

Time commenced – 6.00pm
Finished – 7.00pm

STANDARDS COMMITTEE

3 November 2020

Present: Councillors S Khan (Chair), Atwal, AW Graves, Potter (as a substitute for A Holmes) and Alan Cameron, Stuart Green, Peter Purnell and Philip Sunderland

In Attendance: Emily Feenan - Director of Legal, Procurement and Democratic Services and Monitoring Officer
Steven Mason – Democratic Services Officer

10/20 Apologies

Apologies were received from Councillor A Holmes.

11/20 Late Items Introduced by the Chair

There were none.

12/20 Declarations of Interest

There were none.

13/20 Minutes of the meeting held on 7 July 2020

The minutes of the meeting held on 7 July 2020 were agreed as a correct record.

14/20 CSPL Local Government Ethical Standards 15 Best Practice Recommendations

The Committee received a report of the Director of Legal, Procurement and Democratic Services and Monitoring Officer on CSPL Local Government Ethical Standards 15 Best Practice Recommendations.

Members noted that the Standards Committee considered the Committee on Standards in Public Life (CSPL) Local Government Ethical Standards report at its meetings on 22 October 2019 and 7 July 2020.

It was reported that Members considered the list of recommendations and the list of best practice recommendations, contained within the CSPL report.

It was noted that in that report, the CSPL undertook to follow up the best practice recommendations with local authorities in 2020.

It was reported that in September 2020 the Chair of the CSPL wrote to the Council's Chief Executive, seeking an update on the Council's progress against the best practice recommendations and that the Council's draft response was attached at Appendix 1, for consideration and comment by the Committee.

Members discussed the following best practice recommendation:

Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

It was noted that at its meeting held on 10 July 2018, the Standards Committee resolved to agree that going forward, the subject member should be named at the point at which a complaint was upheld by the Standards Committee.

Members questioned whether the naming of the subject member would also include a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker and any sanction applied. The Monitoring Officer confirmed that it would.

Members discussed the following best practice recommendation:

Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Members questioned how complaints relating to elected members appointed to the Derby Homes Board would be dealt with. The Monitoring Officer confirmed that any elected members on that board would have been formally appointed by Council and, therefore, the Councillors' Code of Conduct and the procedures for considering complaints would apply.

Resolved to note the report.

15/20 Summary of Progress with Member Complaints 2020/21

The Board received a report of the Director of Legal, Procurement and Democratic Services and Monitoring Officer on Summary of Progress with Member Complaints 2020/21.

It was reported that three complaints were carried over from the 2019/20 municipal year and that one complaint was dismissed and two complaints were still live.

Members noted that four complaints had been received in the 2020/21 municipal year and that one complaint had been dismissed and three complaints were still live.

The Chair questioned why some complaints had taken some time to progress. The Monitoring Officer explained that one complaint had moved to an investigation and that once that had been completed, gaps were identified in the procedures for considering complaints as to the next steps. The Monitoring Officer summarised the process that had been followed in making the required changes to the procedures and confirmed that this had been the cause of the delay.

In relation to the summaries of individual complaints, to be considered later in the meeting, members discussed the level of detail contained within them and whether or not the subject members should be named. It was confirmed that at a previous meeting of the Standards Committee, it had been agreed by Members that the summaries should contain more detail but not name the subject members. The Chair confirmed that this matter could be reviewed at some future point, if the Committee wished to do so.

Resolved to note the report.

16/20 Exclusion of the Press and Public

Resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

17/20 Summary of Progress with Member Complaints 2020/21

The Committee considered exempt detail in the report of the Director of Legal, Procurement and Democratic Services and Monitoring Officer on Summary of Progress with Member Complaints 2020/21.

Resolved to note the report.

MINUTES END