



Derby City Council

Annual Report of the Standards Committee 2015/16

The Standards Committee of Derby City Council Annual Report 2014/15

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Foreword by the Chair

Unlike previous years, the Standards Committee has experienced a high volume of complaints in relation to Code of Conduct issues and has resulted in the Committee convening as a Hearings Panel on four occasions to determine the most complex of these.

Importantly however, during this year the Committee has fully endorsed the recommendations from the General Licensing Committee and Council to amend the Code of Conduct to include the interference with the business of taxi licensing.

I would like to thank all Independent, Co-opted and Elected Members of the Standards Committee. I would also like to thank the Council Officers who support the work of the Standards Committee.

Councillor Jackson

Chair of the Standards Committee 2015/16

July 2016

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 and co-opted members.

The Standards Committee role is to:

- play a vital role in promoting and maintaining high standards of conduct by Council Members;
- add to the feeling of ethical well-being in the Authority;
- give the public extra confidence that representatives are acting honourably in accordance with the principles of public life; and
- underpin trust and confidence in local democracy.

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 2015/16

Councillor Jackson – Chair

Councillor Winter

Councillor Shanker

Councillor A Holmes (April-May 2016)

Alan Cameron – Independent Person

Ian Green – Independent Person

Peter Purnell – Co-opted Member

Philip Sunderland – Co-opted Member

At the end of March Ian Green stepped down as an Independent Person on the Standards Committee. Ian had been an independent member since November 2013. The Chair wished to thank Ian for his valuable contribution to the Standards Committee.

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 for 2015/16 is the Director of Governance, Janie Berry. Janie works closely with Steven Mason, Democratic Services Officer, to support all Members of the Standards Committee and to ensure fairness and consistency in the progression of Code of Conduct related complaints.

Consideration of Complaints

As I referred to previously, there has been a significant increase in Code of Conduct related complaints received during the 2015/16 municipal year which is in stark contrast to the previous year.

25 complaints were received during 2015/16.

There have also been 13 informal complaints which have required preliminary consideration by the Monitoring Officer. However, none of these proceeded to formal complaints.

Formal Complaints considered

The Standards Committee sat as a Hearing Panel on 1st October 2015, 26th January 2016, 23rd February 2016, 22nd March 2016 and 5th April.

Of the 25 complaints considered, two of these were upheld and 19 were rejected. Four complaints have been carried over to the 2016/17 municipal year.

Summaries of all the complaints received can be found on the following pages.

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) meets with an IP	Outcome of MO and IP meeting	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
01/2015	21/07/2015	N/A.	06/08/2015	Decided that the complaint did not warrant an investigation.	N/A	N/A	N/A	25/08/2015
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to the member not responding to an email sent by the complainant. The MO and the IP met on 6 August 2015 to consider the complaint. The MO decided, in consultation with the IP, that the complaint did not cross the threshold of seriousness to warrant an investigation.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Deputy Monitoring Officer (MO) meets with the Chair of the Standards Committee and an IP	Outcome of Deputy MO, Chair of the Standards Committee and IP meeting	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
02/2015	05/08/2015	10/09/2015 - one of the subject members met with an IP.	28/08/2015	Decided to refer the matter for a hearing of the Standards Committee.	N/A	01/10/2015 adjourned. New hearing convened 05/04/2016	Complaint about one elected member upheld. 2 out of 3 allegations about the other elected member upheld.	06/04/2016
<p>This complaint was made by a member of the public about the conduct of two elected members in relation to the content of a confidential email being conveyed to other parties. The Deputy MO consulted with the Chair of the Standards Committee and an IP on 28 August 2015 and, in accordance with paragraph 19 of the procedure for considering complaints, decided to refer the matter for a hearing of the Standards Committee. A hearing of the Standards Committee was held on 1 October 2015 and was adjourned. A new hearing was convened on 5 April 2016. Complaint about one elected member was upheld. Two out of the three allegations about the other elected member were upheld.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) meets with an IP	Outcome of MO and IP meeting	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
03/2015	25/08/2015	N/A	28/08/2015	Decided to seek further information and/or clarification.	N/A	N/A	N/A	21/10/2015
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to a Councillor on Patrol (COPS) event. The MO and the IP met on 28 August 2015 to consider the complaint. The MO decided, in consultation with the IP, to seek further information and/or clarification. Upon receiving clarification, the MO decided, in consultation with the IP, that the complaint should be resolved without the need for an investigation.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) meets with an IP	Outcome of MO and IP meeting	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
04/2015	25/08/2015	N/A	28/08/2015	Decided that an investigation should take place.	03/11/2015	26/01/2016 and 23/02/2016	Complaint not upheld	24/02/2016
<p>This complaint was made by an elected member about the conduct of two elected members in relation to the alleged misuse of the Mayor's Office. The MO and the IP met on 28 August 2015 to consider the complaint. The MO decided, in consultation with the IP, that an investigation should take place. The MO investigated the complaint and found that there had not been a breach of the Code of Conduct. The MO consulted with the IP and, in accordance with paragraph 9 of the procedure for considering complaints, decided to refer the matter for a hearing of the Standards Committee. A hearing was held on 26 January 2016 and was adjourned. The hearing was reconvened on 23 February and the complaint was not upheld.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) meets with an IP	Outcome of MO and IP meeting	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
05/2015	25/08/2015	N/A	28/08/2015	Decided to seek further information and/or clarification.	N/A	N/A	N/A	21/10/2015
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to the alleged misuse of the Mayor's Office. The MO and the IP met on 28 August 2015 to consider the complaint. The MO decided, in consultation with the IP, to seek further information and/or clarification. Upon receiving clarification, the MO decided, in consultation with the IP, that the complaint should be resolved without the need for an investigation.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO and IP meeting	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
06/2015	10/09/2015	N/A	22/09/2015	N/A	N/A	N/A	N/A	20/10/2015
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to the complainant trying to make an appointment with the subject member. The Monitoring Officer consulted with an IP on 22 September 2015 and decided that the complaint should be resolved without the need for an investigation.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Deputy Monitoring Officer (MO) consults with the Chair of the Standards Committee and an IP	Outcome of Deputy MO consulting with the Chair of the Standards Committee and IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
07/2015	18/09/2015	The Subject Member did not meet with an IP.	21/09/2015	Decided to refer the matter to the scheduled hearing of the Standards Committee on 01/10/2015.	N/A	01/10/2015 adjourned. New hearing convened 05/04/2016	Complaint not upheld.	07/04/2016
<p>This complaint was made by an elected member about the conduct of an elected member in relation to the content of a confidential email being conveyed to other parties. The Deputy MO consulted with the Chair of the Standards Committee and an IP on 21 September 2015 and, in accordance with paragraph 19 of the procedure for considering complaints, decided to refer the matter for a hearing of the Standards Committee. A hearing of the Standards Committee was held on 1 October 2015 and was adjourned. A new hearing was convened on 5 April 2016 and the complaint was not upheld.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
08/2015	18/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	30/10/2015
<p>This complaint was made by an elected member about the conduct of an elected member at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint did not come within the remit of the Code of Conduct.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
09/2015	18/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	30/10/2015
<p>This complaint was made by an elected member about the conduct of an elected member at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint did not come within the remit of the Code of Conduct.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
10/2015	19/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	06/11/2015
<p>This complaint was made by a member of the public about the conduct of an elected member at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint should not be investigated because it was broadly similar to a complaint against the same member about the same alleged incident.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
11/2015	19/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	06/11/2015
<p>This complaint was made by an elected member about the conduct of an elected member at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint should not be investigated because it was broadly similar to a complaint against the same member about the same alleged incident.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
12/2015	20/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	06/11/2015
<p>This complaint was made by a member of the public about the conduct of two elected members at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint should not be investigated because it was broadly similar to a complaint against the same members about the same alleged incident.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
13/2015	20/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	06/11/2015
<p>This complaint was made by a member of the public about the conduct of an elected member at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint should not be investigated because it was broadly similar to a complaint against the same member about the same alleged incident.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
14/2015	18/09/2015	N/A	28/09/2015	Decided to seek further information.	N/A	N/A	N/A	06/11/2015
<p>This complaint was made by an elected member about the conduct of an elected member at a Council meeting. The Monitoring Officer consulted with an IP on 28 September 2015 and decided to seek further information. Upon receiving further information, the MO decided, in consultation with the IP, that the complaint should not be investigated because it was broadly similar to a complaint against the same member about the same alleged incident.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
15/2015	07/01/2016	N/A	11/01/2016	Decided that the complaint did not come within the Code of Conduct.	N/A	N/A	N/A	29/01/2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to the complainant trying to make an appointment with the subject member. The MO consulted with an IP on 11 January 2016. The MO decided that the complaint did not come within the remit of the Code of Conduct.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
16/2015	13/01/2016	N/A	14/01/2016	Decided that the complaint did not cross the threshold of seriousness to warrant an investigation.	N/A	N/A	N/A	16/02/2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to a family the complainant was seeking to help. The MO consulted with an IP on 14 January 2016. The MO decided that the complaint did not cross the threshold of seriousness to warrant and investigation.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
17/2015	18/01/2016	N/A	01/02/2016	Decided that the complaint should not be investigated because it could be considered to be vexatious, malicious, obsessive or partisan.	N/A	N/A	N/A	15/02/2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to children's safeguarding. The MO consulted with an IP on 1 February 2016. The MO decided that the complaint should not be investigated because it could be considered to be vexatious, malicious, obsessive or partisan.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
18/2015	18/01/2016	N/A	01/02/2016	Decided that the complaint should not be investigated because it could be considered to be vexatious, malicious, obsessive or partisan.	N/A	N/A	N/A	15/02/2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to children's safeguarding. The MO consulted with an IP on 1 February 2016. The MO decided that the complaint should not be investigated because it could be considered to be vexatious, malicious, obsessive or partisan.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
19/2015	18/01/2016	N/A	01/02/2016	Decided to refer the matter for a hearing of the Standards Committee.	08/02/2016	22/03/2016	Complaint not upheld.	30/03/2016
<p>This complaint was made by an elected member about the conduct of an elected member at a meeting of the Taxi Licensing and Appeals Sub Committee. The MO consulted with an IP on 1 February 2016. The MO decided to refer the matter for a hearing of the Standards Committee. The hearing was held on 22 March 2016 and the complaint was not upheld, which was not in accord with the Independent Person and the Co-opted Members present.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
20/2015	03/02/2016	N/A	18/02/2016	Decided that the complaint did not come within the remit of the Code of Conduct.	N/A	N/A	N/A	02/03/2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to the possible building of a supermarket. The Mo consulted with an IP on 18 February 2016. The MO decided that the complaint did not come within the remit of the Code of Conduct.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
21/2015	04/02/2016	N/A	18/02/2016	Decided that an investigation should take place.	15/02/2016			
<p>This complaint was made by a member of the public about the conduct of an elected member at a meeting of Council. The MO consulted with an IP on 18 February 2016. The MO decided that an investigation should take place. The investigation was completed on 15 May. The complaint was carried over to the 2016/17 municipal year.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
22/2015	04/02/2016	N/A	18/02/2016	Decided that the complaint should not be investigated because it was broadly similar to a complaint against the same member about the same alleged incident.	N/A	N/A	N/A	17/03/2016
<p>This complaint was made by a member of the public about the conduct of an elected member at a meeting of Council. The MO consulted with an IP on 18 February 2016. The MO decided that the complaint should not be investigated because it was broadly similar to a complaint against the same member about the same alleged incident.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
23/2015	27/04/2016	N/A	10/05/2016	.				
This complaint was made by a member of the public about the conduct of an elected member in relation to ward matters. The MO consulted with an IP on 10 May 2016. The complaint was carried over to the 2016/17 municipal year.								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
24/2015	09/05/2016	N/A	10/05/2016	.				
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to a Mayoral event. The MO consulted with an IP on 10 May 2016. The complaint was carried over to the 2016/17 municipal year.</p>								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Monitoring Officer (MO) consults with an IP	Outcome of MO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
25/2015	09/05/2016	N/A	17/05/2016	.				
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to postings on Facebook and a distributed leaflet. The MO consulted with an IP on 17 May 2016. The complaint was carried over the 2016/17 municipal year.</p>								

Classification: OFFICIAL

Classification: OFFICIAL

Review of the Standards Regime

As I have indicated above, the Standards Committee welcomed the recommendation from Licensing Committee in July 2015, and endorsed by Full Council in November 2015, to amend the Code of Conduct at Paragraph 6.1 as follows, for ease of reference the amendments have been highlighted in bold type:

- 6.1 You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, **including, but not restricted to, making representations to**
 - (i) officers to influence the processing of individual taxi licensing applications; or**
 - (ii) sub-committees on behalf of the taxi trade or individual taxi drivers;**
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to:
 - (i) any applicable Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986; and**
 - (ii) the regulatory standards of the authority in consideration of any representations that may be made from stakeholders including, but not restricted to, the taxi trade.**

The Committee discussed the current make-up of the Committee and noted that there were two vacancies. It was reported that other political groups had taken the view that they didn't want to take part in the process at this point in time. It was agreed that it undermines the role of the Committee, as stated on page 5 of the report, if all political groups do not participate.

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