Review of Standards Committee – Operational Review

July – November 2018

CUSTOMER SERVICE & TRANSFORMATION SCRUTINY COMMITTEE

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Chair's Foreword

This review topic has had a different focus, in that we have looked at our internal and external processes with Members rather than front-facing services. However, for Standards Committee to request a review by Scrutiny, it shows that our independent opinion as Scrutiny Members is valued.

Our analysis has shown that while current practices and processes comply with the Seven Principles, there are areas that Standards Committee could consider for further improvement. In particular, we have noted the Committee's response to the national consultation by the Committee on Standards in Public Life and we are in agreement with the conclusions in their response.

Nevertheless, we have made recommendations based on our benchmark assessment and our current experience as District and Parish Councillors, as to where we feel we could further improve our approach.

Councillor Rose Bowler
Chair of the Customer Service &Transformation Scrutiny Committee

1. Introduction

This mini-review came about as a result of a request from BDC Standards Committee for an external review of how the Committee operated. During the 2017/18 municipal year, BDC Standards Committee responded to the national consultation by the Committee on Standards in Public Life on their 'Review of Local Government Ethical Standards'. As a result of their own review, the BDC Committee felt it was pertinent to also have an external opinion of how they operated and requested that scrutiny complete a review.

A range of concerns were raised by Standards Committee and these were considered as part of the scoping process. The review was completed outside of the usual meeting programme via a small Working Group, with regular reports back to Committee.

1.1 National Context

At a national level, the Committee on Standards in Public Life was established in 1994 by the then Prime Minister, Rt Hon John Major MP, to address widespread concerns about declining standards in public life. At the time of its creation, there were concerns about cash for questions, the politicisation of public appointments and relationships between politicians and commercial organisations.

Their remit was extended in 1997 by Rt Hon Tony Blair MP, to include review of issues in relation to funding of political parties. Then in 2013, their terms of reference was further extended as follows:

> "…in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies' and '…the Committee's remit to examine "standards of conduct of all holders of public office" [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office. (Hansard (HC), 5 February 2013, Col 7WS)"

In addition, the House of Lords clarified that the committee:

> "…can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office. (Hansard Column WA347). You can view the Parliamentary Question answered by Lord Wallace on 28th February 2013."

The Committee is a standing, independent, non-partisan and non-statutory Committee.

The Committee's First Report set out Seven Principles to guide the behaviour of those active in public life. These Principles (often now called the Nolan Principles) -

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership - have been accepted by the public and those active in public life as appropriate determinants of behaviour, and now underpin much of the UK public sector ethical infrastructure. These are embedded within Bolsover District Council's Constitution, within the Members' Code of Conduct.

This first report also set out three ways in which the Committee could work to expand knowledge of, and adherence to, the Seven Principles:

- The integration of the Principles into Codes of Conduct for all those in public life and delivering public services.
- Independent scrutiny/evaluation of those in public life and their adherence to the Seven Principles.
- Provision of guidance, education and induction to introduce and ingrain the standards expected of those in public life.

Within the Localism Act 2011, s.27 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the Authority. In particular, all local authorities are required by s.28 of the Act to adopt a code that is consistent with the Seven Principles when outlining the conduct that is expected of members and co-opted members of the Authority.
The Act also requires local authorities to publish a register of pecuniary interests to give practical effect to the principles.

Scrutiny is a core function of the Committee and the mechanism by which they assess how ethical standards are being upheld. They regularly commission independent research and publish reports to aid the adoption of best practice approaches.

As at a local level, they complete both short/mini and longer in-depth reviews. In addition, when required they provide evidence to parliamentary and other inquiries. They also follow-up on recommendations made with a monitoring period.

In relation to the third aspect of their work – education, training and induction – the Committee actively encourages local Councils to hold induction sessions, as a prime opportunity to create familiarity with and respect for the Seven Principles of Public Life. It is interesting to note that at a national level, there is also varied take-up in attendance at Induction Programmes. In her speech to the 2017 NALC Annual Conference, Dr Jane Martin CBE, noted:

> "UK Parliament induction programmes were held following the 2010, 2015 and 2017 General Elections. As an indication of the merits of consistently offering this service, [in 2010][1] only 19% of the 227 new MPs attended; in 2015, 93% of 177 new MPs attended the induction programmes. The recent election saw this drop back to 63% of all new MPs, a drop we are following up with Party Whips to underline the importance of ethical standards awareness for all members, new and highly experienced alike.

[1] Date added to text for clarity.

> Our Committee believe that this significant upturn in numbers [in 2015][2] was due to the support of the Whips and the then Prime Minister in encouraging MPs to attend."

This shows that there is varying buy-in by those newly elected at a national level, to complete induction training. Anecdotal evidence gathered during the review from Working Group Members and the wider Scrutiny Committee indicates that this is also an issue at a local level. The narrative within section 5, acknowledges the importance of training for both newly elected and existing Members and this is identified as a potential area for improvement.

[2] Date added to text for clarity.

2. Recommendations

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.1	That training in relation to Code of Conduct and DPIs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.	Improved knowledge of both newly elected and existing Members of the minimum standards expected of them.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Officer time. Production and printing of training materials.	Agreed. This will help to improve not only the knowledge of Councillors but the standing of the Standards Committee and its role. This is also the same for the Monitoring Officer and Deputy Monitoring Officer.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.2	That training in relation to Code of Conduct and DPIs is programmed on a minimum bi-annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.	Improved knowledge of both newly elected and existing Members of the minimum standards expected of them.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Officer time. Production and printing of training materials.	Whilst two sessions a year would be good, there is a capacity issue. It is also a concern that those who come to Parish Council Liaison are generally knowledgeable on the ethical framework so could be training the same Parish Councillors twice. Preference would be for once a year training at Parish Council Liaison, and a second session later in the year for Parish Clerks so they can train their own Parish Councillors.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.3	That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including: • Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers); • A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication.	Greater clarity around the work of the Standards Committee and the functions that the Council is required to oversee – both for the public and District/Parish Elected Members.	April 2019	Governance Manager/ Communications, Marketing & Design Manager	Officer time	This is welcomed. It is clear we need to spend more time on the contents of the website to make it more user friendly. In terms of timescale for delivery, it may not be practical to implement all changes for the start of the new municipal year in May 2019. However, much of this should be addressed once the proposed committee management system is fully operational in late summer/early autumn 2019.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.4	That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.	That the findings of the scrutiny review supports the Standards Committee's annual review of the Constitution.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Member/Officer time as Constitution Working Group	Agreed. The data collected will be very helpful in this task.
CS&TSc18/19 1.5	That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.	That BDC is seen to adhere to the Seven Principles of Public Life and where possible go above the required standards expected.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Officer time/ Designated Allowance for Co-opted Members	Agreed. This would be dealt with formally at the Annual Council Meeting in May 2019.
CS&TSc18/19 1.6	That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.	That the findings of the scrutiny review supports the Standards Committee's annual review of the Constitution.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Member/Officer time as Constitution Working Group	Agreed. This would be very helpful to the Standards Committee.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.7	That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed District and Parish Councillors.	Improved knowledge of both newly elected and existing Members of the Code of Conduct and the Seven Principles of Public Life.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Member/Officer time Production and printing of training materials	The induction is put together by the Member Development Working Group. One of the first sessions is for the Monitoring Officer and Deputy Monitoring Officer to train all the Councillors on the ethical framework. It is a problem that Councillors reach overload at this time if given too much information. Therefore we would suggest a reminder in Sept 2019 by sending out a pack.

3. Scope of the Review

The Customer Service & Transformation Scrutiny Committee agreed to undertake a Review of Standards Committee – Operational Review, as part of the 2018/19 Work Programme. This was agreed following a request for an external review by the Standards Committee.

The request came as a result of the Standards Committee responding to the Committee on Standards in Public Life review on 'Local Government Ethical Standards'.

The aims of the review were:

- To consider the BDC response to the consultation by the Committee on Standards in Public Life review and suggest areas for review;
- To examine a range of concerns raised by Standards Committee.

The key issues identified were as follows:

- Do Elected Members know what the Standards Committee does?
- How can we more effectively ensure that the public is aware of the work of Standards Committee in how District and Parish Councillors conduct themselves?
- Are the Standards Committee's processes clear and is the role of the Independent Person and the co-opted Chair of Standards Committee understood both externally by the public and internally by Elected Members?
- Does having an independent co-optee Chair add value to the work of the Standards Committee?
- Are there other work areas the Standards Committee should deal with in addition to the statutory and other remits in its current terms of reference?
- Should Standards Committee do more to engage Elected Members in their work?
- Should there be additional protocols or processes to help everyone understand the work of the Standards Committee?

The Committee comprised the following Members:

Councillor R. Bowler (Chair)	Councillor J. Smith (Vice Chair)
Councillor P. Cooper	Councillor P. Bowmer
Councillor E. Stevenson	Councillor M. Crane
Councillor A. Joesbury	Councillor R. Turner
Councillor R. Heffer	

Support to the Committee and Working Group was provided by the Scrutiny & Elections Officer.

4. Method of Review

The Committee had an initial meeting to agree the scope of the review, and agreed to complete the review via a small Working Group. The Working Group then met on two occasions to consider how to address the scope of the review; key issues they wanted to examine; carry out document analysis and complete evidence gathering. The Working Group presented back to Committee on two occasions.

Members sought information by way of verbal and written evidence with Members of the Standards Committee and completed a document review of a range of Local Authority Constitutions and webpages. A series of questions were posed to Standards Committee, with the Scrutiny & Elections Officer attending on 15 October 2018, on behalf of the Working Group, to obtain their response.

Members also reviewed documents in relation to the national review:

- BDC Response to the Review of Local Government Standards by Committee on Standards in Public Life
- Minutes of Standards Committee – 8th May 2018
- Summary note of 18 April 2018 roundtable (national meeting)
- 24 April roundtable transcript (national meeting)
- Document review – Constitutions of neighbouring Authorities (including online information on their respective websites)

Equality and Diversity

Within the process of the review, the Committee has taken into account the impact of equalities. A key consideration has been that both Parish and District Councillors have equal access to the same information and training.

5. Analysis of evidence and key findings

5.1 BDC Response to the Review of Local Government Standards by Committee on Standards in Public Life

As part of the mini-review, Members reviewed the response from Standards Committee to the questions posed as part of the Review undertaken by the Committee on Standards in Public Life on 'Local Government Ethical Standards'.

Members noted the following issues identified:

Question	**Issue(s) identified by Standards Committee**	**Potential Action suggested by Review Working Group**
(a) Are the existing structures, processes and practices in place working to ensure high standards of conduct by local Councillors, if not, please say why?	Better communication around roles and responsibilities to the public.	Review of website content; review of existing training and agreement of regular training programme (particularly around DPIs).
(b) What, if any, are the most significant gaps in the current ethical standards regime for local government?	Better communication with the public around ethical standards. Acknowledgement of DPIs and Members removing themselves from meetings/discussions.	Review of website content; review of existing training and agreement of regular training programme (particularly around DPIs).
(c) Are local authority adopted Codes of Conduct for Councillors clear and easily understood? Do the Codes cover an appropriate range of behaviour? What examples of good practice, including induction processes, exist?	Acknowledgement of DPIs and Parish Members removing themselves from meetings/discussions.	Additional training for Parish Members around DPIs.
(d) A local authority has a statutory duty to ensure that its adopted Code of Conduct for Councillors is consistent with the Seven Principles of Public Life	Officer support to PCs in relation to declaring DPIs on a bi-annual basis	Additional training for Parish Members around DPIs. Information gathered during the review has

Question	Issue(s) identified by Standards Committee	Potential Action suggested by Review Working Group
and that it includes appropriate provision (as decided by the local authority) for registering and declaring Councillors' interests. Are these requirements appropriate as they stand? If not, please say why.		shown that Officers have met with Derbyshire Association of Local Councils (DALC) in relation to training at Member Induction. An offer has also been made for DALC to use Council facilities for their wider training programme. Aware that an offer has been made to Parish Cllrs and Clerks in relation to Code of Conduct training. Members have been briefed on the potential purchase of a Committee Management software system, which would enable improved maintenance and visibility of DPI records.
(e) Are allegations of Councillor Misconduct investigated and decided fairly and with due process?	None	Clearer acknowledgement in the Constitution/on the website of the current Independent Persons.
(f) Are existing sanctions for Councillor misconduct sufficient?	Development and application of incremental sanctions.	None at this stage, awaiting national guidance on the potential use of sanctions.
(g) Are existing arrangements to declare Councillors' interests and manage conflicts of interest satisfactory? If not, please say why.	Where a DPI exists the Cllr should remove themselves completely – this is beyond the requirement to not discuss/vote.	None – Working Group acknowledge BDC endeavour to go above and beyond the required standards. Query if this is the same at parish level.
(h) What arrangements are in place for whistleblowing, by the public, Councillors and officials? Are these satisfactory?	None	None

Question	Issue(s) identified by Standards Committee	Potential Action suggested by Review Working Group
(i) What steps could local authorities take to improve Local Government Ethical Standards?	Scrutiny to conduct a review of Standards work as an additional measure	See discussion throughout the report
(j) What steps could Central Government take to improve Local Government Ethical Standards?	Standardisation of management of Local Government Ethical Standards at a national level.	None at this stage, awaiting national guidance on the potential use of sanctions.
(k) What is the nature, scale and extent of intimidation towards Local Councillors?	Committee to commission a report in relation to intimidation towards Local Councillors. Feel measures are in place but wider debate needed at both national and local level.	None at this stage. The Working Group is aware that the Committee has chosen not to commission work at a local level due to national work already taking place. Local Councillors have been encouraged to respond to the national consultation on new Election laws in relation to candidates and campaigns.

In summary, the following potential action has been identified as a means of addressing the issues identified by Standards Committee:

- Review of website content; review of existing training and agreement of regular training programme (particularly around DPIs).
- Additional training for Parish Members around DPIs.
- Clearer acknowledgement in the Constitution/on the website of the current Independent Persons.
- Greater emphasis to Parish Councils on endeavouring to go above and beyond the required standards, in relation to declaring DPIs/Interests i.e. complete removal from the meeting.

Recommendations in relation to these issues are detailed in the following sections.

5.2 Do Elected Members know what the Standards Committee does?

Members of the Working Group, as existing Parish and District Councillors, believe that new Members are less aware of the Committee's remit than established Members. Following lengthy discussions by the Working Group, the consensus was that regular training is key, at least annual, which could then be either refresher training, or revised to account for new legislation/guidance.

In terms of how this training is then relayed to Parish Councillors, the Working Group felt that this was currently quite ad-hoc. They agreed that there should be a clear protocol of how and when training is delivered to Parish Councillors. This training could be via Parish Council Liaison or specifically scheduled to coincide with a local Parish meeting, if necessary. It is noted that the Standards Committee also recognise this in their response to questions outlined previously in section 5.1.

While Working Group Members acknowledge that training does take place, they feel certain elements could form part of a more structured training programme. They also appreciate however, that some training may take place on a more ad-hoc basis, as legislation/guidance changes.

These findings mirror the response by Standards Committee to the questions discussed in 5.1, where they acknowledge better communication and additional training would improve the local approach.

As part of the evidence gathering process, Governance Officers confirmed that current training takes place via Parish Council Liaison on an ad-hoc basis.

When reviewing training at a District level, it was noted that the only formal training currently programmed was via Member Induction Programme following local District Elections. There was mixed opinion as to whether this was sufficient or needed to be supplemented 'mid-term'. Officers leading Member training, including the Monitoring Officer felt that formalising additional training mid-way through the four-year term would be very beneficial and allow Officers to reinforce good practice approaches and disseminate any changes in legislation. As such, there is a recommendation to supplement existing training at a District level, to ensure that Members remain fully informed as to the standards expected and the work of the Committee.

Recommendations:

That training in relation to Code of Conduct and DPIs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.

That training in relation to Code of Conduct and DPIs is programmed on a minimum bi-annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.

5.3 How can we more effectively ensure that the public is aware of the work of Standards Committee in how District and Parish Councillors conduct themselves?

Due to Members experience as Parish Councillors, the Working Group was aware of anecdotal evidence to suggest that the public, in the majority, are not aware of the Standards Committee work. Public awareness of how Members conduct is regulated is vital, to instil confidence in local democratic processes.

The benchmarking exercise completed by the Working Group shows that other Authorities make far more use of their websites to explain the work of the Committee and the role of Independent Persons. This includes greater publicity of the Members involved in this process. A range of examples are listed within the Bibliography section of this report.

In light of this we recommend that Standards Committee should review the examples found and strongly consider a refresh of the webpages for this area. In addition, publication of the Standards Annual Report on the website (on refreshed pages) would add further transparency.

In answering this element of the review, Members assessed documentation currently produced for public consumption. The Working Group became aware of a series of guides that are produced by North-East Derbyshire District Council. In particular Guide 2 – Local Democracy, incorporates a section on 'The Council' and the Code of Conduct. Members queried whether this may prove a useful guide that residents could pick up from the Contact Centres. On exploring this further with the Communications team, it became apparent that this was already in place, but in an electronic format. Within the Customer Service Standards section of the website, a series of eight Customer Information Booklets can be accessed. In particular, Booklet 8 has information about 'Parish and Town Councils' and 'The Council': 1

The Working Group feel that reference to the Standards Committee within 'The Council' insert could be greatly expanded. Members note how this information is presented on other Authorities websites, particularly where they have an electronic committee management system for example 'Mod.Gov' and are concerned that our information is quite limited in comparison. It was noted that the North-East Derbyshire equivalent information sheet contained more information and Members feel this disparity should be rectified, given our work as an Alliance.

Recommendation:

That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:

- **Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers);**
- **A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication.**

5.4 Are the Standards Committee's processes clear and is the role of the Independent Person and the co-opted Chair of Standards Committee understood both externally by the public and internally by Elected Members?

The Localism Act 2011 made substantial changes to the ethical framework which governs Members' behaviour when appointed to public office. Section 28 of the Act requires the Council to appoint at least one independent person, however Members follow the Officer recommendation that two persons are appointed to give some resilience in this role. The new role gives a check and balance on the consideration of allegations against members at various states of the process. Consequently, since 2012, Bolsover District Council has appointed two Independent Persons via a recruitment process. The Independent Persons are not members of the Standards Committee. The appointment of Independent Persons as a consequence of the Localism Act 2011, was originally approved by Council in June 2012 and has been maintained since that point with recruitment exercises when required.

Under the new system introduced by the Act, there is no requirement for co-optees or Parish Council representatives and the new Committee put in place as of 1st July 2012 is required to be politically balanced. Nevertheless, the Council still have the power to put co-optees and Parish Council representatives, and any number of them, on the Standards Committee but they would have no voting powers.

A co-optee can be Chair of the Committee, but is not be able to exercise a casting vote on any issue. In July 2012, Members approved that a Standards Committee be established which consists of six elected members (with political balance), in addition to two non-elected persons formally co-opted, as per the previous Standards Committee which operated prior to the Localism Act 2011. It was suggested that the previous Chair and Vice Chair (non-elected independents), be appointed as the co-optees providing continuity in our approach, which Members have been keen to maintain. Members have chosen not to incorporate Parish Council representatives to date.

Section 28 (6)(b) of the Act requires that the Council has arrangements in place for dealing with complaints. However, there is no requirement to have a Standards Committee. Following informal discussions with Members, it was established that the easiest way for hearing complaints was by way of a Standards Committee and Members wished to retain this practice, albeit revised, to comply with the new Act.

Following the death of the Chair of Standards in early 2016, who had been a long-serving co-opted Member, in November 2016, BDC Council approved that remaining Independent Co-opted Member be elected Independent Chair of the Standards Committee for the remainder of the year. At the Council AGM in May 2017, Members formally approved the continuation of the Independent Co-opted Member as Chair with the Vice-Chair appointed from the lead political group. Subsequently, a replacement for the second Co-opted Member has not taken place with Members happy with the status quo.

As previously stated, the benchmarking exercise completed by the Working Group shows that other Authorities make far more use of their websites to explain the work of the Committee and the role of Independent Persons. A range of examples are listed within the Bibliography section of this report.

In light of this we recommend that Standards Committee should review the examples found and strongly consider a refresh of the webpages for this area. In addition, publication of the Standards Annual Report on the website (on refreshed pages) would add further transparency.

Furthermore, as mentioned in the previous section, the Working Group became aware of a series of guides that are produced by both North-East Derbyshire District Council (hard-copy) and Bolsover District Council (electronic). As discussed in 5.3, Members feel that the Bolsover guide on the website is in need of a refresh.

Recommendation:
That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:

- **Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers);**
- **A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication.**

5.5 Does having an independent co-optee Chair add value to the work of the Standards Committee?

Members have found that use of the Independent co-optee Chair is relatively unique. Bolsover is the only Authority within the benchmark exercise to take this approach. Members feel that this shows we are open and transparent as an Authority and we believe this is good practice and should be maintained.

While we do work with other independent co-opted persons, Members of the Working Group and wider Scrutiny Committee, acknowledge the Council's current desire to maintain the number of independent seats on the Committee as 'one'.

The table below shows a comparison of Committee Memberships:

Authority	Committee Membership
Bolsover D. C.	6 Cllrs (5 Labour, 1 Independent); 1 co-opted Independent Person as Chair of the Committee. Vice-Chair from lead party.
Chesterfield B. C	5 Cllrs, 1 Parish rep, 3 co-opted Independent persons. Chair is from lead party and Vice is opposition.

Authority	Committee Membership
	They have a whole webpage on independent persons: https://www.chesterfield.gov.uk/your-council/the-council/independent-persons-for-standards-matters.aspx
Mansfield D. C.	9 Cllrs, 3 non-elected independents. Chair is an Elected Member. Limited explanation on website. Share their Independent members with Ashfield DC (share the retainer fee).
Bassetlaw D. C.	Sub-Committee of Audit & Risk Scrutiny Committee. Chair and membership appointed from Audit & Risk Scrutiny Committee.
Amber Valley B. C	At least 3 Cllrs (political balance), 1 Independent Person, 1 Parish rep. (non-voting). Chair is taken from lead group. *Note: there are currently 7 Cllrs. Operates as Standards & Appeals Committee (4 meetings per year) with a Standards & Appeals Panel (1 meeting per year).
Rushcliffe B. C	6 Cllrs and 3 co-opted Independent persons. They have a Standards Hearing Panel (Sub-Committee) which has 3 Cllrs and 2 independents. Membership of this Sub-Committee is not exclusively drawn from the Standards Committee, but there is currently some overlap.
Erewash B. C	9 Cllrs (political balance), 3 Independent Persons; 2 Parish reps. Chair and Vice from the lead group. Appointments from this Committee to Appointments Sub-Committee.

When comparing the number of Independent Members appointed by the neighbouring authorities reviewed, it is clear that they have more designated seats for independent persons, than we currently have at Bolsover. In addition, Members are aware that the Authority works with two other co-opted independent persons, in relation to individual standards reviews. This is not reflected in Article 9 of the Constitution, where other Authorities would acknowledge this within their Articles. Standards Committee should consider whether this is an unintentional omission from Article 9, when reviewing the Constitution. This is particularly apparent, when considering the wording on Article 9.2(2), which implies there is more than one co-opted Member.

Recommendations:
That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.

That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.

5.6 Are there other work areas the Standards Committee should deal with in addition to the statutory and other remits in its current terms of reference?

As part of the Review, the Working Group completed a benchmarking exercise across the following authorities:

- Bolsover D. C.
- Chesterfield B. C
- Mansfield D. C.
- Bassetlaw D. C.
- Amber Valley B. C
- Rushcliffe B. C
- Erewash B. C

This has involved a review of each Council's Constitution, Committee Terms of Reference and the Council's website. A number of similarities and differences have been found, with the key points for consideration noted in the table below:

Local Authority	Item for consideration within Terms of Reference	Current Bolsover approach
Chesterfield B.C	Range of Non-Exec functions delegated via Local Choice: (b) Review/Approval of Employee Code of Conduct	This is dealt with by the Union/Employee Consultation Committee, but subsequently reported to Standards for information and recommendation to Council as part of the Constitution review process.
	(f) Council complaints and LGO	This information is reported to Scrutiny and Executive for further oversight/ recommended action.

Local Authority	Item for consideration within Terms of Reference	Current Bolsover approach
	(g) Power to investigate and impose sanctions for misconduct (s.111 LGA 1972) – Member Code of Conduct; Planning Code of Conduct; Member/Officer Relations Protocol	Member Code of Conduct = Standards Committee Planning Code of Conduct = Should be reviewed by an Informal Planning Committee followed by consideration by Standards as part of Constitution review process. Member/Officer Protocol = Standards Committee as part of Constitution review process.
Mansfield D.C.	Reference to the conduct of the Mayor	Not applicable to Bolsover.
	Point (f) – Consider reports from the MO.	Embedded within existing terms. Reports typically relate to current court cases; recent judgements; legislation changes
	Point (k) – Review Members' functions and responsibilities	Standards Committee forms a Constitutional Working Group to complete an annual review but this is not formally acknowledged in part 3.6 of the Constitution.
	Point (l) – Specific reference to the public's awareness of the Code of Conduct	We do not make specific reference currently but have highlighted this as an area for improvement.
	Point (m) – Promote similar standards in relationships with outside bodies	This is incorporated in the normal declaration procedure and part of existing practice.
Bassetlaw D.C.	None	All items under the Standards of Conduct section are reflected in Bolsover's Terms of Reference.
Amber Valley B.C	Point 9A.4 – Parish Clerks notified when papers available.	Not part of current approach as no direct Parish representation.
	Point 9A.5 – Considering matters referred by the MO where it is inappropriate for them to take a decision.	This is not part of current Local Choice under the Scheme of Delegation.

Local Authority	Item for consideration within Terms of Reference	Current Bolsover approach
	Point 9A.5 – Monitoring performance	This is a function of Scrutiny and Executive.
	Point 9A.5 – Entering joint arrangements with other Standards Committees	This would not be part of existing joint working arrangements as outlined in the Constitution.
	Point 9A.6 – Overview of Complaints and LGO	This information is reported to Scrutiny and Executive for further oversight/ recommended action.
	Point 9A.6 – Overview of Code of Planning Conduct and Practice	Should be reviewed by an Informal Planning Committee followed by consideration by Standards as part of Constitution review process.
	Point 9A.6 – s.85 LGA 1972, approval/non-approval of Member non-attendance.	Approval of non-attendance (dispensation of the six month rule) is a function of Executive and Council.
Rushcliffe B.C	Point (i) – Non-attendance of Members leading to suspension of allowances unless reasons for non-attendance is approved.	Approval of non-attendance (dispensation of the six month rule) is a function of Executive and Council.
	Review of Member/Officer Protocol	Standards Committee as part of Constitution review process.
Erewash B.C	Point 9 – Council Complaints and LGO reports	This information is reported to Scrutiny and Executive for further oversight/ recommended action.
	Point 10 – Failure of Member to attend meetings s.85 LGA 1972 (approval/non-approval)	Approval of non-attendance (dispensation of the six month rule) is a function of Executive and Council.

It should be noted that it also became apparent during the course of the review, as a result of attending Standards Committee on 15 October that the reporting of Complaints data had commenced as an information item. This was as a result of good practice advice from the Local Government Ombudsman and the report is planned to become a regular agenda item (for information only), following formal consideration by Scrutiny and Executive. Standards Committee should consider acknowledging the review of complaints data as of one of the Committee's functions, as part of the Constitution review process.

Furthermore, additional information gathered during the review related to the potential to purchase a Committee Management software system, as part of the refreshed Transformation Programme. This would have the potential to further enhance how information was presented on the website in relation to Council functions; Member DPIs; Member attendance and could potentially be extended to incorporate Parish Councillors. It was also noted that presentation of statistics to Standards Committee, in relation to Members attendance, is common practice and this could be a useful addition to current reporting.

Within Bolsover's Terms of Reference the following differences are noted:

Item within Terms of Reference	Current approach to this within the benchmark authorities
Point 12 – RIPA monitoring	• Amber Valley – no reference • Mansfield – CEO/delegated Officer • Rushcliffe – Responsibility of Executive Manager Neighbourhoods
Point 13 – Oversee whistle blowing policy.	• Chesterfield – Standards & Audit • Mansfield – Audit Committee • Amber Valley – Standards and Appeals Committee • Erewash – Standards

As part of the annual review process of the Constitution, the benchmark exercise may prove of use to Members when reviewing the Standards Committee Terms of Reference. Moreover, as it is apparent that this is a regular function of the Standards Committee, either the formation of the Constitution Working Group and/or the process of completing the annual review of the Constitution, should potentially be acknowledged at 3.6 of the Constitution.

Recommendation:
That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.

5.7 Should Standards Committee do more to engage Elected Members in their work?

Members addressed this area of concern via a group discussion around current training and engagement/communications at both District and Parish level; access to Committee paperwork; and current reporting arrangements via Council AGM.

At a District level, Members felt that they had sufficient access to the reports considered by the Committee and felt that the annual report at Council AGM gave a good overview of the Committee's delivery. Alongside the training received by District Members as part of the Member Development Programme, it was agreed

that the current approach was sufficient and that Members did not feel that additional steps needed to be taken to further engage District Members.

When considering engagement at a Parish level, as a number of the Committee Members are local Parish Councillors, Members concluded that they were satisfied with the information that they received from Standards Committee. While Members have identified that Induction Training would benefit from a review, they feel that there is no need to alter the current approach to engagement for day-to-day business.

5.8 Should there be additional protocols or processes to help everyone understand the work of the Standards Committee?

Following initial consideration of evidence for the review, the CST Working Group raised the following questions with Standards Committee at their meeting on 15 October 2018:

Question	Response
Is there a process in place with parish clerks to ensure new parish councillors receive necessary training following election (inc. Code of Conduct)?	The Monitoring Officer advised the meeting that there was no formal training process in place but consideration was being given to what would be carried out as part of new councillor inductions' following next May's District and Parish Elections. As there were too many parish and town councils to visit individually, it was suggested that 3 or 4 training sessions be held in various areas of the District and these be offered to new councillors via the District/Parish Council Liaison Group. A briefing note could be sent out to each parish clerk with a request for it to be given out with the acceptance of office form. A Member suggested that Society of Local Council Clerks (SLCC) and/or Derbyshire Association of Local Councils (DALC) may have materials that could be utilised to form a framework for an induction pack which could be put 'on line' and circulated as an advisory document for new councillors.
How does this process differ from those elected following a main Local Election and a By-Election?	The Monitoring Officer advised the meeting that following a by-election at District level, either she or her deputy would go through an induction with a new councillor. However, there was currently no formal arrangement to do this following a parish by-election but the previous suggestion above could be implemented

Question	Response
	and this could also include co-opted Members at parish level. A Member noted that new councillors who had been co-opted usually required more guidance than some councillors who may be in a political party.

Members of Standards Committee resolved within the meeting that it would be useful to consult with SLCC and/or DALC to source materials that could be utilised to form a framework for an induction pack which could be put 'on line' and circulated as an advisory document for new councillors.

As such this confirms the Working Group's conclusions that currently there is not a 'recommended process' that all Parish Clerks can use as a guide when a new Cllr commences office. This would ensure a common approach to induction/training across the District before commencing office/attendance at meetings.

Recommendation:
That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed District and Parish Councillors.

6. Conclusions

The Committee have put together seven recommendations which will hopefully assist the Council in improving existing approaches to Member training and engagement on Standards.

The key issues arising from the review are:

- The introduction of a more formalised approach to training, particularly at Parish level;
- Consideration of Article 9 of the Constitution and the Committee Terms of Reference (Part 3.6) as part of the annual review process – see benchmarking exercise at 5.5 and 5.6 which highlights areas for consideration;
- Improved public information, both web-based and hard-copy, to ensure the role of Standards Committee is clear.

It is hoped that the recommendations set out in this review report will help the Authority to further improve the advice and training given to Councillors at District and Parish level in relation to compliance with accepted standards.

Appendix 1: Stakeholders

Stakeholders engaged during the Review:

- Members of Bolsover District Council Standards Committee
- Joint Head of Corporate Governance & Monitoring Officer, Bolsover District Council/North East Derbyshire District Council
- Team Leader (Contentious)/ Deputy Monitoring Officer, Bolsover District Council/North East Derbyshire District Council
- Governance Manager, Bolsover District Council/North East Derbyshire District Council

Stakeholders impacted by the Review:

- Members of Bolsover District Council Standards Committee
- Joint Head of Corporate Governance & Monitoring Officer, Bolsover District Council/ North East Derbyshire District Council
- Team Leader (Contentious)/ Deputy Monitoring Officer, Bolsover District Council/ North East Derbyshire District Council
- Governance Manager, Bolsover District Council/North East Derbyshire District Council
- All Bolsover District Councillors
- All Parish Councillors serving the Bolsover District Council area.

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