

Time Commenced – 4.02pm
Time Finished – 5.08pm

STANDARDS COMMITTEE
27 March 2014

Present: Councillor Tittley (Chair)
Councillor Barker
Councillor Jackson
Councillor Pegg
Councillor Skelton
Ian Green (Independent Person)
Peter Purnell (Co-opted Member)
Philip Sunderland (Co-opted Member)

11/13 Apologies

Apologies were received from Alan Cameron.

12/13 Late Items to be Introduced by the Chair

There were no late items.

13/13 Declarations of Interest

There were no declarations of interest.

14/13 Minutes of the Meeting Held on 26 November 2013

The minutes of the meeting held on 26 November 2013 were agreed as a correct record and signed by the Chair.

15/13 Members' Code of Conduct Training

The Committee received a report of the Monitoring Officer on Members' Code of Conduct Training. It was reported that all newly elected and re-elected Members received Code of Conduct training from the Council's Monitoring Officer. Members considered the training presentation as attached at Appendix 2 of the report.

Members discussed who should be required to attend the training. Members noted that the training promoted good conduct and could also be seen in the context of on-going professional development. Philip Sunderland proposed and Ian Cameron seconded a recommendation that the training should be mandatory for new and returning Members and all existing Members.

It was agreed that the following statements be added to the 'Standards Committee' slide of the training on page seven of Appendix 2:

- Adds to the feeling of ethical wellbeing
- Gives the public extra confidence according to the General Principles of Public Life
- Underpins trust and confidence in local democracy

It was agreed that real life examples should be added to the 'Sensitive Information' slide and the 'What is a dispensation?' slide.

Resolved:

- 1. to approve the Members' Code of Conduct training;**
- 2. to agree that the training should be mandatory for new and returning Members and all existing Members;**
- 3. to agree that the following statements be added to the 'Standards Committee' slide of the training on page seven of Appendix 2:**
 - **Adds to the feeling of ethical wellbeing**
 - **Gives the public extra confidence according to the General Principles of Public Life**
 - **Underpins trust and confidence in local democracy; and**
- 4. to agree that real life examples be added to the 'Sensitive Information' slide and the 'What is a dispensation?' slide.**

16/13 Review of Hearing of the Standards Committee Procedure

The Committee received a report of the Monitoring Officer on Review of Procedure for Hearings of the Standards Committee. It was reported that on 14 January 2014 a hearing of the Standards Committee considered a complaint about a Councillor and that the matter was referred to the Standards Committee by the Council's Monitoring Officer. Members reviewed the procedure as attached at Appendix 2 of the report.

The Chair reported that the procedures of the Standards Committee were to be referred to the Resources and Governance Board by the Leader of the Council, for topic review, in the next municipal year and Members of the Standards Committee would be invited as witnesses.

Members discussed whether or not the complainant and subject member should attend hearings of the Standards Committee. It was agreed that the subject member and the complainant should be strongly encouraged to attend.

Members discussed the level of awareness that members of the public had about the work of the Standards Committee. Members noted that a press release was issued, after local elections, in relation to the induction of new or returning Councillors. It was agreed that the Monitoring Officer should insert a line relating to the Code of Conduct training into the press release.

Members felt it was important that all Members of the Standards Committee had the opportunity to put their views forward before any votes were taken, at the end of a

hearing. It was agreed that at points 14 and 15 of the procedure, the following wording would be added:

- The Chair will give all members the opportunity to put their views forward before a vote is taken.

Resolved:

1. **to consider and comment upon the procedure for hearings of the Standards Committee;**
2. **to agree that the subject member and the complainant should be strongly encouraged to attend;**
3. **to agree that the Monitoring Officer should insert a line about the Code of Conduct training into the press release relating to the induction of new and returning Councillors; and**
4. **it was agreed that at points 14 and 15 of the procedure, the following wording will be added:**
 - **The Chair will give all Members the opportunity to put their views forward before a vote is taken.**

17/13 The Role of the Independent Person

The Committee received a report of the Monitoring Officer on The Role of the Independent Person. It was reported that Peter Purnell, a Co-opted Member of the Standards Committee, attended a training session in Lincoln on 10 December 2013 run by Hoey Ainscough Associates. It was further reported that the purpose of the workshop was to review the experience of Independent Person involvement in local authority standards work. Members considered the workshop summary notes from the training session as attached at Appendix 2 of the report.

Members noted that in some local authorities, the Independent Persons had no real involvement in standards and were cut off from ethical governance. Members agreed that, by comparison, Derby City Council's Standards Committee was in a relatively good position.

Members recognised that across the country there had been different interpretations of the Localism Act in relation to standards. Members felt that, in many respects, Derby City Council was leading the way.

Some Members regretted the loss of the role of an independent Chair and the change in political make-up of the Committee.

Resolved to consider and comment upon the workshop summary notes.

18/13 Amendments to Procedure for Considering Complaints

The Committee received a report of the Monitoring Officer on Amendments to the Procedure for Considering Complaints. It was reported that amendments were

proposed to paragraph 3 of the Procedure for Considering Complaints That Members Have Breached the Code of Conduct, to provide clarity. It was further reported that amendments were proposed to the procedure for considering complaints that provided consistency in terms of grammar and punctuation. Members considered the amended procedure as attached at Appendix 2 of the report.

Members agreed that paragraph 11 be strengthened to reflect the procedure considered at 16/13.

Members discussed the meaning of 'Censuring the member' as at paragraph 12(a) of the procedure. Members agreed that examples of censuring should be listed at 12(a) of the procedure.

Members noted that paragraph 17 of the procedure states that:

- Any decision of the MO or Standards Committee shall be final and binding.

Members asked what the subject member could do if he or she did not accept the decision of the Monitoring Officer or Standards Committee. It was reported that if the subject member did not agree with the outcome, he or she could take their complaint to the Local Government Ombudsman.

Resolved:

- 1. to approve the amendments to the Procedure for Considering Complaints That Members Have breached the Code of Conduct;**
- 2. to agree that the wording at paragraph 11 of the procedure be strengthened to reflect the procedure considered at 16/13;**
- 3. to agree that examples of censuring be listed at 12(a) of the procedure;**
- 4. to agree that the procedure be circulated to Members of the Standards Committee when the agreed changes have been incorporated.**

19/13 The Subject Member's Right to Consult an Independent Person – Guidance Notes

The Committee received a report of the Monitoring Officer on The Subject Member's Right to Consult an Independent Person – Guidance Notes. It was reported that at paragraph 3 of the Procedure for Considering Complaints That Members Have Breached the Code of Conduct, the subject member had a right to consult, through the Monitoring Officer, one of the Independent Persons appointed by the Council. Members noted that if a subject member exercised their right as above, it was proposed that the Independent Person would read out guidance notes at their first meeting. It was further reported that the guidance notes, attached at Appendix 2 of the report, set out what the subject member could expect from the IP.

Resolved to approve the guidance notes for future use.

20/13 Reporting of Complaints

The Committee received a report of the Monitoring Officer on Reporting of Complaints.

Members noted that at Paragraph 15 of the Procedure for Considering Complaints That Members Have Breached the Code of Conduct it was stated that:

- Wherever there has been a decision that the subject member has breached the Code of Conduct that decision and the reasons for it shall be published in a prominent position on the Council's website.

Members also noted that at paragraph 16 of the procedure it was stated that:

- Wherever there is a decision that the subject member has not breached the Code of Conduct that decision shall be put on the Council's website in a prominent position if the subject member wishes it to be.

It was reported that there was now a dedicated 'Code of Conduct' section on the Council's committee management information system (CMIS), as per the recommendation of the Standards Committee at its meeting on 26 November 2013. It was further reported that breaches of the Members' Code of Conduct would be reported there. Members noted that decisions that the subject member had not breached the Code of Conduct would also be reported in this way, if the subject member wished it to be.

Members noted that there was a link to the 'Code of Conduct' section of CMIS on the 'Complaints procedure – local councillors' page of the Derby City Council website.

It was reported that the first breach of the Code of Conduct to be reported as above would be uploaded onto CMIS after the meeting of the Standards Committee on 27 March 2014. Members considered a copy of the information to be uploaded as attached at Appendix 2 of the report.

Resolved to note the reporting of complaints as per the Procedure for Considering Complaints That Members Have Breached the Code of Conduct.

21/12 Exclusion of Press and Public

Resolved to exclude the press and public during consideration of minute 22/13 under Section 100(A) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

22/13 Summary of Progress of Complaints

The Committee received a report of the Monitoring Officer on Summary of Progress with Member Complaints 2013/14.

Resolved:

- 1. to note the report; and**
- 2. to thank the Monitoring Officer and the Constitutional Services Officer for their work on standards, especially in the latter part of the municipal year.**

MINUTES END