

STANDARDS COMMITTEE

**TUESDAY 11TH
JANUARY 2011
AT 1400 HOURS IN
COMMITTEE ROOM 1**

PROVIDING ACCESS FOR ALL

If you need help understanding any of our documents or require a larger print, audio tape copy or a translator to help you, we can arrange this for you. Please contact us on the telephone numbers provided:



01246 242407 or 01246 242323.

Other Equalities information is available on our web site.
www.bolsover.gov.uk or by e-mail from equalities.officer@bolsover.gov.uk

Minicom: 01246 242450 Fax: 01246 242423

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 23rd December 2010

Dear Sir or Madam,

You are hereby summoned to attend a Standards Committee meeting of the Bolsover District Council to be held in Committee Room 1, Sherwood Lodge, Bolsover, on Tuesday 11th January 2011 at 1400 hours.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16th May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on pages 32 and 33.

Yours faithfully,



Chief Executive Officer
To: Members of the Standards Committee

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Thursday 4th November 2010.

PRESENT:-

Independent Members: -

B. Betts, K. Belshaw, A. Gascoyne, J.R. Jaffray, R. Lilley, D.J. Wright and J. Yates.

Members: -

Councillors M.J. Dooley, H. J. Gilmour, P.R. Hendry, V.P. Mills and A.M. Syrett.

Officers:-

S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), S. Gillott (Environmental Health Commercial Manager) (to Minute No 532 only), M. Broughton (Project Officer (Business Growth) (to Minute No 529 only) and A. Bluff (Democratic Services Officer).

J. Yates – In the Chair

523. APOLOGIES

Apologies for absence were received from Councillor T. Munro (Parish Council Member), K. Reid (Parish Council Member) and J. Hill (Independent Member).

524. URGENT ITEMS

There were no urgent items of business to consider.

525. DECLARATIONS OF INTEREST

There were no declarations of interest made.

526. MINUTES – 3rd AUGUST 2010

Moved by Councillor M.J. Dooley, seconded by Councillor A. M. Syrett

STANDARDS COMMITTEE

RESOLVED that the minutes of a Standard Committee meeting held on 3rd August 2010 be approved as a correct record.

527. MATTERS ARISING

i) Minute Number 230 – Shadow Vice Chair

The Chair referred to a discussion at the last meeting regarding an independent member shadowing the vice chair of Standards Committee. Due to the uncertainty concerning Standards for England, the Chair had spoken to the Leader of the Council who had suggested that the proposal still go ahead and support continue.

ii) Minute Number 235 – Treasury Management Strategy

Councillor Gilmour referred to the third paragraph under Minute 235 and noted that 'some' and not all Executive and Audit Committee Members had received training on the Treasury Management Strategy.

iii) Minute Number 238 – A Beginners Guide to the Constitution

Councillor Mills queried if the 'Beginners Guide to the Constitution' had been made available for viewing on the council's Internet. The Monitoring Officer replied that she would check to see if this had been done.

528. RECOMMENDED ITEM FROM EXECUTIVE HELD ON 6TH SEPTEMBER 2010 – COMMUNITY BRIDGING LOAN

The Solicitor to the Council presented a report to seek Committee's approval for an amendment to the Director of Resources' delegated authority for inclusion in the Council's Constitution in relation to community bridging loans. The delegated authority would be in consultation with the Cabinet Member for Regeneration.

The report, which had been presented to Executive on 6th September 2010, gave further detail and the Project Officer, (Business Growth), was also present at the meeting to answer any questions from Members.

Moved by Councillor M.J. Dooley, seconded by Councillor A.M. Syrett
RECOMMENDED that an amendment to the Director of Resources' delegated authority, in consultation with the Cabinet Member for Regeneration, be approved for authorisation of bridging loan applications.

(Head of Democratic Services (Constitution))

STANDARDS COMMITTEE

The Project Officer, (Business Growth) left the meeting.

529. RECOMMENDED ITEM FROM AUDIT COMMITTEE HELD ON 22ND SEPTEMBER 2010 – UPDATE TO TERMS OF REFERENCE FOR AUDIT COMMITTEE

The Solicitor to the Council presented a report to seek committee's approval to update the Terms of Reference for Audit Committee in the Council's Constitution.

Changes to the membership of Audit Committee Independent Members had been recommended at the Annual Meeting of Council in May 2010, changing the numbers from 2 to 3. The Cabinet Member responsible for Audit Committee had also been changed and this was now Councillor A. Hodkin, Cabinet Member for Resources.

Moved by Councillor H.J. Gilmour, seconded by A.M. Syrett
RECOMMENDED that the changes to Audit Committee's Terms of Reference be approved.

(Head of Democratic Services (Constitution))

530. APPLICATION FOR DISPENSATIONS

The Solicitor to the Council explained that this agenda item had now been withdrawn.

531. AUTHORISATION OF OFFICERS

The Solicitor to the Council introduced the Environmental Health Commercial Manager to the meeting.

The Environmental Health Commercial Manager presented a report to seek Committee's approval for amendments to Environmental Health's authorisation of officers in the Council's Constitution. The changes were in relation to the Environmental Health Commercial Section in the Planning and Environmental Health Department, and the Environmental Health Residential Section, which comes under the Regeneration Department.

The amendments were necessary due to changes in staffing and changes in legislation.

Further to member's questions, the Environmental Health Commercial Manager advised the meeting that the Chief Executive Officer would authorise staff in the

STANDARDS COMMITTEE

event of a time lapse between an employee starting and a report being presented to committee. Also, that sufficient authorisations and procedures needed to be in place at times of staff absences and therefore the Head of Planning and Environmental Health and the Head of Regeneration would also need to be authorised to ensure adequate service cover. The Environmental Health Commercial Manager advised that safeguards and checks were in place to ensure the correct enforcement action was instigated.

Moved by M.J. Dooley, seconded by Councillor A.M. Syrett

RESOLVED that (1) the amendments be made,

(2) the amended document be known as EHSTAFF 100907,

RECOMMENDED that (1) the Council be recommended to include in the Council's Constitution the approved amendments as specified in the report.

(Head of Democratic Services(Constitution))

The Environmental Health Commercial Manager left the meeting.

532. STANDARDS COMMITTEE WORK PLAN

The Solicitor to the Council presented the Standards Committee Work Plan to the meeting and gave explanation of amendments necessary and also actions to be withdrawn.

Moved by Councillor A.M. Syrett, seconded by Councillor V. Mills

RESOLVED that the amendments and actions to be withdrawn in relation to the Standards Committee Work Plan be approved.

(Solicitor to the Council & Monitoring Officer)

533. COMPLAINTS AGAINST MEMBERS

The Solicitor to the Council presented information in relation to complaints to the Standards Board against Members.

It was noted that the average time for LAC decisions was still twenty days.

Moved by M.J. Dooley, seconded by Councillor A.M. Syrett

RESOLVED that the report be noted.

STANDARDS COMMITTEE

534. INTERNAL AUDIT REPORT ON GIFTS AND HOSPITALITY

The Solicitor to the Council presented an internal audit report to the meeting on gifts and hospitality and declarations of personal interests. The report had been carried out by the Internal Audit Consortium and included an implementation schedule. The report and schedule was provided for committee Members information only.

Moved by Councillor M.J. Dooley, seconded by Councillor A.M. Syrett
RESOLVED that the report be noted.

535. CHAIR'S REPORT ON DISCUSSIONS WITH THE THREE PARTY LEADERS

The Chair gave a verbal update to the meeting on discussions he had had with the three party Leaders.

The two Independent Leaders had informed the Chair that they were very well treated and respected by their majority Members. They had taken part in the majority of committees and were content and had nothing to complain about. The Chair stated that this was something Bolsover could be proud of.

Moved and seconded.

That the Chair's verbal report on discussions with the three party leaders be noted.

536. COMMUNITIES AND LOCAL GOVERNMENT NEWSROOM; STUNNELL'S LETTER ON FUTURE ARRANGEMENTS FOR FAILURE TO DECLARE, AND, STANDARDS FOR ENGLAND; QUARTERLY MONITORING RETURNS

The Solicitor to the Council presented two items of information for the meeting's attention both of which had been received via email.

An email received from the Communities and Local Government Newsroom advised committee that the government was legislating to make serious misconduct of councillors a criminal offence to be dealt with by the courts and not committees.

The second email was from Standards for England and advised the committee that submissions of quarterly and annual monitoring returns were no longer required by them.

Moved and seconded.

STANDARDS COMMITTEE

That the information from the Communities and Local Government Newsroom and Standards for England be noted.

537. PARISH COUNCIL REPRESENTATIVES ON STANDARDS COMMITTEE

The Solicitor to the Council presented a report to inform committee members that a vacancy currently existed for a parish council representative to sit on Standards Committee due to the resignation of a Parish Councillor.

Given the uncertainty over the future of the Standards regime it was proposed that the Committee take a more direct approach in filling the vacancy whilst maintaining the integrity of the selection process.

Discussion took place.

It was agreed that proposals be put forward to the five parish councils who had not previously had representation on the committee, these being Creswell, South Normanton, Bolsover, Tibshelf and Glapwell parish councils, to nominate a representative from amongst their members, and that the nominated councillors submit a brief summary of their reasons for seeking the appointment to the Committee. Standards Committee would then recommend the appointment of a representative from those nominated.

It was noted that Tibshelf parish had two areas including Ault Hucknall. The Solicitor to the Council confirmed that one vacancy would include Ault Hucknall.

Further to a question raised on timescales, the Solicitor to the Council advised the meeting that parish councils would require time to meet and discuss the issue of representatives on the committee and suggested a date of January 2011.

Moved by Councillor H.J. Gilmour, seconded by Councillor A.M. Syrett.

RESOLVED that the Monitoring Officer seek one nomination from each of the Creswell, South Normanton, Bolsover, Tibshelf and Glapwell Parish Councils for a Councillor to sit as a parish council representative on the Standards Committee.

RECOMMENDED that the Committee recommends to Council the appointment of a parish council representative from amongst those nominated.

(Head of Democratic Services (Constitution))

The meeting concluded at 1430 hours.

STANDARDS COMMITTEE HEARING

Minutes of a Standards Committee Hearing held in Committee Room 1, Sherwood Lodge, Bolsover, on Friday 19th November 2010 at 1000 hours.

PRESENT:-

Mr M. Mason (Independent Member, Newark and Sherwood District Council) - In the Chair

Councillor V. Mills (Bolsover District Council) and Councillor T. Munro (Whitwell Parish Council)

Officers:-

E. Hoggart (Deputy - Monitoring Officer - Legal Services Lincolnshire), P. Horsfield (Investigating Officer - Derbyshire Dales District Council), A. Turner (Legal and Standards Officer - Assisting the Investigating Officer), K. Shillitto (Principal Solicitor) and K. Rodda (Democratic Services Officer).

Subject Member: - Councillor B. Ingle (Subject Member - Barlborough Parish Council)

Mr I. Hemingway (Legal Representative of the Subject Member) and Mr. P. Stead (Representative of Subject Member).

A skeleton argument on behalf of the Subject Member was circulated to the panel members at the beginning of the meeting.

The Subject Member and her representatives and the Investigating Officer and the Assisting Investigating Officer were brought to the meeting.

Members of the public were in attendance and the Chair reminded them that they were present as observers and not allowed to make any comments.

The Chair introduced the panel of the Standards Hearing Committee and the other officers who were present.

The Chair explained the procedure to all present.

The Legal Representative of the Subject Member asked for one point of the information to be dealt with in private, this was information relating to the quantum of the settlement figure and the Deputy Monitoring Officer advised that this would be decided at the point of discussion, as it was a public hearing and the Committees preference would be to stay in open session where possible.

STANDARDS COMMITTEE HEARING

569. MINUTES OF A MEETING HELD ON 9TH SEPTEMBER 2010

Moved by Mr T. Munro, seconded by Councillor V. Mills

RESOLVED that the minutes of the Standards hearing held on 9th September 2010 be accepted.

570. PRELIMINARY MATTERS

Discussions took place about whether there should have been a draft report issued from the Investigating Officer.

The Chair adjourned the meeting at this point and the Standards Hearing Panel and the Deputy Monitoring Officer left the meeting.

The Standards Hearing Panel and the Deputy Monitoring Officer returned to the meeting.

The Chair stated to the meeting that the panel believed that there should have been a draft report, but that everyone had had the opportunity to read the final report and the decision of the panel was not to hold the meeting up any further due to the lack of the draft report.

There were no further procedural issues.

571. SUMMARY OF REPORT FROM INVESTIGATING OFFICER

The Chairman invited the Investigating Officer to present a summary of his report.

The Investigating Officer gave a summary of his report.

The Legal Representative of the Subject Member asked questions.

572. PRESENTATION OF THE CASE BY THE SUBJECT MEMBER

The Legal Representative presented the case on behalf of the Subject Member.

Discussions took place between the Legal Representative of the Subject Member and the Investigating Officer.

STANDARDS COMMITTEE HEARING

The Legal Representative of the Subject Member asked questions of the Investigating Officer.

The meeting adjourned for a comfort break at this point.

The meeting continued and further discussions took place.

573. QUESTIONS BY THE PANEL TO THE INVESTIGATING OFFICER

The Panel asked questions of the Investigating Officer.

574. QUESTIONS TO THE SUBJECT MEMBER

The Investigating Officer put questions to the Subject Member.

The Panel asked questions of the Subject Member.

The Chair asked questions.

The meeting adjourned for lunch at this point.

The meeting reconvened, the Chair reminded Members of the public that there were to be no disruptions and no comments.

The chair delivered the Findings of the Facts.

575. FINDINGS OF FACTS

The Subject Member is a Member of Barlborough Parish Council and was at the relevant time. She attended in that capacity a meeting of a Barlborough Parish Council on 10th November 2008 when the matter of legal issues with the Clerk were discussed and voted on. She did not declare any interest at that meeting but she did speak and vote on that item.

She attended in the same capacity a meeting of Barlborough Parish Council on the 27th November 2008 when the matter of legal issues with the Clerk were

STANDARDS COMMITTEE HEARING

again discussed and voted on. She did declare a personal interest at that meeting and again spoke and voted on that item.

No facts have been given in evidence to enable us to reach a conclusion that there was a close personal association between the Subject Member and the former Clerk. The Investigating Officer is saying that the fact of the declaration on the 27th November 2008 is itself all the proof required to establish the point of closer association.

We find as a matter of fact that Members of Barlborough Parish Council including the Subject Member did not fully understand the requirements on when and how to make declarations. This is clear from the minutes of their meetings and from the Investigator Report (para 6.8 page 14).

The meeting adjourned to enable the Investigating Officer and the Legal representative of the Subject Member to meet with the Deputy Monitoring Officer for legal advice. The Subject Member and her Legal Representative also left the room.

The meeting reconvened and all parties returned to the meeting room.

The Investigating Officer gave his representations as to whether the Findings of Fact amounted to a breach of the Code.

The Legal Representative of the Subject Member gave his representations as to whether the Findings of Fact amounted to a breach of the Code.

The meeting adjourned and the panel left the meeting.

The meeting reconvened.

576. FINDINGS OF THE PANEL

The Chair delivered the Findings of the Panel.

On the evidence we have received we make no findings of breach. We have heard no evidence to substantiate a view that the declaration of a personal or a personal prejudicial interest should have been made on either 10th November or 27th November 2008.

The evidence given leads us to the conclusion that the declaration of a personal interest on the 27th November 2008 was incorrectly made.

STANDARDS COMMITTEE HEARING

We further make the recommendation that the Monitoring Officer should seek urgently to ensure that all members of Barlborough Parish Council and their new Clerk once appointed are trained on Members interests and their appropriate declaration.

The Legal Representative of the Subject Member asked if the panel had the power to award costs.

The Deputy Monitoring Officer states that this would have to be pursued through the Council's procedural matters.

The meeting closed at 1511 hours.

RECOMMENDED ITEM FROM UNION / EMPLOYEE CONSULTATION COMMITTEE HELD ON 15TH NOVEMBER 2010

568. LOCAL GOVERNMENT PENSION SCHEME – CONSULTATION EXERCISE RESULTS RECOMMENDED CHANGE TO TRANSFERS-IN POLICY EXEMPT PARAGRAPH 4

The Head of Human Resources and Payroll presented a report to consult with committee members on proposed changes to the Council's policy in relation to transfers-in to the Local Government Pension Scheme following a recommendation from Derbyshire County Council that all employers in the Fund operate a common approach from 1st December 2010.

Documents received from Derbyshire County Council, which provided background and other information regarding the changes, had been made available for committee members in the Members' Rooms and also in Democratic Services.

Committee members were requested to approve an amendment to the Chief Executive Officer's delegated authority to allow him, in consultation with the section 151 Officer, to apply the discretions as covered in points 3 and 4 of the report as he/she saw fit. The Head of Human Resources and Payroll sought a further amendment to this recommendation that the consultation also include the Leader and Deputy Leader.

Moved by Councillor D. McGregor, seconded by C. Hirst
RECOMMENDED that (1) the following matters be referred to Council for approval by 1st December 2010;

- 1.1 Transfers-in are restricted to local authority and "Club" transfers, where reciprocal transfer arrangements operate and,
- 1.2 Requests for all transfers-in are restricted to the 12 month period commencing with the date a person became an active member in Derbyshire County Council's Pension Fund.
- 1.3 Discretion is included to allow transfers-in from non local authority and non "Club" schemes.
- 1.4 Discretion is included to allow transfers-in outside the 12 month period in exceptional circumstances from all schemes. Each Scheme employer is able to determine its

own view on 'exceptional circumstances' but this should not be taken a Scheme member's right to a transfer,

(2) the delegation in respect of points 1.3 and 1.4 of the policy on LGPS transfers-in be delegated to the Chief Executive Officer, in consultation with the section 151 Officer, the Leader and Deputy Leader, and referred to Standards Committee for updating the Council's Constitution,

(3) the option form be returned to Derbyshire County Council subject to approval at Council on 1st December 2010,

(4) Human Resources and Payroll amend the Acceptance of Appointment form in line with the decision on this Policy.

(Head of Human Resources & Payroll/Head of Democratic Services (Standards Committee))

**Not for publication by virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972**

Committee:	Union Employee Consultation Committee	Agenda Item No.:	12.
Date:	15 th November 2010	Category	*
Subject:	Local Government Pension Scheme – Consultation Exercise Results Recommended Change to Transfers-in Policy.	Status	Exempt Paragraph 4
Report by:	Head of Human Resources and Payroll		
Other Officers involved:	Payroll Manager		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor J. E. Bennett, Portfolio for Performance and Heritage Champion		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation by proposing a Policy to deal consistently with applications to accept a transfer value into our Pension Fund from other Pension Schemes.

TARGETS

This subject matter does not contribute to any targets specified in the Corporate Plan.

VALUE FOR MONEY

By providing a framework for dealing with applications to accept a transfer value into our pension fund in a consistent and cost effective manner.

THE REPORT

Following a consultation exercise with employers in its Local Government Pension Scheme, Derbyshire County Council has made a change to its policy on transfers in and recommends that all employers in the Fund adopt a new policy and so that all such employers operate a common approach it is suggested that a start date of 1st December is used. This report is to consult on the proposed changes to this Council's policy.

Not for publication by virtue of paragraph(s) 4 of Part 1 of Schedule 12A of the Local Government Act 1972

A number of documents have been received from Derbyshire County Council which provide background and other information on this subject. These documents are available from Democratic Services or the Members' Rooms and include:-

- Derbyshire Pension Fund Newsletter No. 74
- Derbyshire County Council's Pension Committee Report dated 27th August 2010.
- Derbyshire County Council's Pension committee report dated 31st March 2010.
- Numbers of transfers from and to other Pension Schemes and Arrangements.
- New transfer-in request form
- Letter from Derbyshire County Council dated 7th September 2010.

ISSUES FOR CONSIDERATION

Members are requested to consider recommending to Full Council on 1st December 2010 the Policy on Transfers-in so that:-

1. Transfers-in are restricted to local authority and "Club" transfers, where reciprocal transfer arrangements operate and,
2. Requests for all transfers-in are restricted to the 12 month period commencing with the date a person became an active member in Derbyshire County Council's Pension Fund.
3. Discretion is included to allow transfers-in from non local authority and non "Club" schemes.
4. Discretion is included to allow transfers-in outside the twelve month period in exceptional circumstances from all schemes. Each Scheme employer is able to determine its own view on 'exceptional circumstances' but this should not be taken as a Scheme member's right to a transfer.

The Chief Executive Officer in consultation with the Director of Resources currently has the delegated authority to accept late applications for transfers-in and it is requested that members approve an amendment to this delegated authority to allow the Chief Executive Officer in consultation with the section 151 Officer to apply the discretions covered by points 3 and 4 above as he/she sees fit.

Derbyshire County Council require an option form to be completed and returned to them by 1st December 2010 to advise of the Policy which the Council has adopted in respect of this subject.

***Not for publication by virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972***

IMPLICATIONS

Financial : There are no direct costs.
Legal : Compliance with regulations relating to the Local
Government Pension Scheme.
Human Resources : To make an amendment to the Acceptance of
Appointment form in line with the decision on this Policy

RECOMMENDATION(S) that;

- 1. Following consultation Members of the Committee refer the following matters to Full Council for approval by 1st December 2010:-**
 - 1.1. Transfers-in are restricted to local authority and “Club” transfers, where reciprocal transfer arrangements operate and,
 - 1.2. Requests for all transfers-in are restricted to the 12 month period commencing with the date a person became an active member in Derbyshire County Council’s Pension Fund.
 - 1.3. Discretion is included to allow transfers-in from non local authority and non “Club” schemes.
 - 1.4. Discretion is included to allow transfers-in outside the twelve month period in exceptional circumstances from all schemes. Each Scheme employer is able to determine its own view on ‘exceptional circumstances’ but this should not be taken a Scheme member’s right to a transfer.
- 2. The delegations in respect of points 1.3 and 1.4 of the policy on LGPS transfers- in be delegated to the Chief Executive Officer in consultation with the section 151 Officer and be referred to Standards Committee for updating the Council’s Constitution.**
- 3. That the option form is returned to Derbyshire County Council subject to approval at Full Council on 1st December 2010.**
- 4. Human Resources and Payroll to amend the Acceptance of Appointment form in line with the decision on this Policy.**

← - - - - **Formatted:** Bullets and Numbering

ATTACHMENT: Y
FILE REFERENCE: Payroll LGPS File
SOURCE DOCUMENT: DCC Newsletter No 74 and attachments

STANDARDS COMMITTEE WORK PLAN 2010/111

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee		•	The Chairman presented the Annual Return sent to Standards for England to the June Council meeting.	• Done
2. Introduction of new code of conduct.		• None	This is expected after the General Election. There is no further news on this. November 2010 – following the coalition Government’s announcements concerning the demise of the standards regime, it is not expected that there will be a new code. This should be withdrawn. Deleted at meeting on 4/11/10.	• Request withdrawal
3. Introduction of system for obtaining feedback on the management of complaints.			November 2010 – following the coalition Government’s announcements concerning the demise of the standards regime, it is not considered necessary to complete this. This should be withdrawn. Deleted at meeting on 4/11/10.	• Request withdrawal
4. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> • District Councillors • Parish Councillors • Monitoring of attendance 	<ul style="list-style-type: none"> • progress reports at each meeting 	<ul style="list-style-type: none"> • This is being arranged for June/July. 8 District Cllrs have not yet attended and will be pursued. 11/1/11 – all District Cllrs now trained. • It is proposed that this year no further training is given to Parish and Town Councillors 	• Ongoing
5. Code of Conduct induction training for both District and Parish/Town Councillors following May 2011 elections.	<ul style="list-style-type: none"> • District Councillors • Parish Councillors • Monitoring of attendance 	<ul style="list-style-type: none"> • progress reports at each meeting 	<ul style="list-style-type: none"> • The Member Development Working Group (MDWG) is currently putting this together. It includes a session on the first day on the ethical framework. Members are requested to say what contribution they wish to make to this. 	• Ongoing
6. Annual Reports -	<ul style="list-style-type: none"> • Year end number of complaints 	<ul style="list-style-type: none"> • 27/4/2011 	The figures are available in the regular report	• Not yet started

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	against District and Parish Councillors received by the Standards Board <ul style="list-style-type: none"> • Gifts and hospitality Registers • RIPA 	<ul style="list-style-type: none"> • 27/4/2011 • 27/4/2011. 	<ul style="list-style-type: none"> • . • . 	
7. Liaison meetings	<ul style="list-style-type: none"> • Meeting of Chairman with District Council's CEO • Meeting of Chairman with each of the 3 political parties' Leaders 	<ul style="list-style-type: none"> • 27/4/2011 • 4/11/2010 	<ul style="list-style-type: none"> • This meeting is due in April 2011. • These have been completed and were reported to the last meeting. 	<ul style="list-style-type: none"> • Not yet started • DONE
8. Planning probity work	<ul style="list-style-type: none"> • To be determined in 2009/2010 • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • I will consult the Development Control Manager as to when he thinks this will be carried out. November 2010 – Do members consider that this should be pursued with the Development Control Manager? • Deleted at meeting on 4/11/10. 	<ul style="list-style-type: none"> • Not yet started
9. Review of guidance to members involved with	<ul style="list-style-type: none"> • To be determined 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • I will consult the Development Control Manager as to when he thinks this will be carried out. November 	<ul style="list-style-type: none"> • Not yet started

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
the Planning process	in 2009/ 2010/11 or 2011/12 depending on the progress of the Localism Bill.		<p>2010 – Do members consider that this should be pursued with the Development Control Manager?</p> <ul style="list-style-type: none"> 4/11/10 – defer until changes in Standards Committee’s work are known. A report on the Localism Bill is on the agenda for this meeting. 	
10. Review of Constitution			<p>Members to decide what aspects of the Constitution they wish to be reviewed in addition to the ones transferred from the Standards Committee 2009/2010 Work plan. Members should also be aware that there are proposals for change from the new Government. Details are awaited.</p> <p>November 2010 – it is expected that the Government will do away with the rigid statutory requirements for the Constitution. However this still leads requirements for some parts of the Constitution including:- the Delegation Scheme, Contracts Standing Orders, Financial regulations, Council Procedure Rules. We await how the Government intends to deal with this.</p> <p>11/1/11 – as expected the Localism Bill has reduced the requirements in relation to the Constitution – please see the report elsewhere in the agenda.</p>	<ul style="list-style-type: none"> Ongoing
	Contracts Standing orders	<ul style="list-style-type: none"> 8/3/2011. 	<ul style="list-style-type: none"> Work is continuing. 	<ul style="list-style-type: none"> Ongoing
	Financial Regulations review	<ul style="list-style-type: none"> 8/3/2011. 	<ul style="list-style-type: none"> The Director of Resources is reviewing Financial Regulations 	<ul style="list-style-type: none"> Ongoing

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	Review of member Job Descriptions	<ul style="list-style-type: none"> 8/3/2011. 	<ul style="list-style-type: none"> Executive members have asked that the full set be provided, including those for Scrutiny members following the introduction of the new Scrutiny arrangements. November 2010 – drafting of additional JDs for Scrutiny Councillors is nearly complete. They will then be going back to Cabinet and MDWG before coming here. 	<ul style="list-style-type: none"> Ongoing
	Delegation Scheme	<ul style="list-style-type: none"> 11/1/2011 8/3/11 	<ul style="list-style-type: none"> November 2010 – The draft delegation for member of SMT is to go to Cabinet before coming to this Committee in January. The rest of the delegation Scheme is being amended – part has been presented today. 11/1/11 – this has slipped and will now be going to the March meeting of the Standards Committee 	<ul style="list-style-type: none"> Ongoing
	Executive governance arrangements NEW	8/3/11	<ul style="list-style-type: none"> This follows from the Council's resolution at its meeting on the 17th December 2010 under the Local Government and Public Involvement in Health Act 2007 to adopt one of two political management arrangements for the Executive – the Leader and Cabinet model. Changes are required to the Constitution and these must be publicised. 	
11. Introduction of new statutory rules on Petitions into the Constitution.	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 3rd August 2010. 	<ul style="list-style-type: none"> Completed 	<ul style="list-style-type: none"> Done
12. Development of the Annual Standards Committee work plan for 2011 to 2010	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 27/4/11. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Not yet started
13. Partnership Governance arrangements and the ethical framework?	<ul style="list-style-type: none"> Scoping report 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Ongoing
14. Monitoring Officer	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Members are requested to approve withdrawal in 	<ul style="list-style-type: none"> Request

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
Protocol with the Parish and Town Councils			view of Government changes <ul style="list-style-type: none"> Deleted at meeting on 4/11/10. 	withdrawal
15. Consideration of further publicity required for the Standards Committee and to publicise the work of the Standards Committee.	•	•	Members are requested to approve withdrawal in view of Government changes <ul style="list-style-type: none"> Deleted at meeting on 4/11/10. 	Request withdrawal
16. Annual consideration of publicity requirements for the Local Assessment of complaints against members procedures	•	•	Members are requested to approve withdrawal in view of Government changes <ul style="list-style-type: none"> Deleted at meeting on 4/11/10. 	Request withdrawal
17. Review of Constitution User Guide	•	• 3/8/2010	• The Head of Democratic Services is to present this at the first meeting in the new corporate year. It was considered at the meeting on 3/8/2010.	• DONE

December 2010

Complaints to the Standards Board

Year	Number	PC	DC	Review requested	ESO investigation	Monitoring Officer investigation	Hearing	Outstanding
2002	3	2	1		3		2	
2003	10	5	5		5		1	
2004	12	8	4		3	0	0	
2005	6	3*	3		2	0	0	
2006	10	9	1		3	1	0	
2007	3	2	1		0	0	0	
2008 to 8/5/08	2	1	1		0	0	0	
2008 from 8/5/08	9	6	4**	1	2	5		
2009	17	13	4***	0	2	5		
2010	6	6	0	0	0	0		

* 1 complaint was made against an entire Parish Council but this has been shown as one complaint

** 1 complaint was against a councillor as both a Parish and District Councillor.

*** Each of the 4 complaints was against 4 councillors

Average time taken to reach a decision by the LAC

Year	Number of Complaints	average time to LAC decision
2010	6	20

20th December 2010.

STANDARDS COMMITTEE

AGENDA

Tuesday 11th January 2011 at 1400 hours

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interests in respect of:- a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and, if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on 4 th November 2010.	3 to 8
5.	Minutes of a Standards Committee Hearing held on Friday 19 th November 2010.	9 to 13
6.	Recommended item from Union Employee Consultation Committee held on 15 th November 2010; Local Government Pension Scheme – Consultation Exercise Results Recommended Change to Transfers-In Policy. Recommendation on pages 14 and 15	14 to 18
7.	Standards Committee Workplan.	19 to 23
8.	Complaints Against Members.	24
9.	Localism Bill.	To Follow
10.	Members Job Descriptions.	To Follow

PART 2 – EXEMPT ITEMS

The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12.

11. **Exempt Paragraphs 3 and 5** 25 to 31
Recommended item from Council held on 3rd
November 2010;
Local Land Charges Fees Financial Implications
Relating to Environmental Information Regulations
(EIR).
Recommendation on page 25.

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 4th January 2011

Dear Sir or Madam

STANDARDS COMMITTEE – TUESDAY 11TH JANUARY 2011

I refer to your recently circulated agenda for the above meeting and now enclose the following item:

Open Items

Agenda Item 9 – Localism Bill (includes information received from Communities and Local Government regarding abolition of the Standards Board regime).
(Pages 34 to 39)

Recommendation on page 36

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



Committee:	Standards Committee	Agenda Item No.:	9.
Date:	11 th January 2011	Category	*
Subject:	Localism Bill	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Legal and Standards Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	This relates to the ethical framework and is therefore relevant to all Members.		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services
ENVIRONMENT – Promoting and enhancing a clean and sustainable environment
REGENERATION – Developing healthy, prosperous and sustainable communities
SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.
STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This report relates to proposed changes to the ethical framework contained in the Localism Bill and therefore relates to all the corporate aims.

TARGETS

Not applicable

VALUE FOR MONEY

These are Government proposals at present and do not have monetary consequences.

THE REPORT

The Localism Bill was published on Monday the 13th December 2010 at the same time as the figures for the financial settlement were given. There are a large number of areas covered in the Bill - it is seen as the biggest local government bill in a very long time.

The areas covered include introducing a general power of competence, Housing, Planning, local authority governance arrangements including the Constitution, Referendums, Senior Pay Policy Statement and the ethical framework.

The changes proposed to the ethical framework include the abolition of Standards for England and the mandatory code of conduct and the system

which goes with it. The system which is proposed to replace it includes the following elements:-

- ✓ There will be a duty on local authorities to promote high standards of ethical behaviour by its councillors.
- ✓ There will be power to adopt a voluntary code of conduct for members.
- ✓ There will be power to choose to have a Standards Committee.
- ✓ If allegations are made, these are still to be investigated by the local authority.
- ✓ There will still be a requirement for a councillors register of interests to be kept by the Monitoring officer. Regulations will specify the interests to be declared in the Register and where these will prevent participation by a councillor. There will be a requirement for the register to be made public.
- ✓ There will be power to grant dispensations.
- ✓ There will be power to sanction a failure by a councillor in relation to the ethical framework, but this will not include suspension or disqualification. In essence there will be power to censure, require training to be undertaken, prohibit from non public areas of the Council and the general “softer” sanctions to be applied.
- ✓ The Monitoring Officer role for parish councils will be specified in regulations as to who will carry it out.
- ✓ It will be a criminal offence to fail to declare or register an interest. The maximum fine will be level 5 (£5000) on the standard scale, disqualification for up to 5 years. Prosecution by DPP only

In addition the Bill includes the following:-

- ✓ Changes to governance arrangements to allow Councils to return to the Committee system. This will be possible following the elections in 2015.
- ✓ Reduction in the number of parts of the Constitution which Councils are required to keep. There will still be a requirement for the Constitution to include the Delegation Scheme, Contracts Standing Orders and Financial Regulations and procedure rules.
- ✓ Provisions to allow the electors to ask for a referendum on the level of Council Tax.
- ✓ There are provisions on predetermination, though the effect of these is not yet clear. It is believed these provisions state the current position in case law.

ISSUES FOR CONSIDERATION

The contents of the Localism Bill.

IMPLICATIONS

Financial: None
Legal: None until enacted
Human Resources: None

RECOMMENDATION(S) that

Members consider the contents of the Localism Bill relating to the ethical framework and the Constitution.

ATTACHMENT: **N**
FILE REFERENCE: None
SOURCE DOCUMENT: ***Localism Bill***



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to “abolish the Standards Board regime”.

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent,.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

Published by the Department for Communities and Local Government

© Crown Copyright, December 2010

ISBN: 978 1 4098 2684 2