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Simon W. Baker B.Ed MBA MISPAL
Chief Executive

STANDARDS COMMITTEE AGENDA

Date: Thursday, 21 November 2019

Time: 10.00 am

Venue: The Dove Room, Moorlands House, Stockwell Street, Leek

13 November 2019

PART 1

1. Apologies for absence, if any.
2. Urgent items of business, if any (24 hours notice to be provided to the Chairman).
3. To approve as a correct record the Minutes of the previous meeting. **(Pages 3 - 6)**
Meeting held on Friday 19 July 2019
4. Declarations of interest, if any:
 - Disclosable Pecuniary Interest;
 - Other interests.
5. Local Government Ombudsman Annual Letter **(Pages 7 - 16)**
6. Standards Committee Annual Report **(Pages 17 - 24)**
7. Appointment of Independent Person **(Pages 25 - 28)**
8. Exclusion of the Press and Public

The Chair to move:-

"That pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated."

9. To approve as a correct record the Exempt Minutes of the previous meeting.
(Pages 29 - 30)

Meeting held on Friday 19 July 2019

10. Standards Complaints - Review & Monitoring Report **(Pages 31 - 34)**

SIMON BAKER
CHIEF EXECUTIVE

Membership of Standards Committee (SMDC)

Councillor G Bond (Chair)	Councillor B Emery (Vice-Chair)
Councillor J Aberley	Councillor I Herdman
Councillor K J Jackson	Councillor B Johnson
Councillor K Martin	Councillor P Taylor
Councillor P Wilkinson	D Fowler
Councillor B A Hughes	

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Minutes

FRIDAY, 19 JULY 2019

PRESENT: Councillor B Emery (Vice-Chair, in the Chair)

Councillors J Aberley, B A Hughes, K J Jackson, B Johnson,
K Martin and P Taylor. Mr D Fowler

IN ATTENDANCE: M Trillo Executive Director & Monitoring Officer
P Rushworth Deputy Monitoring Officer
L Vernon Senior Officer (Governance & Member Support)
P Trafford Democratic Services Officer
Cllr. L Swindlehurst

APOLOGIES: Councillors G Bond, I Herdman and P Wilkinson

1 **URGENT ITEMS OF BUSINESS, IF ANY (24 HOURS NOTICE TO BE PROVIDED TO THE CHAIRMAN).**

There were no urgent items.

2 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING.**

RESOLVED: That the Minutes of the Meeting held on 22 March 2019 be approved as a correct record and signed by the Chair.

Following the recent local elections there had been a significant change in membership of the committee so, at this point, each person present introduced themselves.

3 **DECLARATIONS OF INTEREST, IF ANY:**

There were no declarations of interest made.

4 **CODE OF CONDUCT - DISPENSATIONS**

Presented by Senior Officer (Governance & Member Support) Linden Vernon, this report followed the recent local elections and was put forward under Section 33 (2) of the Localism Act 2011.

Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to functions of the authority in respect of:-

Standards Committee (SMDC) - 19 July 2019

- An allowance, payment or indemnity given to members;
- Any ceremonial honour given to members;
- Setting Council Tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation;
- Housing, where the councillor was a tenant of the authority provided that those functions did not relate particularly to the councillor's tenancy or lease.

General dispensations were also granted on these terms for the following decisions which were also made by the Council as a result of changes in relevant legislation:-

- Setting the local council tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation;
- Setting a local scheme for the payment of Business Rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.

RESOLVED: That general dispensations as outlined above be granted to all councillors under Section 33 (2) of the Localism Act 2011 for a period of 4 years.

5 COMMITTEE ON STANDARDS IN PUBLIC LIFE - ETHICAL STANDARDS REVIEW

Executive Director & Monitoring Officer Mark Trillo initially gave a presentation outlining the work of the committee, covering:-

- Framework of the committee & scrutiny panel system in place;
- Localism Act 2011;
- Composition of the committee;
- Role of the committee;
- Ethical Framework;
- Work Programme.

Members raised specific queries, including (*responses in brackets*):-

1. What was the 'Local Government Ombudsman's Annual Letter'? (*The letter summarised all complaints received and the results within the year referred to. The letter would be reported to the next meeting of this committee. Any matters which necessitated Police involvement would be forwarded to the Police as a matter of course and further action at SMDC would cease to allow their investigations to take place.*)
2. What was the criteria on voting rights at the committee? (*Under the previous 2000 Act, there was a requirement for Standards Committees to include Parish Representatives and Independent Members. Under the Localism Act 2011 the requirement for Parish Representatives (PR's) and indeed a Standards Committee was removed. There was, therefore, no statutory provision for the vote to be retained. It was also noted that the political balance of the committee would be skewed if co-opted members were to vote.*)

Standards Committee (SMDC) - 19 July 2019

3. Given the limited sanctions available to the Standards Committee, could recommendations be made to Full Council to enforce any necessary action? *(Yes, this did happen where considered necessary.)*
4. Were substitutes allowed on the committee? *(No, the Council's Constitution did not allow for substitutes on this particular committee.)*
5. Where a Hearing Panel was convened to consider a complaint relating to a Parish Councillor, how would the membership of the panel be determined? *(The panel would reflect the parish nature of the complaint.)*

The Committee on Standards in Public Life had reviewed the ethical standards in local government and had made 15 best practice recommendations for the Council's local ethical framework where appropriate. Most of the recommendations were already covered in the Code of Conduct but 3 amendments were proposed:-

1. Under 'General Conduct' paragraph 2.2, the words (including any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended) with reference to bullying;
2. Also under 'General Conduct' an additional paragraph 2.11 "Co-operate fully with any investigation carried out in accordance with the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011, and by not making any trivial or malicious allegations under those Arrangements;
3. The addition of a 'Public Interest Test' as with the initial assessment criteria used by the Northern Ireland Local Government Commissioner for Standards in Public Life (attached as appendix 2 to the report as follows:-
 - Can we investigate the complaint?
 - Is the person you are complaining about a councillor?
 - Did the conduct occur within the last 6 months?
 - Is the conduct something that is covered by the Code?
 - **Should we** investigate the complaint?
 - Is there evidence which supports the complaint?
 - Is the conduct something which it is possible to investigate?
 - Would an investigation be proportionate and in the public interest?

Mr. Trillo advised that there was a need for an independent external review of the Council's governance arrangements. A similar process for High Peak Borough Council would reduce the unit costs, which would be on a set fee basis.

RESOLVED: That the report be **NOTED** and that the adoption of the best practice recommendations into the Council's ethical Standards framework be **APPROVED**.

FURTHER RESOLVED: To **RECOMMEND TO COUNCIL** that the revised Code of Conduct be **APPROVED**.

FURTHER RESOLVED: That the initial assessment criteria as attached at Appendix 2 be **ADOPTED** for use under the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011.

6 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

7 **TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE PREVIOUS MEETING.**

RESOLVED: That the Minutes of the Meeting held on 22 March 2019 be **APPROVED** as a correct record and signed by the Chair.

8 **COMPLAINTS MONITORING REPORT**

Members considered a report regarding complaints received since the previous meeting.

The meeting closed at 11.08 am

_____ Chairman _____ Date

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Standards Committee

21 November 2019

TITLE:	Local Government Ombudsman Annual Letter
PORTFOLIO HOLDER:	Councillor Ralphs - Council Leader SMDC
CONTACT OFFICER:	Customer Feedback Officer
WARDS INVOLVED:	Non-Specific

Appendices Attached – Local Government Ombudsman Annual Letter

1. Reason for the Report

- 1.1 To advise members of the content of the Ombudsman’s Annual Letter for the period April 2018 – March 2019.

2. Recommendation

- 2.1 That members note the content of the Ombudsman’s Annual Letter (included at Appendix A).

3. Executive Summary

- 3.1 The Local Government Ombudsman's Annual Review Letter summarises complaints and enquiries received. The letters are published on the Ombudsman's web site together with specimen data used to inform the Ombudsman's Annual Report.
- 3.2 In 2018/19 the Ombudsman received 6 new enquiries or complaints, compared with 12 in the previous year. Detail of the decisions made and investigated complaints in 2018/19 are summarised as follows-

Service Area	Complaint	Finding
Upheld (0)		
Not upheld (2)		
Planning &	Mr X complains about the	

Development	Council's decision to grant planning permission for use of green belt land near his home. Mr X says the Council wrongly took account of an enforcement notice and gave that notice too much weight in deciding the planning application. Mr X says the use has a devastating impact on him and his family and has destroyed the family's enjoyment of their home. Mr X wants the Council to stop the use or, at least, control it to reduce its impact on his family and home.	No Maladministration There was no fault in how the Council reached its decision to grant planning permission for development on land near Mr X's home.
Planning & Development	Mr X complains about the Council's actions over several years in allowing a children's care home to be situated next door to his house. In particular, he disputes the Council's decision in 2016 to grant a Certificate of Lawfulness of Existing Use allowing the continued operation of the care home. He also says he has complained about planning enforcement matters since that time but no action has been taken by the Council.	No maladministration There was no fault by the Council when it granted a Certificate of Lawfulness of Existing Use to a care home next door to Mr X. Its later judgement about a potential breach of planning control relating to the change of use was one it was entitled to reach. Mr X complains about the Council's actions over several years in allowing a children's care home to be situated next door to his house. Having limited the investigation to events from 2016 onwards, the Ombudsman found no fault with the Council's approach. It was entitled to make the decisions it did, based on its judgement of the evidence available to it.
Closed after initial enquiries (3)		
Planning &	The complainant, who I refer to	Closed after initial

Development	a Ms B, complains about the Councils handing of a TPO confirmed for trees on her property and that it did not properly follow its procedures.	enquiries – no further action
Planning & Development	Mr X complains about the way the Council dealt with his planning application and the decision itself.	Closed after initial enquiries – out of jurisdiction.
Planning & Development	The complainant, whom I shall call Mr A, says he has carried out improvements to a barn that has been in place for 30 years. The Council has served enforcement notices requiring him to remove the barn. The Council has also refused Mr A's retrospective planning application. Mr A made a second planning application and complains it took the Council 14 months to tell him it would not validate or consider the application.	Closed after initial enquiries – out of jurisdiction
Referred back for local resolution (1)		
Housing	We did not receive details of this complaint from the LGO	

3.3 A copy of the Ombudsman's letter is attached as an appendix to this report.

3.4 Members may also wish to note that the small number of complaints reaching the Ombudsman is set against a background of 119 complaints received by the Council in the period in question, which helps to illustrate the strength of the Council in ensuring complaints are dealt with promptly and appropriately.

4 Risks and Options

There are none to consider

5 Implications

5.1 Community Safety: No direct implications

5.2 Employees: No direct implications.

5.3	Equalities:	No direct implications.
5.4	Financial:	No direct implications.
5.5	Legal:	No direct implications.
5.6	Sustainability:	No direct implications.

Mary Walker
Assistant Chief Executive

**Web Links and
Background Papers**

Contact details

Customer Feedback Officer
Feedback@highpeak.gov.uk

24 July 2019

By email

Simon Baker
Chief Executive
Staffordshire Moorlands District Council

Dear Mr Baker

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Staffordshire Moorlands District Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	0	0	0	0	0	1	4	0	5

Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations			Total
				Not Upheld	Upheld	Uphold Rate (%)	
0	0	1	3	2	0	0	6

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
<p>Notes:</p> <p>* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.</p> <p>** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Standards Committee

21 November 2019

TITLE:	Standards Committee Annual Report 2018/19
PORTFOLIO HOLDER:	Councillor Sybil Ralphs - Council Leader
CONTACT OFFICER:	Linden Vernon - Senior Officer (Governance and Member Support)
WARDS INVOLVED:	Non-Specific

Appendices A - Role of the Committee

1. Reason for the Report

- 1.1 To review the work of the Standards Committee during 2018/2019.

2. Recommendation

- 2.1 That the report be noted.

3. Executive Summary

- 3.1 This report provides an overview of the issues considered by the Standards Committee during 2018/19. This included the following matters:

- Monitoring complaints received regarding alleged breaches of the Code of Conduct
- The Annual Letter received from the Local Government Ombudsman
- Annual Review of Councillor Development
- Committee on Standards in Public Life - Ethical Standards Review

4. How this report links to Corporate Priorities

- 4.1 High standards of conduct are integral to the Council achieving its corporate priorities.

5. Alternative Options

5.1 There are no options to consider.

Mark Trillo

Executive Director (People) and Monitoring Officer

Web Links and Background Papers

[Standards Committee Reports](#)
[Committee on Standards in Public Life – 7 Principles of Public Life](#)

Contact details

Linden Vernon
Senior Officer (Governance and Member Support)
linden.vernon@staffsmoorlands.gov.uk

6. Detail

6.1 Article 9 of the Council's Constitution defines the role of the Standards Committee and is shown in full in **Appendix A** to this report. In summary this includes:

- To promote high standards of conduct by elected and co-opted members and staff
- To advise the Council, monitor the operation and provide training/notes on local codes of conduct, protocols or other ethical guidance for Members and staff
- Granting dispensations to District Councillors
- To consider and where necessary take action regarding complaints for breaches of the Code of Conduct
- To promote Member development and training on ethics and standards generally within the District Council
- To monitor the Council's corporate complaints procedure including any references to the Local Government or Housing Ombudsman and to consider any implications for the Council's codes, protocols or ethical guidance
- To advise the Council on the adoption or revision of the Constitution

6.2 The current membership of the committee is provided below. The Council's Independent Persons continue to be invited to attend and participate at Committee meetings.

Standards Committee Composition	
District Councillors	Councillor Geoff Bond (Chair) Councillor Ben Emery (Vice-Chair) Councillor James Aberley Councillor Ian Herdman Councillor Kevin J Jackson Councillor Brian Johnson Councillor Kate Martin Councillor Phil Taylor Councillor Peter Wilkinson

Standards Committee Composition	
Town/Parish representatives (non-voting)	Cllr David Fowler Cllr Barbara Hughes
Independent Persons	Mr Harry Mawdsley Mr Philip Brough (substitute)

Monitoring complaints received regarding alleged breaches of the Code of Conduct

6.3 The Committee continued to receive regular complaint monitoring reports regarding alleged breaches of the Code of Conduct. These reports updated members on the number and nature of complaints dealt with by the Monitoring Officer and explained:

- If these related to borough or town/parish councillors
- If any further action should be taken
- If further investigations were considered to be appropriate

6.4 This information is then used to identify trends and consider themes for which training seminars may be planned. The table below summarises the complaints received for the previous years and compares these with the Authority's Strategic Alliance partner, High Peak Borough Council (HPBC).

Year	No. of Complaints					
	Staffordshire Moorlands Parish Cllr	Staffordshire Moorlands District Cllr	Staffordshire Moorlands Total	High Peak Parish Cllr	High Peak Borough Cllr	High Peak Total
2013/14	3	1	4	10	1	11
2014/15	5	1	6	2	1	3
2015/16	3	12	15	4	0	4
2016/17	9	16	25	4	2	6
2017/18	5	8	13	1	3	4
2018/19	2	9	11	2	1	3

The Annual Letter received from the Local Government Ombudsman

6.5 The Annual Letter of the Local Government Ombudsman was considered by the Committee at its meeting in November 2018. The table below provides a summary of the number of complaints dealt with by the Ombudsman set against the total number of complaints received by the Authority. For comparison purposes figures for previous years are also provided together with details for HPBC.

Year	No. of Ombudsman Complaints			
	SMDC		HPBC	
	No. of Enquiries or Complaints	Total Number of Complaints	No. of Enquiries or Complaints	Total Number of Complaints
2012/13	14	439	10	404
2013/14	12	280	20*	372
2014/15	10	284	12	413
2015/16	13	258	11	368
2016/17	10	245	8*	448
2017/18	12	193	15	308

* This includes one complaint from the Housing Ombudsman Service.

- 6.6 The relatively small number of complaints that reach the Ombudsman compared to the total number of complaints received by the Authority illustrates the strength of the Council in ensuring complaints are dealt with promptly and appropriately.

Annual Review of Councillor Development

- 6.7 The Member Development Working Group co-ordinates the Council's learning and development programme for councillors. It is a cross-party group, which is chaired by Councillor David Shaw.
- 6.8 The Learning and Development Programme is focused on responding to members' training requirements and also aims to address any changes in legislation and the Council's priorities.
- 6.9 Generally, all Members are invited to attend all events, with some seminars, particularly around regulatory matters, such as Planning and Licensing, being essential for members of those committees to attend in order to fulfil requirements as set out in the Council's Constitution.
- 6.10 The Development Programme included the following seminars during the previous 2018/19 (sessions are open to all councillors unless otherwise stated):

Seminar	No. of District Councillors in attendance
Risk Management Training (also attended by an independent person) – open to members of the Audit & Accounts Committee	5
Planning Training – open to members of the Planning Applications Committee	9
General Data Protection Regulation Training (also attended by 31 parish councillors)	10

Seminar	No. of District Councillors in attendance
Planning Training – open to members of the Planning Applications Committee	5
Planning Committee Highways – open to members of the Planning Applications Committee Training	8
Planning Committee Highways Training	7
Emergency Planning Briefing	14

6.11 In addition to the main development programme, support was on-going around Members' use of IT. This includes guidance on use of tablet computers and the Council's committee management system, Modern.Gov. This has been done via group training sessions, drop in sessions and 1:1s as required.

Committee on Standards in Public Life - Ethical Standards Review

6.12 The Committee on Standards in Public Life (CSPL) considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

6.13 In 2018, the CSPL undertook a review of local government ethical standards. The Council responded to the consultation exercise which informed the report. The Committee considered the report's findings which included areas such as:

- The use of Codes of Conduct
- Allegations of bullying
- The use of Social Media
- Sanctions available
- The role of the Independent Person, Monitoring Officer, Local Government Ombudsman and Parish Clerks
- Arrangements for disclosure of interests
- The intimidation of councillors

6.14 The Committee received a further report on these findings in July 2019.

6.15 To mark the 25th anniversary of the establishment of the CSPL in October 2019 it has published a series of short films about the 7 Nolan Principles of Public Life and what they mean in practice. The films can be viewed [here](#).

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Article 9 - The Standards Committee

9.1 Standards Committee

The Council has established a Standards Committee.

9.2 Composition

(a) **Membership.** The Standards Committee will comprise:

- nine elected members of the Council, appointed proportionally;
- up to two Town or Parish Council members may be co-opted on to the Committee as non-voting members.

(b) **Independent Person.** The Council's Independent Person and their substitutes will be invited to attend and participate at committee meetings but will not be entitled to vote at meetings.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

- (a) To promote high standards of conduct by elected and co-opted members and staff of Staffordshire Moorlands District Council.
- (b) To advise the District Council on the adoption or revision of local codes of conduct, protocols or other ethical guidance for Members and staff.
- (c) To monitor the operation of the Council's codes of conduct, protocols or other ethical guidance.
- (d) To provide briefings, training or advisory notes to elected and co-opted Members and staff relating to the Council's codes of conduct, protocols or other ethical guidance.
- (e) Where appropriate, granting dispensations to District Councillors from requirements relating to interests set out in the Members Code of Conduct.
- (f) To consider and where necessary take action regarding complaints for breaches of the Code of Conduct by the District Council's members and have arrangements in place to deal with complaints for Parish and Town Councils.
- (g) To promote Member development and training on ethics and standards generally within the District Council.
- (h) To monitor the Council's corporate complaints procedure including any references to the Local Government or Housing Ombudsman and to consider any implications for the Council's codes, protocols or ethical guidance.
- (i) To advise the Council on the adoption or revision of the Constitution in accordance with Article 14.

9.4

Delegated Powers

The Standards Committee has full delegated power to act within its defined role and function.

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Standards Committee

21 November 2019

TITLE:	Appointment of Independent Person
PORTFOLIO HOLDER:	Councillor Sybil Ralphs - Council Leader
CONTACT OFFICER:	Linden Vernon - Senior Officer (Governance and Member Support)
WARDS INVOLVED:	Non-Specific

1. Reason for the Report

- 1.1 To consider the recruitment of an Independent Person.

2. Recommendation

- 2.1 That an advertisement be placed for the vacant position of Independent Person.

3. Executive Summary

- 3.1 The Council is required to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes a decision on an allegation it has decided to investigate. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of the majority of all members of the Council.
- 3.2 The Council currently has a vacancy for a substitute Independent Person and it is proposed that the vacancy be advertised via the Council's website and that shortlisted candidates be interviewed by the Chair/Vice-Chair of the Committee and the relevant Executive Director for a recommendation to Council to be made.

4. How this report links to Corporate Priorities

- 4.1 High standards of conduct are integral to the Council achieving its corporate priorities.

5. **Alternative Options**

5.1 There are no options to consider.

Mark Trillo

Executive Director (People) and Monitoring Officer

Web Links and Background Papers

[Localism Act 2011](#)

Contact details

Linden Vernon
Senior Officer (Governance and Member
Support)
linden.vernon@staffs Moorlands.gov.uk

6. **Detail**

6.1 In accordance with Section 28 (7) of the Local Government Act 2011 the Council is required to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes a decision on an allegation it has decided to investigate. The Independent Person's views may also be sought by a member or co-opted member whose behaviour is subject to an allegation.

6.2 In addition the Council's Independent Persons are also invited to attend and participate at meetings of the Standards Committee and Audit and Accounts Committees.

6.3 Following the introduction of these arrangements the Authority appointed an Independent Person together with two substitutes. Sadly, one the substitute appointments, Mr Barry Steans, passed away during 2018 and it is proposed that the Council now recruits to this vacant position.

6.4 The Independent Person cannot be:

1. a member, co-opted member or officer of the authority
2. a member, co-opted member or officer of a parish council of which the Authority is the principal authority, or
3. a relative, or close friend, of a person within items 1 or 2

6.5 In addition a person may not be appointed if at any time during the 5 years the person was:

1. a member, co-opted member or officer of the authority, or
2. a member, co-opted member or officer of a parish council of which the Authority is the principal authority

6.6 The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of the majority

of all members of the Council.

- 6.7 It is therefore proposed that the vacancy be advertised via the Council's website and that shortlisted candidates be interviewed by the Chair/Vice-Chair of the Committee and the relevant Executive Director for a recommendation to Council to be made.
- 6.8 The position will receive an allowance of £478 per annum and the appointee will be able to claim out of pocket expenses.

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