



Annual Report of the Standards Committee 2010/11

The Standards Committee of Derby City Council Annual Report 2010 – 2011

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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 number of complaints has reduced both in total and in comparison to other authorities in the region. This is a tribute to Council members who have taken part in fairly robust debate over the past year, making the task of the Mayor somewhat more onerous than has previously been the case.

Independent members have attended a number of Council and committee meetings and their conclusions are that despite debate being somewhat blunt at times members have given some respect to the views of others.

The business of the committee has included:

- Reviews of procedures
- Consideration of complaints
- Oversight of member training.

I attended a meeting at the LGA to discuss what (if anything) should come after the Standards regime is abolished. We considered a number of options for the future and a report on issues arising was considered by the Standards Committee on 3 December 2010.

The abolition of Standards for England will mean that the standards regime will be not be required and that the city council will no longer be required to have a Code of Conduct for elected members or to have a Standards Committee.

We have continued our dialogue with elected members over the future of the standards within the city. There appears to be a widespread view that some sort of standards approach should be retained, while reducing the delays in resolving complaints and reducing costs.

While the terms of reference have not yet been scoped it is currently proposed that the Governance review will include possible future standards arrangements. Independent members have indicated that they would be willing to assist in such a review.

It is widely accepted within local government that it is vitally important to maintain high ethical standards within the sector in order for citizens to have trust in local councils and the democratic process. The Standards Committee champions this role by promoting high standards of conduct and ensuring that these are maintained by Council members. It aims to instil confidence within the public that their representatives will act honourably and in accordance with the general principles of public life.

There are currently no alternative arrangements being considered once the current regime is abolished. It is also unclear what the new audit arrangements will cover (if any) in terms of governance and ethics.

I would like to express my thanks to the other members of the Committee for their contributions over the year. In particular I would like to thank Cynthia McDowell, an independent member of the committee since its inception, for her contribution to our work following her retirement earlier in the year. I should also like to thank the officers for their support and guidance over the year. In particular I would like to thank Steve Dunning for his support over the years.

Philip Sunderland Independent Member
and Chair of the Standards Committee

July 2011

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, Member/Officer Protocol and other ethical codes or protocols
- determining complaints referred by the Monitoring Officer for independent consideration in line with the Members Complaints Procedure
- advising and training elected and co-opted members on matters relating to the Members' Code of Conduct
- granting dispensations to councillors, co-opted members and church and parent governor representatives on

interests as set out in the Members' Code of Conduct

- dealing with any reports from a case tribunal or an interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer from Standards for England
- providing Independent Members, other than the Chair, for panels determining the final stage of Social Services complaints.

When the Committee considers alleged Code of Conduct breaches there is an initial assessment stage when an Assessment Sub Committee, made up of three Members of the Standards Committee and chaired by an Independent Member, considers if a complaint amounts to a potential breach. If it does, the Sub Committee needs to decide if it should be investigated or dealt with by other means such as mediation or training.

Complainants can appeal decisions made by the Assessment Sub

Committee. Any appeal will be considered by a Review Sub Committee, made up of three different Members of the Standards Committee that those who considered the original complaint. The Review Sub Committee will assess the original decision and decide whether to support or reject it.

If the Assessment Sub Committee or Review Sub Committee consider a complaint should be investigated that would be carried out by the Monitoring Officer or someone appointed by him.

On its completion the Standards Committee will meet to consider the investigation report and will hear evidence and representations before deciding if there has been a breach of

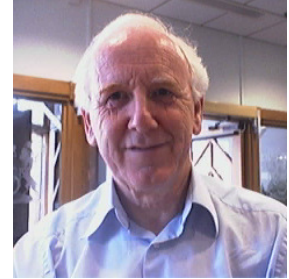
the Code of Conduct. If the Committee feel there has been a breach it will decide what sanctions are appropriate including:

- Censure
- Suspension for up to six months
- Training
- Written apology
- Restriction on premises or use of resources

More serious cases can be referred to the First Tier Tribunal (Local Government Standards in England) which is part of the General Regulatory Chamber. This body has the power to disqualify a councillor for up to five years.

Members of the Committee in 2010/11

Philip Sunderland has been an Independent Member of the Standards Committee since 24 May 2006. Philip was elected Chair of the Committee on 28 May 2010. He worked for the Audit Commission/District Audit for 34 years mainly in London, Staffordshire & Derbyshire. He is also a non-executive director of Aspire Housing, a school governor and a member of the Derbyshire Schools Forum.



Cynthia McDowall was also a founding Independent Member of the Standards Committee, joining in 2001. This municipal year was Cynthia's last term of office.

Dionne Reid has been an Independent Member of the Standards Committee since 20 May 2009. Dionne was elected Vice Chair of the Committee on 28 May 2010.



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.



Maggie Hird was elected to the Council in 2002 and has been a Member of the Standards Committee since 20 May 2009. She was the Deputy Mayor of the Council, Chair of the General Licensing and Taxi Licensing and Appeals Committee as well as Liberal Democrat Group chief whip.

Councillor Barbara Jackson was elected in 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 the Shadow Cabinet Member for Leisure and Culture.



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 26 May 2009 and was previously a Member of the Standards Committee in the 2007-08 municipal year. Councillor Wood was Chair of the Planning Control Committee and 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 2010/11 has been the Director Legal and Democratic Services, Stuart Leslie. The Committee was also supported by the Head of Legal Services (General), Olu Idowu, and by the Assistant Director – Democratic Services, Steve Dunning, who provided policy advice to the Standards Committee and assisted them in the formulation of new policy documents. Meetings of the Committee were serviced by the Council's Constitutional Services team.

Consideration of Complaints

The period from May 2010 to April 2011 saw a reduction in the number of complaints received by the Committee from 17 last year to just four. A summary of the meetings held is detailed below:

Standards Committee	4
Assessment Sub Committee	4
Review Sub Committee	1
Standards Committee (Hearings)	0

The Standards Committee considered 4 complaints during this period. The Assessment Sub Committee decided that in none of the four complaints displayed a potential breach.

- The first case was about a Councillor's involvement in a planning decision. The complainant alleged that the Councillor was biased. The Sub Committee found no evidence of a breach. This case was referred to the Review Sub Committee who also found no evidence of a breach.
- The second case related to a Councillor's conduct during a BBC Radio Derby interview. The

complainant alleged that the Councillor used his position to gain an unfair advantage. The Sub Committee found no evidence of a breach.

- The third complainant alleged that their ward Councillor had failed to respond to a request to help them. The Assessment Sub Committee requested that the Monitoring Officer make additional enquires to enable them to make their decision. Once this was completed the Sub Committee found no evidence of a breach.
- The remaining complaint related to the manner in which one Councillor had spoken to an objector at the Planning Control Committee. The complaint alleged that the Councillor had spoken disrespectfully to them and tried to intimidate them. The Sub Committee found no evidence of a breach.

A Comparison with Neighbouring Local Authorities

To put the complaints we received into a wider context, we have compared our business over the last year (between the Annual Council meeting on 26 May 2010 to the day before the next Annual Council meeting) with that of some neighbouring authorities: Derbyshire County Council, Leicester City Council and Nottingham City Council. The table below compares the number of complaints received and how they were dealt with.

	Complaints received and assessed	No further action	Referred for Review	Investigated
Derby City Council	4	4	1	0
Derbyshire County Council	1	0	0	1
Leicester City Council	17	11	5	1
Nottingham City Council	6	5	1	1

The effect of the Localism Bill on the Standards Framework

The Government set out a number of changes to local government in the Localism Bill published on 13 December 2010. Part of the Bill contained a section seeking to abolish the standards regime. The main consequences of this section of the Bill when it is enacted would be to:

- Abolish the framework's watchdog and policy generator; Standards for England
- Remove the First-Tier Tribunal's jurisdiction over member conduct
- Remove the national code of conduct for councillors and the requirement to have a standards committee
- Allow councils to choose whether or not they wish to have a local code or a standards committee
- Make it a criminal offence to fail to register or declare an interest

The Government believes that as local residents decide who represents them, then power to dismiss them should not be vested in a centralised, unelected organisation such as Standards for England. The Government also felt that

often the standards framework was used as a vehicle to pursue vexatious or politically motivated complaints. Higher priority complaints could often be lost in a haze of tit-for-tat arguments. The Government feel that ability to suspend a locally elected politician by a QUANGO is therefore inconsistent with their drive to place power in the hands of local people. Abolishing the standards regime would go one step towards achieving this aim.

The Bill still retains the requirement for local councils to promote and maintain high standards of conduct and for a council's Monitoring Officer to collate and publish a list of councillors and co-opted committee members interests. Once the Bill is published, local authorities can still create and adopt their own voluntary code of conduct. Similarly they can also retain their standards committees to consider complaints from members of the public about councillors and co-opted committee members. Standards committees will no longer be able to suspend local councillors or disqualify them from office. But they will be able to censure members.

The Bill will make it clear that the normal activities of a councillor; campaigning, talking with constituents, expressing views on local matters and seeking to gain support for those views should not lead to an unjust accusation of having a closed mind on an issue that can lead to a legal challenge. This was known as being predetermined on an issue. The removal of these strenuous regulations will give councillors the assurance that they can campaign, discuss and vote on issues with confidence. This provision will enable members to participate more fully in meetings, especially the Planning Control Committee.

This leaves Derby City Council with some decisions to take on how they wish to proceed with the maintenance of high values in public life. Previously all three leaders of the political groups have been supportive of continuing a local standards framework with a local code of conduct. The Council's Governance Committee has requested that the Scrutiny Management Commission carries out a review into the future operation of the standards framework in Derby. This will incorporate the views of the current membership of the Committee. The Commission will then report their findings back to Council in November, 2011.

Contacts

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

Stuart Leslie

Director of Legal and Democratic Services
and Monitoring Officer
Derby City Council
Heritage Gate
Friary Street
Derby
DE1 1AN
Telephone: 01332 643616
Email: stuart.leslie@derby.gov.uk

Olu Idowu

Head of Legal Services (General)
Derby City Council
Heritage Gate
Friary Street
Derby
DE1 1AN
Telephone: 01332 643615
Email: olu.idowu@derby.gov.uk

Phil O'Brien

Head of Democratic Services
Derby City Council
Heritage Gate
Friary Street
Derby
DE1 1AN
Telephone: 01332 643644
Email: phil.o'brien@derby.gov.uk

Daniel Cooper

Constitutional Services Officer
Derby City Council
Heritage Gate
Friary Street
Derby
DE1 1AN
Telephone: 01332 643654
Email: daniel.cooper@derby.gov.uk

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

Standards for England

Fourth Floor
Griffin House
40 Lever Street
Manchester
M1 1BB
United Kingdom
Telephone: 0161 817 5300

Website: www.standardsforengland.gov.uk