



Derby City Council

# Annual Report of the Standards Committee 2011/12

# **The Standards Committee of Derby City Council Annual Report 2011/12**

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## Foreword by the Chair

Over the past year the Standards Committee has considered a number of references to it. However, there have been no significant issues which have arisen.

The numbers of complaints received (four) were the same as in the previous municipal year. This is a tribute to Council Members who have taken part in fairly robust debate over the last year.

The business of the committee has included:

- Consideration of future arrangements to preserve ethical standards
- Consideration of complaints
- Oversight of Member training in relation to safeguarding children

I participated in discussions at a national level at a meeting of the Local Government Association to discuss what should come after the standards regime was abolished by the Localism Act. Myself and Peter McCrea also gave evidence to the Council's Scrutiny Management Committee, which received views from both inside and outside the Council.

In July, Council agreed to new standards arrangements including a locally operated Code of Conduct, the establishment of a new Standards Committee and a streamlined procedure for handling complaints. These should ensure that sound governance is maintained, but also reduce bureaucracy and make certain that complaints are dealt with in a timely manner.

To this end, previous high standards should therefore be maintained within Derby City Council.

Finally I would like to thank all independent and elected members of the Standards Committee. You gave careful consideration to the matter before you and always reached a consensus.

**Philip Sunderland** Independent Member and Chair of the Standards Committee  
2011/12

August 2012

## **The Role of the Standards Committee**

The Standards Committee promotes and maintains the high standards of conduct among Derby City Council's 51 elected members, as well as co-opted members and church and parent governor representatives.

The Standards Committee is responsible for the following activities:

- assisting the elected and co-opted members to observe the Members' Code of Conduct;
- advising on and monitoring the operation of the Members' Code of Conduct;
- determining complaints referred by the Monitoring Officer; and
- ensuring elected and co-opted members receive training and advice on matters relating to the Members' Code of Conduct

## Members of the Committee 2011/12

**Philip Sunderland** has been an Independent Member of the Standards Committee since May 2006. Philip was elected Chair of the Committee on 27 May 2011. He worked for the Audit Commission/District Audit for 34 years mainly in London, Staffordshire and Derbyshire. He is also a non-executive director of Aspire Housing Group, a school governor and a member of the Derbyshire Schools Forum.



**Peter McCrea** has been an independent Member of the Standards Committee since 26 May 2010. He is a Chartered Surveyor and Arbitrator in private practice, and has experience in Disciplinary and Conduct Committees on a national basis.

**Peter Purnell** has been an independent Member of the Standards Committee since 26 May 2010. He was previously the Chair of the Derbyshire Dales/South Derbyshire Primary Care Trust and an Area Education Officer for Derby.



**Dionne Reid** has been an Independent Member of the Standards Committee since 20 May 2009. Dionne was elected Vice Chair of the Committee on 27 May 2011.



**Councillor Barbara Jackson** was elected on 4 May 1995 and has been a Member of the Standards Committee since 24 May 2006. She was Labour Group Secretary, a former Mayor of the City and is a Labour Councillor.



**Councillor Ruth Skelton** was elected on 7 May 1998 and has been a Member of the Standards Committee for the majority of the time since it was first established. She is a former Mayor of the City, former Cabinet Member for Adult Social Care and Health and is a Liberal Democrat Councillor.



**Councillor Robin Wood** was first elected to the Council on 3 May 1979 and subsequently in 2007. He was appointed to the Standards Committee on 25 May 2011 and was previously a Member of the Standards Committee in both the 2007/08 and 2010/11 municipal years. Councillor Wood is a former Chair of the Planning Control Committee, a former Mayor of the City and is a Conservative Councillor.

## **The Monitoring Officer and Officer Support**

Councils have a statutory duty to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision making. The Monitoring Officer effectively serves as the guardian of the Council's Constitution and the decision making process. The Monitoring Officer works closely with the Standards Committee to assist it in its role of promoting and maintaining high standards of conduct.

Derby City Council's Monitoring Officer throughout 2011/12 has been the Director of Legal and Democratic Services, Stuart Leslie. The Committee was also supported by the Head of Legal Services (General), Olu Idowu. Meetings of the Committee were serviced by the Council's Constitutional Services team.

## **Consideration of Complaints**

The Period from May 2011 to April 2012 saw the same number of complaints received by the Committee as in the previous municipal year. A summary of the “complaint” meetings held is detailed below:

The Standards Committee considered four complaints during this period. Of the four complaints received, the Assessment Sub Committee decided that there had been one breach of the Members’ Code of Conduct and two potential breaches that were referred to the Monitoring Officer for local investigation. The first two were considered wholly under the old standards regime and the third and fourth were dealt with firstly under the old regime and subsequently under the new procedures once they were adopted by the Council.

1. The first complaint was made by an elected member about the conduct of another elected member in relation to where and when the Mayoral chain should be worn. The Assessment Sub Committee resolved that no investigation be undertaken but ‘other action’ be taken in respect of the complaint. The ‘other action’ taken was that the Council’s Monitoring Officer issued guidance to relevant members.
2. The second complaint was made by an elected member about comments made by another elected member at a Council meeting. The Assessment Sub Committee resolved to take no action in respect of the complaint.
3. The third complaint was made by a member of the public who alleged she had been bullied and intimidated by an elected member. The Assessment Sub Committee resolved to refer the complaint to the Monitoring Officer for local investigation. An investigation is ongoing
4. The fourth complaint was made by two elected members about the conduct of another elected member in relation to a declaration of interests at an overview and scrutiny commission meeting. The Assessment Sub Committee resolved to refer the complaint to the Monitoring Officer for local investigation. An investigator was appointed and he concluded that no breach of the Code of Conduct had occurred. The Monitoring Officer, in consultation with the Independent Member, accepted this conclusion and no further action was taken.



## **Effects of the Localism Act on Standards in Derby**

The Localism Act 2011 made some fundamental changes to the Standards regime. In summary it:

- ❖ Abolished the Standards Board for England
- ❖ Withdrew the requirement for Local Authorities to have a Standards Committee
- ❖ Abolished the role of voting Independent Members and replaced it with a diminished role for non voting Independent Persons
- ❖ Retained the obligation on Councils to have a Members' Code of Conduct but gave them more freedom to decide what was on it.
- ❖ Required authorities to promote and maintain high standards of conduct and have in place arrangements to investigate alleged breaches of the Code of Conduct

At its meetings on 23 May & 18 July 2012, Council approved a new standards regime. This included:

- the adoption of a Member Code of Conduct;
- the establishment of a Standards Committee with five elected members, two Independent Persons and two co-opted independent members; and
- the adoption of a procedure for processing and considering complaints for breaches of the Code of Conduct.

This gave a clear signal that Councillors recognised the need for a locally operated standards regime.

## Contacts

For further information about the role of the Standards Committee or standards issues in general, please contact any of the following:

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More details on Council's Standards Framework and how to submit a complaint are also available on the Council's website: [www.derby.gov.uk](http://www.derby.gov.uk)