

PUBLIC

MINUTES of a meeting of the **GOVERNANCE, ETHICS AND STANDARDS COMMITTEE** held on 01 July 2021 at County Hall, Matlock

PRESENT

Councillor R Flatley (in the Chair)

Councillors D Allen, C Cupit, W Major, D Muller, S Swann, and M Yates.

Apologies for absence were received from Councillor K Gillott, and B Woods.

10/21 **MINUTES RESOLVED** that the minutes of the meeting of the Governance, Ethics and Standards Committee held on 04 March 2021 be confirmed as a correct record and signed by the Chairman.

11/21 **REPORT OF THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN – INVESTIGATION INTO COMPLAINT NO 18/000/932 AGAINST DERBYSHIRE COUNTY COUNCIL**

If an individual is dissatisfied with the service provided by the Council he/she may complain under the Council's Corporate Complaints Procedure. If a complainant remains dissatisfied they are able to refer the complaint to the Local Government and Social Care Ombudsman. If the LGSCO decides to investigate a complaint he will determine whether, in his opinion, the Council had been guilty of "maladministration" and if so whether the complainant has sustained "injustice" in consequence.

Section 5A of the Local Government and Housing Act 1989 imposed a duty upon the Monitoring Officer to prepare a report to the Executive if at any time it appeared to her that there had been maladministration in the exercise of its functions. This duty had arisen in respect of this finding of maladministration by the LGSCO because the LGSCO had conducted an investigation. The Monitoring Officer's report was considered by Cabinet on 17 June 2021 and a copy of the report had been provided to each member of the Council in accordance with statutory requirements.

The Council's Constitution provided that one of the roles and function of the Governance, Ethics and Standards Committee was 'To receive regular reports on the of the Corporate Complaints process, Local Government Ombudsman referrals and to recommend revisions to related policies and procedures as appropriate'.

Members of the Committee would note that from the report to Cabinet that the Council had accepted the LGSCO's findings and agreed to the recommendations. The Council had already apologised fully to Ms X for the faults identified and paid Ms X on behalf of herself and Z, £1,000. In addition, it

was important to recognise that significant change had taken place within the SEN assessment team to address the matters that had arisen in the history of this complaint. It was therefore proposed that no further revisions to the Council's policies and procedures were recommended at this stage.

RESOLVED that the Committee (1) note the findings of the Local Government and Social Care Ombudsman set out in the report and the actions which had been taken by the Council in response to that report and more generally to prevent further escalations of complaints; (2) note that the report was considered by Cabinet on 17 June 2021 and circulated to all members of the Council; and (3) confirmed that no revisions to the Council's policies and procedures were recommended following consideration of the report.

12/21 **REVIEW OF STANDARDS REGIME** The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The Act repealed certain provisions of the Local Government Act 2000, which provided the basis for the previous statutory standards regime, abolished standards for England and required the Council to introduce a new regime.

The Derbyshire County Council standards regime was underpinned by:

- A Code of Conduct
- Arrangements for dealing with complaints
- 3 Independent Person positions

The regime approved in 2012 had continued unchanged and it was now prudent to review it to confirm that it remained fit for purpose.

On 19 January 2021, this Committee was informed of a new Model Code of Conduct published by the LGA in response to the Committee on Standards in Public Life report on Local Government Ethical Standards. The Committee agreed to establish a working group to review the current Code in accordance with the best practice recommendations of the CSPL and to consider whether the new model Code should be adopted by the Council.

It had been proposed that an additional working group was set up to review the following aspects of the current regime and report back to Standards Committee:

- Standards Committee/Hearing Sub-Committee
- Arrangements for dealing with complaints
- Independent Persons

It had also been proposed that the existing working group was asked to review the position regarding dispensations.

The Committee had identified the composition of both working groups and the clerk would contact Elected Members directly to arrange dates to commence the reviews as soon as possible.

Officers would provide a briefing note and information pack in advance of the first working group meeting. The outcome of the reviews conducted by the working groups would be reported to a future Governance, Ethics and Standards Committee for consideration and approval.

RESOLVED that the Committee (1) agreed the composition of the working group to review the Code of Conduct identified at the previous meeting of this Committee and agreed to include a review of the position relating dispensations within its remit; and (2) agreed to set up an additional working group to review various aspects of the current standards regime as set out in the report and approved the composition of the group.