



Derby City Council

Annual Report of the Standards Committee 2016/17

The Standards Committee of Derby City Council Annual Report 2016/17

Contents

Foreword by the Chair	4
The Role of the Standards Committee	5
Members of the Committee 2016/17	6
The Monitoring Officer and Officer Support	7
Consideration of Complaints	8
Report in the Public Interest Related Complaints	29
Referrals to the Monitoring Officer Relating to Taxi Licensing Issues	30
Contacts	31

Foreword by the Chair

As with previous years, the Standards Committee has experienced a high volume of complaints in relation to Code of Conduct issues. Having carefully reviewed these it is disappointing that a number of complaints are made by one Councillor against another. This is a behaviour which, I believe, undermines the genuine willingness of the majority of Councillors who are keen to act in the best way possible to deliver good outcomes for Derby residents.

As is demonstrated by this Annual Report, the majority of complaints were dismissed. Of those upheld, I would like to take this opportunity to say that compliance with the sanctions of the Standards Committee should be acted upon, thus further evidencing the promotion of good ethical governance.

Also, it is disappointing that complaints are virtually guaranteed after each Full Council meeting. I feel that we should be capable of conducting business without these having to be submitted.

I would like to thank the support and dedication of our Independent Persons and Co-opted Members and my fellow Councillors for their valuable input and contribution to the work of the committee throughout the year.

Councillor Shanker

Chair of the Standards Committee 2016/17

August 2017

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 2016/17

Councillor Shanker – Chair

Councillor Graves

Councillor A Holmes

Councillor Jackson

Councillor Whitby

Alan Cameron – Independent Person

Stuart Green – Independent Person (from January 2017)

Peter Purnell – Co-opted Member

Philip Sunderland – Co-opted Member

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 2016/17 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 earlier, there has been a high volume of Code of Conduct related complaints received during the 2016/17 municipal year.

16 complaints were received during 2016/17 and four complaints were carried over from the 2015/16 municipal year

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

Formal Complaints considered

Of the 20 complaints considered, three of these were upheld and 13 were rejected. Four complaints have been carried over to the 2017/18 municipal year.

The Standards Committee sat as a Hearing Panel on 31st January 2017.

Summaries of all the complaints considered 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) 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.	15.05.2016	25.10.16	Decision upheld. No sanction.	25.05.2016

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. The MO decided, following consultation with the IP, to uphold two out of four of the allegations. The MO, in agreement with the Chair and the IP, utilised paragraph 19 of the procedure for considering complaints so that the complaint was referred to the Standards Committee not for a hearing but to consider a sanction. At a meeting of the Standards Committee on 25 October 2016, the decision was upheld and it was proposed that the subject member issue an apology, however, when put to the vote of Elected Members this was unsuccessful.

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	No breach of the Code of Conduct.	N/A	N/A	N/A	06.06.2016
<p>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. The MO decided, following 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)	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	Decided an investigation should take place.	22.07.2016	25.10.16	Decision upheld. Letter of explanation to be written.	02.08.2016
<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 and decided that an investigation should take place. The complaint was carried over to the 2016/17 municipal year. The investigation was completed on 22 July. The MO decided, following consultation with the IP, to uphold three out of four of the allegations. The MO, in agreement with the Chair and the IP, utilised paragraph 19 of the procedure for considering complaints so that the complaint was referred to the Standards Committee not for a hearing but to consider a sanction. At a meeting of the Standards Committee on 25 October 2016, the decision was upheld and it was agreed that the subject member be asked to write a letter of explanation to the relevant Residents' Association. The letter was written.</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	Decided an investigation should take place.	06.10.2016	31.01.2017	Decision partially upheld. Letter of apology to the Committee to be written.	02.02.2017
<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. The MO decided that an investigation should take place and this was completed on 6 October. The MO decided, following consultation with the IP, to uphold the Facebook element of the complaint. At a meeting of the Standards Committee on 25 October 2016, it was agreed that the Monitoring Officer should seek the views of the subject member, following the subject member's receipt of the final draft decision, to determine the final outcome of the complaint. Following correspondence between the MO and the subject member, the MO referred the matter for a hearing of the Committee for final determination. At a meeting of the Committee on 31 January 2017, part of the complaint was partially upheld and it was agreed that the subject member be asked to write a letter of apology to the Committee for breaching the Code of Conduct and that a copy be forwarded to the complainant, if it was received. Although this was not forthcoming, a letter of apology was sent to the subject of the postings on Facebook.</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
01/2016	03.08.2016	N/A	04.08.2016	Decided an investigation should take place.	26.08.2016	N/A	N/A	31.08.2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to comments made in a letter sent to the complainant. The MO consulted with an IP on 4 August 2016 and decided that an investigation should take place. The investigation was completed on 26 August. The MO decided, following consultation with the IP, that the elected member had not breached 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
02/2016	19.08.2016	N/A	01.09.2016	Decided that an investigation should take place.	24.09.2016	N/A	N/A	26.09.2016
<p>This complaint was made by a member of the public about the conduct of three elected members in relation to a ward meeting that was advertised to take place. The MO consulted with an IP on 1 September 2016 and decided that an investigation should take place. The investigation was completed on 24 September. The MO decided, following consultation with the IP, that the elected members had not breached 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)	Deputy Monitoring Officer (DMO) consults with an IP	Outcome of DMO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
03/2016	02.09.2016	N/A	16.09.2016	Decided that the complaint be dismissed	N/A	N/A	N/A	30.09.2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to the elected member's address. The DMO consulted with an IP on 16 September 2016 and decided that the complaint did not come with the remit of the Code of Conduct and was, therefore, dismissed.</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 (DMO) consults with an IP	Outcome of DMO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
04/2016	02.09.2016	N/A	16.09.2016	Decided that the complaint be dismissed.	16.09.2016	N/A	N/A	30.09.2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to correspondence about Nottingham Road Cemetery. The DMO consulted with an IP on 16 September and decided that one element of the complaint did not cross the threshold of seriousness to warrant investigation and that the other fell outside 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)	Deputy Monitoring Officer (DMO) consults with an IP	Outcome of DMO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
05/2016	16.09.2016	N/A	22.09.2016	Decided that the complaint be dismissed.	N/A	N/A	N/A	14.10.2016
<p>This complaint was made by a member of the public about the conduct of an elected member in relation to comments that the elected member made to the media. The DMO consulted with an IP on 22 September 2016 and decided that it was not in the public interest to investigate one element of the complaint and the other 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
06/2016	21.10.16	N/A	28.10.16	Decided that the complaint be dismissed.	N/A	N/A	N/A	22.11.16
This complaint was made by an elected member about the conduct of an elected member in relation to comments made about the complainant on Facebook. The MO consulted with an IP on 28 October 2016 and decided that the complaint did not cross the threshold of seriousness to warrant an investigation.								

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
07/2016	24.01.17	N/A	08.02.17	Decided that the complaint be dismissed.	N/A	N/A	N/A	22.02.17
This complaint was made about the conduct of an elected member in relation to comments the subject member allegedly made on Facebook. The complainant requested that their identity remain confidential. The MO consulted with an IP on 8 February 2017 and decided that the complaint did not come within the remit of the Code of Conduct.								

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
08/2016	29.01.17	16.02.17	22.02.17	Decided to seek further information.	N/A	N/A	N/A	24.04.2017
<p>This complaint was made by an elected member about the conduct of an elected member in relation to the subject member allegedly swearing at the Complainant. As per paragraph 2 of the procedure for considering complaints, the subject member took up the right to consult with an IP and comments from their meeting were fed back to the MO. The MO consulted with another IP on 22 February 2017 and decided that the time period be extended while further information was considered. Witness statements were sought and received. Paragraph 19 of the procedure was used to allow the MO to seek an informal solution without the need for an investigation. The MO decided that the subject member and the complainant should offer an apology to each other. It is not known whether this took place.</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 (DMO) consults with an IP	Outcome of DMO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
09/2016	08.02.17	N/A	16.03.17	Decided to seek further information.	09.05.17	N/A	N/A	09.05.17
This complaint was made by an elected member about the conduct of an elected member in relation to the subject member allegedly taking photos of a meeting in the Council house. The DMO consulted with an IP on 16 March 2017 and decided that the time period be extended while further information was considered. The DMO undertook an investigation. The DMO decided that there had been no breach of the Code of Conduct and that no action should be taken.								

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
10/2016	14.02.17	N/A	09.05.17					
This complaint was made by a member of the public about the conduct of an elected member in relation to alleged behaviour as a ward member. The MO consulted with an IP on 9 May 2017. The complaint was carried over to the 2017/18 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
11/2016	20.02.17	Early 04.17	28.02.17	Decided that the complaint should be dismissed.	N/A	N/A	N/A	25.04.17
<p>This complaint was made by an elected member about the conduct of an elected member in relation to comments the subject member allegedly made on Twitter. The MO consulted with an IP on 28 February 2017. As per paragraph 2 of the procedure for considering complaints, the subject member took up the right to consult with an IP but no comments from their conversation were fed back to the MO. 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
12/2016	03.03.17	N/A	15.03.17	That the complaint be dismissed.	N/A	N/A	N/A	25.04.17
This complaint was made by a member of the public about the conduct of an elected member in relation to the subject member's alleged actions. The MO consulted with an IP on 15 March 2017 and decided that the complaint did not come within the remit of the Code of Conduct.								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Deputy Monitoring Officer (DMO) consults with an IP	Outcome of DMO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
13/2016	06.03.17	N/A	15.03.17	Decided that an investigation should take place.	09.05.17	N/A	N/A	09.05.17
This complaint was made by a member of the public about the conduct of an elected member in relation to the subject member allegedly failing to answer a supplementary question at a meeting of Council and the use of personal data about the complainant. The DMO consulted with an IP on 15 March 2017 and decided that an investigation should take place. The DMO decided that there had been no breach of the Code of Conduct and that no further action should be taken.								

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
14/2016	09.03.17	Early 04.17	15.03.17					
<p>This complaint was made by an elected member about the conduct of an elected member in relation to the subject members alleged actions at a meeting of Council. The MO consulted with an IP on 15 March 2017. As per paragraph 2 of the procedure for considering complaints, the subject member took up the right to consult with an IP but no comments from their conversation were fed back to the MO. The complaint was carried over to the 2017/18 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
15/2016	28.04.17	N/A	10.05.17					
This complaint was made by a member of the public about the conduct of two elected members in relation to allegedly misleading information that appeared in a political newsletter. The MO consulted with an IP on 10 May 2017. The subject members submitted a response to the MO. The complaint was carried over to the 2017/18 municipal year.								

Complaints considered under the Members' Complaints Procedure – 2015/16								
Complaint Number	Date Received	Subject Member meets with an Independent Person (IP)	Deputy Monitoring Officer (DMO) consults with an IP	Outcome of DMO consulting with an IP	Date investigation completed	Standards Committee meeting	Outcome of Standards Committee meeting	Decision to parties
16/2016	16.05.17		18.05.17					
This complaint was made by a Council employee about the conduct of an elected member in relation to alleged racist comments made in conversation with the complainant. The DMO consulted with an IP 18 May 2017. The complaint was carried over to the 2017/18 municipal year.								

Report in the Public Interest Related Complaints

On 16th June 2016, Grant Thornton, the Council's External Auditors for the financial years including 2013/14 and 2014/15, published a Report in the Public Interest.

The Report in the Public Interest reported on a number of governance related issues, most of which were historical in nature.

Twelve recommendations were proposed in the report and on 1st July 2016, the Administration placed an Action Plan before Full Council responding to these. The Audit and Accounts Committee is responsible for oversight and progress of the Action Plan.

A number of complaints, into allegations concerning Elected Members', were received that were connected to this report.

Eight complaints, in total, were considered by Wilkin Chapman LLP, appointed by the Monitoring Officer. Two of these were rejected and the remaining six were investigated. Of those investigated, no breach of the Code of Conduct was found for four and two have been carried over to the 2017/18 municipal year.

A review of the Council's Standards Regime is on hold, pending the outcome of the remaining two complaints.

Referrals to the Monitoring Officer Relating to Taxi Licensing Issues

Any instances of Member interference with Taxi Licensing are recorded and reported to the Monitoring Officer.

On a quarterly basis, the Monitoring Officer reviews the records, or sooner if the circumstances as they present require earlier intervention.

The Report in the Public Interest issued by Grant Thornton expressed concerns about the Taxi Licensing function operated by the Council. The resultant Action Plan makes reference to instances of Member interference in taxi licensing being reported to the Standards Committee.

In order to provide additional oversight, the Monitoring Officer reports the instances which have required her intervention, to the Standards Committee for awareness raising and consideration and comment as necessary.

The first of these reports was presented to a meeting of the Standards Committee on 19th July 2016.

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