

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

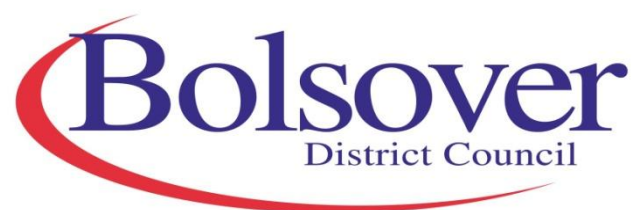
6.1 That Council receive the Annual Report of the Standards Committee on its work during the Municipal Year 2016/17.

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
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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.