and make recommendations to Full Council.

## **CONCLUSIONS**

The year under review has been one in which there has seen some consolidation of activity and this report highlights some areas where further work is planned.

The report is commended to Council for acceptance.

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.

U:\JAYNE\DemServ\StandardsAnnualRep.doc

## STANDARDS COMMITTEE

### Proposed Work Programme – Timetable for 2005/06

| Subject  | Date of Committee |
|--|-------------------|
| <ul style="list-style-type: none"><li>• Consultation on Members' Code of Conduct</li><li>• Equality &amp; Diversity Training</li></ul>   | May 2005          |
| <ul style="list-style-type: none"><li>• Fourth Annual Assembly – Report back</li><li>• Training Report update – Review of Members' Training on Ethical Issues</li><li>• Review of Members' Declaration of Interests Register and Register of Gifts and Hospitality</li></ul> | October 2005      |
| <ul style="list-style-type: none"><li>• Consideration of amended Code of Conduct and recommendations to Full Council</li><li>• Consideration of Complaints Procedure</li></ul>   | January 2006      |
| <ul style="list-style-type: none"><li>• Annual Report 2005/06</li><li>• Number of complaints to the Standards Board – advise Standards Committee whether any complaints have been made to the Standards Board</li></ul>  | April 2006        |