



**Standards Committee
Annual Report 2023/24**

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Foreword from the Chair of the Standards Committee

The work of the Standards Committee remains central to the ethical and governance responsibilities of the Council which are an essential element in local government continuing to retain the trust of the public which it serves.

I would like to take the opportunity to thank the Members on the Committee, the Independent Persons and officers of the Council, for their continued hard work and support in the work of the Committee during the year.

Mrs Ruth Jaffray

Co-opted Member

The Annual Report outlines the work of the Standards Committee during the municipal year 2022/23 and covers the following subjects:

- 1 Chair and Co-optees of the Standards Committee 2023/24;
- 2 Independent Persons;
- 3 Complaints received during 2023/24;
- 4 Councillor Complaint Procedure;
- 5 Establishment of a Sub-Committee to deal with Member complaints;
- 6 Constitution Review Work;
- 7 Policy Review Work;
- 8 Gifts and Hospitality;
- 9 Member Training Attendance;
- 10 Increase of Public Awareness.

1 Chair and Co-optees of Standards Committee 2023/24

The Articles of the Constitution require that a co-opted member be appointed Chair of the Standards Committee. The Council therefore approved the appointment of Mrs Ruth Jaffray in November 2016 who has undertaken that role since then.

2 Independent Persons

2.1 The Council has two Independent Persons who advises the Monitoring Officer on complaints against District or Parish Councillors and also advises Councillors who were the subject of complaints. These are Mr Stephen Wainwright and Mr Ian Kirk.

2.2 In September 2023 it was reported that one of Independent Persons may need to resign and approval was granted to recruit two new Independent Person, one to replace the retiring Independent Person and another to provide additional resilience. It transpired that the Independent Person did not need to retire. The third Independent Person has not yet been appointed.

3 Complaints received during 2023/2024

It has been a quiet year with only 8 complaints against Members were received during the period May 2023 to April 2024 with 4 of those complaints relating to the same incident. Six complaints related to parish councils and 2 related to the District Council. Further they were all closed with no further action. There are no outstanding complaints.

4 Councillor Complaint Procedure

In November Standards Committee approved changes to the Councillor Complaint Procedure. This is the procedure undertaken when a complaint is made that a district or parish councillor has breached a relevant code of conduct. Under the procedure once a complaint has been investigated and the investigator recommends that there has been a breach of the code, the matter can be dealt with informally or by way of a hearing. Under the previous procedure before determining that a formal hearing was not required the Monitoring Officer was essentially required to seek approval from the complainant. This meant that where the Monitoring Officer did not believe that a formal hearing was appropriate a complainant could still force a hearing to take place. This took away the discretion of the Monitoring Officer and put disproportionate control in the hands of the complainant. Standards Committee addressed this imbalance and approved changes to the procedure that gave the Monitoring Officer the discretion to refer a complaint for a formal hearing. This change is in line with guidance issued by the Local Government Association.

5 Establishment of a sub-committee to deal with Member complaint hearing

Where an investigation into a Members behaviour recommends that the Member breached their relevant code of conduct the Monitoring Officer will seek to resolve the matter with the agreement of the parties. If an agreement cannot be reached the matter may be referred to a hearing by a sub-committee of the

Standards Committee. This is unusual and only one such hearing prior to this year has been held for over the last 11 years.

A complaint was received in February 2023 regarding the conduct of a Clowne Parish councillor. Following an investigation by the Deputy Monitoring Officer in which she recommended that the Parish Councillor had breached the Clowne Parish Council code the councillor concerned failed to acknowledge the Deputy Monitoring Officer's conclusions. In September 2023 the Standards Committee agreed to establish a sub-committee to consider the matter and the hearing eventually took place on 24th October 2023. The sub-committee found that the Clowne Parish Councillor was in breach of part 1.1 of the Clowne Parish Council's code of conduct which requires a Councillor "to treat other Councillors and members of the public with respect". Further, the sub-committee recommended that the Parish Council censure the councillor by reading out the sub-committee's decision notice. Clowne Parish Council agreed to this and the Member was censured at the Parish Council meeting on 21st February.

6 Constitution Review Work

One of the functions of the Standards Committee is to undertake a review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. The Committee considered a number of areas that had been identified for review including;

- Officer Delegation Scheme;
- Access to Information Rules;
- Creation of Junior Executive roles;
- Council's Contract Procurement.

7 Policy Review Work

Whistle-blowing Policy Review

The Council is committed to updating the Whistle-blowing policy on a regular basis to ensure it is fit for purpose and a review was conducted in January 2024 with no substantive changes being made other than housekeeping amendments.

The Monitoring Officer has overall responsibility for the maintenance and operation of the policy and would maintain a record of any concerns raised and the outcomes. The Monitoring Officer is also required to report as necessary to the Council on instances relating to Whistleblowing. It was noted by the Standards Committee at its meeting in January, that the policy was fit for purpose and there had been no instances of whistle blowing since the 2023 annual review.

8 Gifts and Hospitality

- 8.1 The Council's Constitution specifies detailed arrangements for the registering of gifts and hospitality made to Members and officers.

- 8.2 The annual reporting of offers of gifts and hospitality made to Members and officers ensures that the Council's performance on this matter is monitored on a regular basis and that any changes in procedure can be introduced if necessary. The register of Gifts and Hospitality is also published on the Council's website.
- 8.3 In January this year, the Standards Committee received and noted an annual report in respect of offers of gifts and hospitality made to Members and officers for the period January 2023 to December 2023.
- 8.4 Members are reminded that advice is available from the Monitoring Officer, Deputy Monitoring Officer and Legal Services in relation to any offer of gift or hospitality and Members and officers are encouraged to seek this advice where they were unsure.

9 Member Training Attendance

Part of the Terms of Reference of the Standards Committee is to oversee Members training including attendance at courses. We noted that attendance at some of the training was lower than it should be, however this would be addressed by further sessions being organised and members receiving invites to these sessions.

10 Increase of Public Awareness

In November the Committee approved an article to be published in the Council's InTouch magazine. The report explained that one of the roles of the Standards Committee was to increase the public awareness of the Code of Conduct and its application. This could be achieved through the use of the Council's communication media. One such channel was the InTouch magazine which was delivered quarterly to homes and businesses across the District. At the time of writing this report the article has not yet been published in InTouch.

Footnote: If any Member would like a copy of any of the reports referred to in this report, they should contact the Governance Team on 01246 242529