



The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 11 July 2017

Dear Sir or Madam,

You are summoned to attend a meeting of the Bolsover District Council on **Wednesday 19 July 2017 at 1000 in the Council Chamber, The Arc, High Street, Clowne.**

Notes for Members:

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 to 4.

Yours faithfully,

Assistant Director – Governance & Monitoring Officer and Solicitor to the Council
To: Chairman & Members of the Council

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COUNCIL

AGENDA

WEDNESDAY 19 JULY 2017 AT 1000

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	Apologies for Absence	
2.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:-	
	a) any business on the agenda	
	b) any additional urgent items to be considered	
	c) any matters arising out of the business of those items	
	and withdraw from the meeting at the relevant time, if appropriate.	
3.	Questions	
	a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.	None
	b) Questions submitted by Members pursuant to Rule 9 of the Council Procedure Rules.	
4.	Reports on special urgency decisions	
	In any event the Leader will submit reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.	None

5. **Minutes of Last Meeting** Pages
5 to 7
- To approve and the Chairman to sign the minutes of the Council Meeting held on 21 June 2017.
6. **Minute Books**
- Members may put questions for clarification in respect of the minutes contained within the latest Minute Books dated 19 July 2017.
7. **Recommended Items**
- Standards Annual Report** Pages
8 to 14
- To receive a report from the Chair of the Standards Committee, Ruth Jaffray*
- Recommendations on page 9*
8. **Motions on Notice**
- In accordance with Council Procedure Rule
- 10 to consider motions on notice from Members. Motions must be delivered to the Monitoring Officer by 12 noon seven clear working days before the meeting.
- To consider the following motion from Councillor Brian Murray-Carr:*
- This Council:*
- *Notes the importance of commemorating the anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces*
 - *Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable*

horror is an inspiration to us all

- *Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica*

9. **Chair's Announcements**

To receive any announcements that the Chair of the Council may desire to lay before the meeting.

10. **Exclusion of the public**

To move:

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 3, and 4, of Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

11. **Application of Key Decisions**

Recommendations on page 16

Pages
15 to 17

BOLSOVER DISTRICT COUNCIL

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 21 June 2017 at 1000 hours.

PRESENT:-

Councillor T Munro..... Chair
Councillor R Turner..... Vice Chair

Members:-

Councillors T Alexander, A Anderson, P Barnes, J E Bennett, R J Bowler, T Cannon, J A Clifton, T J Connerton, C P Cooper, P A Cooper, M G Crane, , M Dixey, M Dooley, S W Fritchley, H J Gilmour, R A Heffer, A Joesbury, D McGregor, C Moesby, T Munro, B R Murray-Carr, S Peake, K Reid, J E Smith, P Smith, E Stevenson, K.F. Walker, B Watson, D Watson and J Wilson

Officers:-

D Swaine (Chief Executive Officer), S Sternberg (Assistant Director of Governance, Solicitor to the Council & Monitoring Officer), and D Cairns (Governance Manager - Acting)

Before the meeting began, Council observed a minute's silence for the victims and families of those affected by the tragic events at Grenfell Tower and also the terrorist attack that recently took place in Finsbury Park.

0056. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P M Bowmer, G Buxton, J Ritchie, S J Statter and A M Syrett.

0057. URGENT ITEMS OF BUSINESS

There were no items of urgent business to be considered at this meeting.

0058. DECLARATIONS OF INTEREST

There were no interests declared at this meeting.

0059. QUESTIONS

There were no questions from the public or members at this meeting.

0060. REPORTS ON SPECIAL URGENCY DECISIONS

There were no special urgency decisions submitted at this meeting.

BOLSOVER DISTRICT COUNCIL

0061. MINUTES OF LAST MEETING

Councillor J A Clifton commented that the discussion under the Review of the Constitution at Minute No 0010 of the Annual Council Meeting on the circulation to Members of Delegated Decisions on human resources matters had not been included in the Minutes. The Monitoring Officer advised that the matter was not included in the Constitution which was before the Council to approve, however the action was agreed that Delegated Decisions on human resources matters would still be circulated to Members and this would be noted in the Minutes of this meeting.

Councillor E Stevenson requested her attendance at the Annual Council Meeting be noted.

Moved by Councillor S W Fritchley and seconded by Councillor K Reid.

RESOLVED that, subject to the amendments mentioned above, the minutes of the Annual Meeting of Council held on 24 May 2017 be approved as a correct record and signed by the Chairman.

(Governance Manager - Acting)

0062. MINUTE BOOKS

Moved by Councillor S W Fritchley and seconded by Councillor K Reid.

RESOLVED that the minutes as printed in the Minute Books dated 21 June 2017 be noted.

(Governance Manager - Acting)

0063. RECOMMENDED ITEMS

There were no items recommended to this meeting of Council.

0064. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that the Member Development Session would be taking place on Thursday 22 June 2017 at 10am and would be covering communication skills and social media.

0065. EXCLUSION OF THE PUBLIC

The following item of business was listed on the agenda to be considered in private session, however Councillor T Munro moved that it be considered in public as there was no exempt information that would be disclosed.

Seconded by Councillor R Turner.

RESOLVED That following item of business be considered in public and that the report be made available to the public.

BOLSOVER DISTRICT COUNCIL

0066. INTERIM ARRANGEMENTS FOR THE STATUTORY POST OF SECTION 151 OFFICER

Council considered a report of the Joint Chief Executive which sought approval for the Joint Assistant Director – Finance & Revenues and Benefits to be designated as Section 151 Officer to the Council on a temporary basis pending the Strategic Alliance Senior Management Team restructure.

Section 151 of the Local Government Act 1972 requires all Councils to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. In order to maintain momentum in the delivery of the Medium Term Financial Plan, it was considered vital that the Council has an experienced individual in position, who would lead the challenging budget setting process.

It was therefore proposed that the Joint Assistant Director – Finance & Revenues and Benefits, who had the necessary qualifications and experience, be designated as Section 151 Officer to the Council on a temporary basis pending the Strategic Alliance Senior Management Team restructure.

Members queried how long the interim arrangements may be in place for and were advised that this would depend on the recruitment process and how long the restructure would take.

RESOLVED That Council agrees to the temporary appointment of the Joint Assistant Director – Finance & Revenues and Benefits as the Section 151 Officer from 1 July 2017, pending the completion of the Senior Management Team restructure.

(Joint Chief Executive)

The meeting concluded at 1015 hours.

Bolsover District Council

Council

19 July 2017

Annual Report of the Standards Committee 2016/17

Report of the Chair of the Standards Committee

This report is public

Purpose of the Report

- The purpose of the Annual Report is to enable Council to review the work that has been undertaken by the Standards Committee during the municipal year 2016/17.

1 Report Details

- 1.1 The Standards Committee is chaired by an independent member. Ruth Jaffray has been a co-optee on Standards Committee for a number of years and was appointed as Chair on Standards Committee by Council on 30 November 2016, following the death of the former Chair and co-optee on the Committee, John Yates, in April 2016.
- 1.2 The Annual Report is attached as **Appendix 1** to this report.

2 Conclusions and Reasons for Recommendation

- 2.1 To enable the Council to consider an Annual Report from the Standards Committee on its work during the municipal year 2016/17.

3 Consultation and Equality Impact

- 3.1 Not applicable.

4 Alternative Options and Reasons for Rejection

- 4.1 This report is to inform the Council of the work of the Standards Committee therefore there are no alternative options.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None arising from this report.

5.2 Legal Implications including Data Protection

5.2.1 None arising from this report.

5.3 Human Resources Implications

5.3.1 None arising from this report.

6 Recommendations

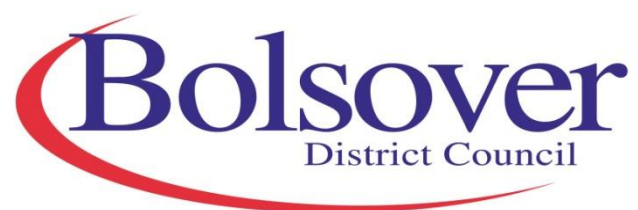
6.1 That Council receive the Annual Report of the Standards Committee on its work during the Municipal Year 2016/17.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Annual Report of the Standards Committee 2016/17
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Donna Cairns, Governance Manager (Acting)	01246 242505



Standards Committee
Annual Report 2016/17

Standards Committee Annual Report 2016/17

Foreword from the Chair of the Standards Committee

I would like to take the opportunity to thank the Members on the Committee and the Independent Person for their continued hard work and support in the work of the committee during this year. 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.

Mrs Ruth Jaffray, Co-opted Member

The Annual Report outlines the work of the Standards Committee during the municipal year 2016/17 and covers the following subjects:

- 1 Chair and Co-optees of the Committee
- 2 Independent Persons
- 3 Complaints received during 2016/17
- 4 Policy and Constitution Review Work
- 5 Guidance, reports and articles considered by the Committee
- 6 Gifts and Hospitality Annual Report 2016
- 7 Consultations and survey results related to Standards

1. Chair and Co-optees of Standards Committee 2016/17

- 1.1. Former co-optee and Chair of Standards Committee, Mr John Yates sadly passed away in April 2016. He had served as Chair of the Committee for many years and the Committee were grateful for his service to the Council.
- 1.2. 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 the other co-opted member as Chair, Mrs Ruth Jaffray, in November 2016.
- 1.3. There remains a vacancy for a second co-opted member.

2. Independent Persons

- 2.1. The Council had previously appointed Mr Stephen Wainwright and Mr Mike Wood to fulfil the roles as Independent Persons, who advise the Monitoring Officer on complaints against District or Parish Councillors and also advise Councillors who are the subject of complaints.
- 2.2. Mr Mike Wood sadly passed away in August 2016. Although the legislation allows for only one Independent Person, the Council had agreed that a second appointment ensures flexibility and resilience. It was therefore agreed that a recruitment process would take place to appoint a second Independent Person, which would now take place during 2017/18.

3. Complaints received during 2016 and 2017

- 3.1. A total of 12 complaints had been received in the period January 2016 to December 2016, and 2 complaints since January 2017, all of which had resulted in no further action being taken.

4. Policy and Constitution Review Work

Constitution Review

- 4.1. The Standards Committee set up a Working Group (of all Standards Committee Members) to carry out a review of the Constitution. The majority of amendments proposed were not major revisions, but brought the Constitution up-to-date with recent decisions of Council and corrected minor errors or omissions.
- 4.2. A review of the Key Decision thresholds, Delegated Decisions and Council Procedure Rules was undertaken by the Working Group.

Review of standards framework

- 4.3. The overview of the Council's standards framework is an annual item on the Committee's work programme, however it is usually considered as part of the review of the Constitution. This year, a light touch review was carried out as part of this process and no changes were recommended.

Whistle-blowing Policy

- 4.4. Due to the extensive work the Committee had undertaken on reviewing the Constitution, a review of the Council's Whistle-blowing Policy was deferred to the first meeting of the 2017/18 municipal year.

RIPA Policy

- 4.5. In addition to the Whistle-Blowing Policy, the review of the RIPA Policy was deferred to the new municipal year.

5. **Guidance, reports and articles considered by the Committee**

Public Interest Report – Derby City Council

- 5.1. The purpose of the report was to inform Members of the issues raised in the Derby City Council Public Interest report by Grant Thornton.
- 5.2. The report, which was issued in June this year, raised some serious governance issues for Derby City Council. However, these were historic issues, there now being new political and management leadership in place.
- 5.3. The Solicitor to the Council and Assistant Director of Governance and Monitoring Officer outlined the key issues arising from the report. Members discussed the issues raised in Derby City and raised points around Bolsover's Officer Delegation Scheme and were advised that the Delegated Decision Notices request confirmation that consultation had taken place with the Section 151 Officer, the Monitoring Officer and also the Leader, Deputy Leader or relevant Portfolio Holder.

Honiton Town Council – Judicial Review

- 5.4. The Committee considered a High Court case into Honiton Town Council's Judicial Review concerning the ethical framework and the availability of sanctions for breaches of the Code of Conduct.
- 5.5. The Monitoring Officer presented the case to the Committee for their information. The Honiton case showed that legislation provided the District with the systems to address breaches of the Code of Conduct, however, nothing was provided to Parish Councils and therefore they were not able to determine any breaches and impose sanctions other than those recommended by the District. Further, training was identified as an appropriate sanction when addressing breaches of the Code of Conduct.

Role of the Monitoring Officer

- 5.6. The Committee considered an article on the role of the Monitoring Officer written by Simon Goacher regarding recent legislative changes around the process for disciplinary action against statutory officers of Councils.

5.7. The most recent change was in October 2016 which confirmed that there was no longer a requirement for a DIP and that any dismissal of a Head of Paid Service, Section 151 Officer or Monitoring Officer had to be approved by full Council. Before any dismissal can be made the proposal must be considered by a panel of Independent Persons.

5.8. The Committee considered previous practice and the reasons for change.

6. **Gifts and Hospitality Annual Report**

6.1. The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer, which advised of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and Officers of the District Council during the calendar year 2015.

6.2. Individuals took responsibility for their own actions in respect of the receipt of gifts and hospitality, however, advice was available from the Monitoring Officer, Deputy Monitoring Officer and Legal services in relation to any offer. Members and officers were encouraged to seek this advice where they had an issue.

7. **Consultations and survey results related to Standards**

7.1. During this municipal year Standards Committee did not consider any consultations.