

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

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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))

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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

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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.

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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.

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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.