

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL**

**15 July 2020**

**REPORT OF THE CHAIRMAN OF THE GOVERNANCE, ETHICS &  
STANDARDS COMMITTEE (FORMERLY KNOWN AS THE STANDARDS  
COMMITTEE)  
FOR THE YEARS 2018/19 AND 2019/20**

**Director of Legal and Democratic Services and Monitoring Officer**

**1. Purpose of the Report**

To receive the Report of the Chairman of the Governance, Ethics and Standards Committee.

**2. Information and Analysis**

Article 11 of the Constitution requires the Chairman of the Governance, Ethics and Standards Committee to provide an Annual Report. The refreshed Constitution was implemented in May 2019 and therefore, this is the first annual report provided under those requirements. This report outlines the work done by the committee over the last year and provides an indication of the work programme for the next municipal year. As this is the first report provided under the requirements of the refreshed Constitution, it does cover the municipal years of both 2018-2019 and 2019-2020 in order outline the involvement of the Committee in the preparation of the refreshed Constitution.

The report of the Chairman of the Governance, Ethics and Standards Committee is attached at Appendix 1.

**3. Considerations**

In preparing this report, the relevance of the following factors has been considered: legal, financial, prevention of crime and disorder, equality and diversity, human resources, human rights, environmental, health, property and transport considerations.

#### **4. Background Papers**

The Constitution and the file held by the Director of legal and Democratic Services

#### **5. Officer's Recommendation**

That the Council receives the report of the Chairman of the Governance, Ethics and Standards Committee attached at Appendix 1.

**Simon Hobbs**

**Director of Legal and Democratic Services and Monitoring Officer**

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**15 July 2020**

**ANNUAL REPORT OF THE CHAIRMAN OF THE GOVERNANCE, ETHICS &  
STANDARDS COMMITTEE (FORMERLY KNOWN AS THE STANDARDS  
COMMITTEE)  
FOR THE YEARS 2018/19 AND 2019/20**

Introduction from Councillor C Short, Chairman of the Governance, Ethics and  
Standards Committee

I am very pleased to present this report detailing the work undertaken by the Governance, Ethics and Standards Committee (formerly known as the Standards Committee) for the years 2018 to 2019 and 2019 to 2020.

This last 2 years has been a very busy period for the Committee as a comprehensive review of the Council's Constitution has been undertaken. In doing so, the Council's Ethical Governance Framework has been expanded and improved. In undertaking this piece of work, the Committee very much feels that the integrity and transparency of the Council's decision-making principals has been greatly enhanced. The Committee also took the opportunity to consider the implications of the Annual Report of the Committee for Standards in Public Life and the Committee is committed to ensuring that it continues to progress the many recommendations which have been suggested as delivering good practice.

The LGA has launched a consultation on a draft code of conduct for members as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards. The consultation opened on 8<sup>th</sup> June and will run until 17<sup>th</sup> August. I would wish to encourage all members to consider the model code and respond to the consultation.

**Councillor C Short**  
**Chairman of the Governance, Ethics and Standards Committee**

## **Membership of the Governance, Ethics and Standards Committee (formerly the Standards Committee) during the years 2018/19 and 2019/20**

Membership of the Committee 2018/19:

Councillor C Short (Chairman)  
Councillor K Buttery (Vice-Chairman)  
Councillor J Coyle  
Councillor A Fox  
Councillor L Grooby  
Councillor W Major  
Councillor D McGregor  
Councillor C R Moesby  
Independent Person Lloyd Newby  
Independent Person Keith Jackson-Horner

Membership of the Committee 2019/20:

Councillor C Short (Chairman)  
Councillor K Buttery (Vice-Chairman)  
Councillor J Coyle  
Councillor A Fox  
Councillor L Grooby  
Councillor W Major  
Councillor D McGregor  
Councillor C R Moesby  
Independent Person Lloyd Newby  
Independent Person Keith Jackson-Horner

The Committee would also like to thank the Independent Persons, Peter Smith, Keith Jackson-Horner and Lloyd Newby for their commitment and support to the Committee.

We also wish Peter Smith and Keith Jackson-Horner well following their retirement. During the next municipal year, the Committee will be seeking to recruit Independent Persons as a result of the two retirements and also due to the term of office for Mr Newby drawing to a close.

## **Refreshing the Council's Constitution**

In July 2018, the Committee invited the Council's Monitoring Officer to undertake a review of the Council's Constitution.

The refreshed Constitution focussed on streamlining the Council's decision-making principals, whilst maintaining a governance framework which could deliver a commitment to integrity and transparency. As part of this process, the Articles of the Constitution, the Rules of Procedure and Protocols were reviewed and as such, the composition of the new Constitution is now broken down into a series of Articles and Appendices. The Articles set out the overarching functions and the decision-making framework of the Council, whilst the Appendices to Articles contain the details as to how the functions listed in the Articles will be carried out.

This was also an opportunity for the Committee to invite the committees of the Council to undertake a review of their respective terms of reference to ensure that they too would be effective going forward. However, upon reviewing the range of committees promoted by the Council, a decision was taken to cease the Regulatory Licensing Committee, due to the work being absorbed into the revised Schemes of Delegation. A new committee, the Appointment and Conditions of Service Committee was created.

The Standards Committee, as it was previously known, also undertook a fundamental review of its own terms of reference and this has resulted in a comprehensive wide ranging scope for the Committee which offers assurance to the Council for the promotion of the Council's Governance and Ethical Governance Frameworks. The Committee also decided to rename itself as the Governance, Ethics and Standards Committee so as to truly reflect its new profile.

During this period, the Committee felt that training and awareness raising of the proposed refreshed Constitution was of paramount importance to members and officers alike, and the Monitoring Officer was asked to convene a number of training sessions and presentations to the Committees, including to the Resources, Improvement and Scrutiny Committee.

The Committee took the decision to review the aspects of the Constitution relating to the improvement and scrutiny arrangements during the next municipal year due to the publication of relevant Government guidance being delayed.

In revising the Constitution, the Committee was able to fully consider the recommendations made by the Committee for Standards in Public Life in their Annual Report as it sought to confirm the Committee had adopted good practice by virtue of its wider development of the Council's Ethical Governance Framework, for example, Member Officer Protocols and Guidance for Members appointed to outside bodies.

After a number of lengthy meetings, the Committee recommended the refreshed Constitution to the Full Council at the Annual Meeting on 15 May 2019. Going

forward, the Committee have given an assurance to the Council that the Constitution will be the subject of regular reviews.

### Role Profiles

During the process of refreshing the Constitution, the Committee has overseen the revision to the Member Role Profiles and disestablished the Member Role Profile for the Chairman of the Council and established:

- 1) a revised Member Role Profile for the Chairman of the County Council;
- 2) created a new Member Role Profile for the Civic Chairman of Derbyshire County Council; and
- 3) created a new Member Role Profile for Vice Civic Chairman of Derbyshire County Council.

### **Complaints received pursuant to the Member's Code of Conduct**

During 2018/19, the Committee received the following complaints pursuant to the Code of Conduct. The Council's Code of Conduct was implemented in July 2012 and is supported by a procedure for the handling of complaints received. The Code of Conduct is published in the Council's Constitution and appears on the Council's website.

The Committee is grateful for the support received from the Independent Persons in determination of these complaints.

	Complaint received from	Substance of the complaint	Outcome
Councillor 1	Member of the public.	Failure to respond to repeated requests for support and information relating to a local issue.	Complaint not upheld as the investigation indicated that there had been a communication error between the complainant and a council department as opposed to the role of the councillor in question.
Councillor 2	Member of the public.	Failure to treat with respect, allegations of defamation of character via use of	Complaint not upheld as the complaint fell outside the remit of

		social medial.	the Code of Conduct. Councillor 2 was not acting in the capacity of a councillor when using social media and had already provided an apology in a private capacity.
Councillor 3	Member of the public.	Allegation of failure to act with honesty when information was printed in a political newsletter. The allegation was that comments printed were inaccurate.	Complaint not upheld as the complaint fell outside the remit of the Code of Conduct. The printed material in question was of a political nature and not related to the County Council.
Councillor 4	Member of the public.	Allegation that all aspects of Code Conduct had been breached due to alleged disrespectful behaviour by Councillor 4.	Complaint not upheld.

Over the course of the year 2018 to 2019, 4 potential complaints against councillors were received. However, on undertaking preliminary enquiries, none of those complaints were upheld and 2 were considered to fall outside the remit of the Code of Conduct.

A report for the 2019 to 2020 will be provided to the Committee but has been delayed and will be presented during the next municipal year.

### **Other activity undertaken by the Committee**

The Committee has overseen a project which has delivered the newly fitted audio visual equipment in the Council Chamber and it is hoped that this will considerably enhance the delivery of council meetings.

### **Work Programme for the next municipal year (May 2020 – 2021)**

It is proposed that during the next municipal year, the work programme for the Governance, Ethics and Standards Committee will include the following;

1. further review of the Constitution as necessary and as an evolving document to reflect council changes and/or new initiatives. A detailed review is currently underway and a report will be presented to the Governance, Ethics and Standards Committee in July and subsequently to the Council. Therefore, the purposes of future reviews will be to ensure that the Constitution remains up to date;
2. overview of complaints against the Council, both corporately and across departments, with reports and presentations from representatives who deal with complaints in departments;
3. overview of complaints against elected members and receipt of the annual report, including consideration of the procedure in relation to the involvement of the Chair of the Committee in considering complaints.
4. Member Safety - following the concerns within the report of the Committee on Standards in Public Life regarding elected members dealing with members of the public, consideration will be given to occasions when they may feel threatened, practical solutions and how this can be monitored and considered by the Council. This would also include consideration of the Members Safety Policy and a report/presentation from Audit on the work they have undertaken regarding this.
5. Recruitment of Independent Persons - following receipt of resignations from two of the Independent Persons and the term of office for the third drawing to a close. It is proposed that the recruitment arrangements will be delegated to officers.
6. Code of Conduct for Members - consideration of refresher training and also to provide a forum for debate on conduct issues in order to canvass views for elected members on potential changes.

The Committee will use its discretion to adapt this work programme in response to any matters arising.