

PUBLIC

MINUTES of a meeting of the **STANDARDS COMMITTEE** held on 25 February 2019 at County Hall, Matlock

PRESENT

Councillor C Short (in the Chair)

Councillors K Buttery, A Fox, L Grooby

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

Apologies for absence were received on behalf of Councillors J A Coyle, W Major, D McGregor and C R Moesby

03/19 MINUTES RESOLVED that the minutes of the meeting of the Standards Committee held on 10 January 2019 be confirmed as a correct record and signed by the Chairman.

04/19 GRANTING OF DISPENSATION In setting the Council's Budget, the Council was required to debate the County's position in respect of Council Tax.

It was noted that 44 of the 64 Elected Members for the County Council were dual hatted i.e. represented a District or Borough Council in addition to their County Council role. It could therefore be deemed that County Councillors would be conflicted and thus unable to participate in a debate relating to the council tax element of the Council's Budget. Such a high level of Members being affected could also have negatively impacted on the quoracy of the meeting for this particular Agenda Item.

Given this conflicting position, the Chair of Standards Committee agreed to grant a dispensation to all 44 dual hatted Elected Members so that they could freely participate in the Budget debate if they wished to do so.

RESOLVED to note the granting of a dispensation to all Members of Derbyshire County Council for the purposes of ensuring a debate could take place in respect of the Council's Budget presented to Full Council on 6th February 2019.

05/19 STANDARDS IN PUBLIC LIFE The Committee on Standards in Public Life was an independent advisory Non-Departmental Public Body and was established in 1994 by the then Prime Minister under the Chairmanship of Lord Nolan. Within its first report the Committee defined the Seven Principles of Public Life, commonly known as the Nolan Principles. As

the Standards Committee was aware, these principles continued to be relevant and were incorporated in the County Council's Code of Conduct for Members.

The Committee monitored and considered issues and concerns relating to standards in public life, including standards in local government. The purpose of the current Review was for the Committee to assure themselves that the current standards framework was conducive to promoting and maintaining the standards expected by the public. A copy of the Review was attached at Appendix 1 and was available on line. The terms of reference for the review was detailed in the report at page 20 and was to:

1. Examine the structures, processes and practices in England for
 - a) maintaining codes of conduct for local councillors
 - b) investigating alleged breaches fairly and with due process
 - c) enforcing codes and imposing sanctions for misconduct
 - d) declaring interests and managing conflicts of interest
 - e) whistleblowing
2. Assess whether the existing structures, processes and practices were conducive to high standards of conduct in local government
3. Make any recommendations for how they can be improved
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

The Review identified some specific areas of concern relating to bullying and harassment and other disruptive behaviour by a minority of councillors. The Review also identified a number of risks in respect of the current rules around conflicts and declaring of interests, gifts and hospitality and the increased complexity of local government decision-making.

However, the Review continued to support the current framework whereby local authorities had responsibility for ethical standards, and although the need for a central body to govern and adjudicate on standards was considered, the Committee had concluded that there was no reason to reintroduce centralisation.

The Committee had made 26 recommendations and identified 15 recommendations of best practice to improve ethical standards in local government.

The recommendations included the suggestion for the Local Government Association (LGA) to create an updated model code of conduct, to enhance consistency and the quality of local authority codes. There were also further recommendations regarding declaring and managing interests, investigations

and safeguards, and sanctions. The full list of recommendations was included within the report at pages 14 – 17 of Appendix 1.

The Report confirmed that the best practice recommendations for local authorities should be considered a benchmark of good ethical practice which all local authorities should implement. The Committee had expressed the intention to review the implementation of best practice in 2020. The full list of best practice recommendations was included at pages 18-19 of Appendix 1.

RESOLVED to note the report of the Committee on Standards in Public Life in relation to local government standards, including the recommendations and points of best practice for the improvement of ethical standards.

04/19 REFRESH OF THE CONSTITUTION Since July 2018, the Standards Committee had been concentrating on a refresh of the Council's Constitution and this culminated in the presentation of the draft revised Constitution to a meeting of Full Council on 6 February 2019.

Terms of Reference of Committees

In accordance with the recommendations of the Standards Committee on 10 January 2019, the version of the Constitution presented to Council included the existing terms of reference for the various Council Committees. The reason for this was that committees were still in the process of reviewing their respective terms of reference and it was acknowledged that all committees were still to conclude their work programmes for the current municipal year.

The revised terms of reference were attached at Appendix One of the report.

The terms of reference for the Standards Committee were detailed within a separate report as part of the Agenda.

Once revised, it was proposed that the terms of reference for all of the Council's Committees would be listed within the Articles of the Constitution so as to aid transparency.

Regulatory Licensing and Appeals Committee

In reviewing the terms of reference of the committees and in consideration of the proposed updated Scheme of Delegation, it had transpired that there was no longer a requirement for the Council to provide for a Regulatory Licensing and Appeals Committee. Therefore this committee would no longer feature in the revised constitution.

Scheme of Delegation

Whilst no further revisions to the Officer Scheme of Delegation had been received following the last meeting of the Standards Committee and of Council, it was proposed, as aforementioned that the Scheme was amended to reflect that the terms of reference for the committees were transferred to the Articles.

Member Role Profile: Chairman of the County Council

As detailed within the Report to Council, work continued to be underway in respect of the separation of the Member Role Profile of Chairman of the County Council.

It was proposed that this work be reported to a future meeting of the Standards Committee.

Training in respect of the revised Constitution

The Chair of the Member Development Group, had invited for consideration that his Group take the lead in supporting the Standards Committee and thus sponsoring and overseeing the delivery of training to Elected Members in respect of the revised Constitution.

RESOLVED to (1) receive and approve the refreshed terms of reference for the Council's Committees for inclusion in the revised constitution; (2) approve the listing of the terms of reference of the committees within the Articles within the revised constitution as opposed to them being embedded within the Scheme of Delegation; (3) record that the Regulatory Licensing and Appeals Committee would not be required within the revised constitution; (4) consider the revised Member Role Profile for the Chairman of the County Council would be considered at the next meeting of the Standards Committee; and (5) approve the request received from the Chairman of the Member Development Working Group in respect of the delivery of training to all Elected Members.

05/19 TERMS OF REFERENCE FOR THE STANDARDS COMMITTEE

It was good practice to regularly review the terms of reference of the Standards Committee so as to ensure it remains fit for purpose.

Since July 2018, the Standards Committee had been concentrating on a refresh of the Council's Constitution and it had become evident during this process that the work of the Committee in its role as a custodian of the council's constitution and ethical governance framework had significantly expanded.

The existing terms of reference for the Standards Committee appeared as Appendix One to this report.

The Monitoring Officer had prepared a draft revised terms of reference for the Governance, Ethics and Standards Committee which appeared at Appendix Two of this report.

RESOLVED to approve (1) the terms of reference for the Governance, Ethics and Standards Committee for inclusion in the revised constitution; and (2) that the Governance, Ethics and Standards Committee would replace the Standards Committee from the commencement of the municipal year 2019/2020.

06/19 IMPLEMENTATION OF AN ON-LINE COMMITTEE MANAGEMENT SYSTEM

The Standards Committee had taken great strides in comprehensively reviewing the Council's governance framework and thus revised the Constitution. As part of this process, the Standards Committee, acting as custodian on behalf of the whole Council, must ensure that all decision making and the work of the various committees remains robust and strongly promotes the principles of integrity and transparency but also remains fully compliant with access to information legislation and principles including the General Data Protection Regulations. So as to fully promote these principles, the Council had procured an on-line committee management system called "Modern.gov".

It was proposed that "Modern.gov" would be implemented across the Council in readiness for the Council's Annual General Meeting on 15 May 2019.

"Modern.gov" was a commonly used committee management system and some of our neighbouring authorities, for example Chesterfield Borough Council, having been successfully widely using this package for a few years.

However implementation of Modern.gov would require (the following is not an exhaustive list):

- a full review of user permissions ie, confirmation as to access and activity settings and in some cases necessary restrictions;
- delivery of training to all Elected Members and key Officers across the Council
- consideration as to the type of information the system will "host" in the public domain. For example, "Modern.gov" whilst hosting all agendas and reports for all constitutionally prescribed meetings, may also host declarations of interests, gifts and hospitality registrations, Elected Member Code of Conduct

RESOLVED to (1) support the implementation of "Modern.gov" as the Council's on-line committee management system which will be fully implemented in readiness for the Council's Annual General Meeting on 15 May 2019; (2) seek a demonstration of "Modern.gov" at a future meeting of the Standards Committee; and (3) approve the delivery of training to all Elected Members and key Officers across the Council.