

PUBLIC

MINUTES of a meeting of the **STANDARDS COMMITTEE** held on 04 July 2019 at County Hall, Matlock

PRESENT

Councillor C Short (in the Chair)

Councillors J Coyle, K Gillott, A Griffiths, L Grooby, C Moesby, D Taylor (substitute Member) and S Swann (substitute Member)

Also in attendance – Messrs K Jackson-Horner and L Newby MBE (Independent Persons)

Apologies for absence were received on behalf of Councillors K Buttery, A Fox and W Major

12/19 **MINUTES RESOLVED** that the minutes of the meeting of the Standards Committee held on 12 April 2019 be confirmed as a correct record and signed by the Chairman.

13/19 **COMPLAINTS RECEIVED PURSUANT TO THE CODE OF CONDUCT FOR ELECTED MEMBERS** As part of the procedure for managing complaints received in relation to the Members Code of Conduct, the outcome of any complaint received should be reported to the Standards Committee.

During the period 12th April 2019 to 21st June 2019, three complaints had been received and one of these had been concluded. At the time of the last update report, one complaint was outstanding and this had now been concluded and was reported below.

At the time of preparation of this report there were two complaints currently on-going.

The details of the concluded complaints were as follows:

	Complaint received from	Substance of the Complaint	Outcome
Cllr 1 (outstanding complaint from the last reporting period)	Member of the Public	Allegation that all aspects of the Code of Conduct had been breached due to disrespectful behaviour	Complaint not upheld
Cllr 2	Member of the Public	Failure to respond to repeated requests for	Complaint upheld in an

		information relating to a local issue	informal manner as the Councillor in question offered an apology.
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RESOLVED to (1) note the contents of this report; and (2) agree that details relating to the outstanding current complaint would be reported to a future meeting of the Standards Committee once the matter had been concluded.

14/19 THE COUNCILS CONSTITUTION – REVIEW REPORT

The Council's revised Constitution was implemented across the Council on 27th May 2019. In recommending the same to Full Council, the Governance, Ethics and Standards Committee (formerly known as the Standards Committee) gave a commitment to keep the Constitution under review with a formal review taking place every six months and on an annual basis.

Following implementation, the Monitoring Officer had been advised of some minor amendments which the Governance, Ethics and Standards Committee was now asked to consider, namely:

a) Article 20 – Officers

An amendment to the Table which appeared at paragraph 20.1 (c) which should have read:

Post	Designation
Executive Director <u>for Communities, Commissioning and Policy</u> <i>(note the underlined extract is the proposed additional wording)</i>	Head of Paid Service

b) Amendments to the Scheme of Delegation for the Director of Communities Services in relation to Trading Standards Activities: (Appendix 1 pages 104 – 107)

It was proposed that the following legislation was added to the current Scheme of Delegation:

- Animals Act 1971;
- Energy Act 2011;
- Environmental Protection Act 1990;
- Offensive Weapons Act 2019;

- European Union (Withdrawal) Act 2018; and
- Health and Safety at Work etc. 1974 ss19-26.

The following extract was amended to read:

Any Orders or Regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972 or the European Union (Withdrawal) Act 2018 ; *(note the underlined extract is the proposed additional wording)*

That the following legislation was removed from the Scheme of Delegation:

- Medicines Act 1968

c) Amendments to Article 8

The list at paragraph 8.1 be amended to reflect the correct composition of the Improvement and Scrutiny – People Committee and to read as follows:

People – comprising 9 Members, 2 Church representatives (1 from the Church of England diocese and 1 from the Roman Catholic diocese with voting rights in respect of education matters only and otherwise non-voting), 2 Parent Governor representatives (with voting rights in respect of education matters only and otherwise non-voting) and 2 trade union representatives (non-voting)

d) Public Questions at meetings of the Improvement and Scrutiny Committees

Over recent months there had been a growing interest by members of the public and interest groups and organisations to ask questions at the respective Improvement and Scrutiny Committee meetings.

The Health Scrutiny Committee developed a protocol to accommodate this and as good practice, this had now been extended to all of the Council's Improvement and Scrutiny Committee meetings.

At its most recent meeting the Resources Improvement and Scrutiny Committee suggested some helpful amendments and points of clarification and the Governance, Ethics and Standards Committee was now asked to consider these and to approve the inclusion within the Council's Constitution to aid transparency.

The Guidance on Public Questions was based very closely on the Council Procedure Rules for Public Question at Full Council Meetings.

A copy of the amended and now proposed Guidance appeared at Appendix 1 to this Report.

e) Receipt of Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities issued by MHCLG

On 7th May 2019, MHCLG issued the long awaited Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. A copy of this Guidance appeared at Appendix 2 of this report.

During the course of the last municipal year, the Governance, Ethics and Standards Committee (formerly known as the Standards Committee) took a decision to delay the review of the Council's delivery of Improvement and Scrutiny in so far as the Council's Constitution was concerned until this current year following receipt of central government guidance.

As this Guidance had now been received, approval of the Governance, Ethics and Standards Committee was now sought in order for the formal review of the Council's arrangements to commence.

It should be noted that the Resources Improvement and Scrutiny Committee formally received the Guidance at their most recent meeting and it was understood that there was a strong desire by Elected Members involved in the Council's Scrutiny function to actively undertake such a review.

It was proposed that this review was completed within this municipal year.

However, it had become apparent that the scrutiny arrangements as described in the current Constitution were particularly outdated. Therefore, in the interim, pending the review, it was proposed to replace the table in Article 8 with the table attached at Appendix 3 which better reflected the remit of each of the Improvement and Scrutiny Committees.

RESOLVED to approve (1) the proposed amendments to the Council's Constitution and note that these would be formally reported to Full Council at its next meeting on 17th July 2019; and (2) the commencement of a review of the Council's Improvement and Scrutiny arrangements in response to the Statutory Guidance now received and it was noted that this review was to be completed during this municipal year.

15/19 PROPOSALS FOR THE COMMITTEE'S WORK PROGRAMME
2019/20 The Committee's revised terms of reference now offered much more scope for delivery of a work programme during the course of this year should Members wish to undertake one.

After consultation with the Chairman of the Governance, Ethics and Standards Committee, the following were proposed for consideration by way of initial

suggestion however the Committee was encouraged to share any other areas of work which may be of interest:

a) Review of the Council's Outside Bodies appointments

Each year, the Council was asked to nominate Elected Members on a wide variety of outside bodies; these were wide ranging in their nature, scope and function.

The current list of outside body appointments appeared at Appendix 1 to this report for the Committee's consideration.

b) Declarations of Interest for Elected Members and Officers (including gifts and hospitality) and Elected Member safety

Delivering a transparent ethical governance framework was a core element of the Committee's work. The Declaration of Interests (including gifts and hospitality) by Elected Members and Officers was regularly reviewed by key stakeholders such as Internal Audit and External Audit as well as members of the Public.

In addition to this there had been growing national concerns about the safety of Elected Members whilst acting in their official capacity on behalf of the Council. The Committee would note that Elected Member safety was an issue raised within the Committee for Standards in Public Life Annual Report and was something which had been considered by Internal Audit.

It may be of interest to the Committee to invite the Assistant Director of Finance (for Internal Audit) to attend a future meeting of the Committee to explore this area further.

c) Review of the Elected Member Code of Conduct and related Procedure for dealing with Complaints

The Code of Conduct for Elected Members and the associated Procedure for dealing with Complaints was implemented in July 2012, and had not been reviewed since that time. In line with the recommendations from the Committee for Standards in Public Life should consideration be given to reviewing our Code of Conduct?

RESOLVED to approve the Governance, Ethics and Standards Committee work programme for the municipal year 2019/2020.