

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Tuesday 3<sup>rd</sup> August 2010.

### **PRESENT:-**

Independent Member: J. Yates, B. Betts, J. Hill, J.R. Jaffray, D.J. Wright.

Members: - Councillors M.J. Dooley and A.M. Syrett.

Officers:-

S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), J. Brooks (Director of Resources)(to Minute No 236) and A. Bluff (Democratic Services Officer).

J. Yates – In the Chair

Members asked that a letter of thanks be sent to Councillor H. Wright thanking him for his contribution to the work of the Standards Committee.

### **229. APOLOGIES**

Apologies for absence were received from Councillors H.J. Gilmour, P.R. Hendry, V. P. Mills, K. Belshaw (Independent Member), A. Gascoyne (Independent Member), R. Lilley (Independent Member), T. Munro (Parish Council Member) and K. Reid (Parish Council Member).

### **230. SHADOW VICE CHAIR**

It was suggested that if any Independent Member felt that they would like to take on the role of Vice Chair of the Standards Committee in a future year, they could shadow the current Vice Chair starting in October this year until the last Standards Committee meeting of the current cycle in 2011.

The Chair added that he intended to put back his resignation as Chair of Standards Committee for one year after May 2011 to give the current Vice Chair a feel for the work of Standards. An Independent Member would be required as Vice Chair in 2012.

If any Independent Member felt that they would like to take on the role of Vice Chair they could speak to the Chair or the Monitoring Officer for this to be considered further at the next meeting in September.

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### 231. URGENT ITEMS

There were no urgent items of business to consider.

### 232. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 233. MINUTES – 10<sup>TH</sup> MAY 2010

Moved by Councillor A. M. Syrett, seconded by Councillor J. R. Jaffray  
**RESOLVED** that the minutes of a Standard Committee meeting held on 10<sup>th</sup> May 2010 be approved as a correct record.

### 234. MINUTES – 9<sup>TH</sup> JUNE 2010

Moved by Councillor M. J. Dooley, seconded by Councillor A. M. Syrett  
**RESOLVED** that the minutes of a special Standards Committee meeting held on 9<sup>th</sup> June 2010 be approved as a correct record.

### 235. RECOMMENDED ITEM FROM COUNCIL HELD ON 30<sup>TH</sup> MARCH 2010 – TREASURY MANAGEMENT STRATEGY 2010/11

The Director of Resources presented the recommended item which gave details of a number of changes required by both government and the Audit Commission to the Council's Treasury Management function.

One of these changes was for greater scrutiny of the Council's Treasury Management Strategy and policies and Audit Committee would be the responsible body for ensuring that this happened. This would require a revision to the Council's Constitution in relation to Audit Committee's terms of reference together with changes to the functions of Executive.

It was noted that Executive and Audit Committee Members had received training, earlier in the year, on the Treasury Management Strategy from Butlers, the Council's advisors on Treasury Management issues.

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Moved by R.J. Jaffray, seconded by Councillor A.M. Syrett

**RESOLVED** that a revision to the Council's Constitution that the Audit Committee ensures effective scrutiny of the Treasury Management Strategy and policies and this be included in Audit Committee's terms of reference together with changes to the functions of Executive.

(Head of Democratic Services (Constitution))

The Director of Resources left the meeting.

### **236. RECOMMENDED ITEM FROM COUNCIL HELD ON 14<sup>TH</sup> JULY 2010 – ADOPTION OF A PETITION SCHEME**

The Solicitor to the Council and Monitoring Officer introduced Kath Whittingham to the meeting and gave a brief explanation of her role as Head of Democratic Services.

The Head of Democratic Services presented the recommended item which gave details of a Petition Scheme adopted by the Council on the 14<sup>th</sup> July 2010 which would require inclusion in the Council's Constitution.

There were two types of petition which people could put forward to the Authority; Petitions requiring Council debate – these would require 1% of the population or 700 signatures to trigger. Petitions to hold a relevant accountable employee to account – these would require 350 signatures to trigger.

The Petition Scheme was published on the Councils' website and an article would be printed in the next edition of the Council's 'In Touch' magazine for those people without access to the internet. This article would also provide details of where copies of forms could be obtained from.

The Head of Democratic Services further advised the meeting that all local authorities would need to have an on-line petition facility by the 15<sup>th</sup> December 2010 and a further report would be brought to Standards Committee regarding this nearer that time.

Further to questions raised by Members, the Head of Democratic Services advised the meeting that a petition could be brought to the Council by anyone of any age group on any topic. Regulatory issues, i.e., Planning and Licensing did not fall under this Petition Scheme.

Moved by B. Betts, seconded by Councillor A.M. Syrett

**RESOLVED** that the Petitions Scheme be included in the Council's Constitution.

(Head of Democratic Services (Constitution))

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### 237. AMENDMENTS TO CONSTITUTION FOLLOWING ADOPTION OF PETITION SCHEME

The Head of Democratic Services presented the report which gave details of the following amendments necessary to Parts 1, 2, 3 and 4 of the Council's Constitution to take account of the recently adopted Petition Scheme.

Part 1 Citizen's Role (add)

Submit a petition to the Council in accordance with the Council's adopted Petition Scheme. Details of the scheme can be obtained from Democratic Services Department, the four Contact Centres and from the Council's website at [www.bolsover.gov.uk](http://www.bolsover.gov.uk)

Part 2 Articles of the Constitution – Article 3(3) Participation (add)

The Council has also adopted a Petition Scheme which will enable citizens to submit petitions to the authority.

Part 2 Articles of the Constitution – Article 4.2 Functions of the Council (add)

Debate petitions to the Authority which contain 1% of the population of the District (700 signatures).

Consider any referral from a Scrutiny Committee where an appeal has been made against how the Council has dealt with a petition.

Part 2 Articles of the Constitution – Article 6.3 Scrutiny Committee – Specific Functions (add)

Petitions

- (i) deal with petitions that contain at least 350 signatures requiring a relevant employee to give evidence at Scrutiny Committee on a matter for which the officer is responsible as part of their job.
- (ii) Deal with requests from petition organisers to review the proceedings undertaken by the Authority in response to a petition and determining the appropriate course of action to deal with it.

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- Part 3      Responsibility for Functions – 3.2 Council Functions (add)
- Debate petitions to the Authority which contains 1% of the population of the District (700 signatures).
- Part 3      Responsibility for Functions – 3.3 Executive Functions (add)
- To respond to the views of the Council on petitions which have been debated at Council where the petition relates to an executive function or executive matters.
- Part 3      Responsibility for Functions – 3.6 Committee Terms of Reference (2), (3) and (4) (add to the end of each)
- (i)      deal with petitions that contain at least 350 signatures requiring a relevant employee to give evidence at Scrutiny Committee on a matter for which the officer is responsible as part of their job;
- Relevant accountable employees; A petition to hold a relevant accountable employee to account is for the following posts:*
- Head of Paid Service )*  
*Monitoring Officer    ) Statutory officers*  
*Section 151 Officer    )*  
*Director of Neighbourhoods*  
*Director of Development*
- (ii)      deal with requests from petition organisers to review the process undertaken by the Authority in response to a petition and determining the appropriate course of action to deal with it.
- Part 4      Rules of Procedure – 4.1.10 Questions by the Public (add section)
- Petitions Requiring a Council Debate
- The Council will debate any petition received by the Authority which contains 1% of the population of the District (700 signatures).

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The procedure for dealing with petitions which have triggered a Council debate are as follows:

- (i) The petition organiser (or councillor representing the petitioner) will have five minutes in which to present the petition to Council and outline what the petition seeks to achieve.
- (ii) Where the petition relates to no more than two wards, a member from those wards will be the first member to speak in the debate, following the petition organiser and will propose a motion relating to the action sought by the petition. A seconder to the motion to be sought. Where it is a matter that relates to more than two wards, the vice-chairman of the Council will be the first member to speak and propose a motion for debate.
- (iii) Members to have a maximum of 30 minutes to debate the petition.
- (iv) At the end of the debate or when no further members have indicated to the Chairman their wish to speak, whichever is the sooner, the motion will be put to the vote.
- (v) If following the vote the matter is for the Executive to deal with, the appropriate Portfolio Holder will be given the opportunity to speak after the debate.
- (vi) The Council's rules of debate in 4.1.16 shall apply.

Part 4 Rules of Procedure – 4.5.13 Members and Officers Giving Account (add)

To ensure that meetings at which relevant accountable employees, who are giving evidence in response to a petition, are conducted in a professional and fair manner.

Moved by M.J. Dooley, seconded by Councillor R.J. Jaffray

**RECOMMENDED** that the Council be recommended to include in the Council's Constitution the amendments as specified above.

(Solicitor to the Council and Monitoring Officer / Head of Democratic Services)

The following item was brought forward to alleviate waiting time for the Head of Democratic Services.

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### 238. A BEGINNERS GUIDE TO THE CONSTITUTION

The Council's Constitution was required by law and was a complex document which set out how the Council operated and how it made decisions.

The Head of Democratic Services presented a condensed version of the Council's Constitution entitled, 'A Beginner's Guide to the Constitution', for the meetings consideration. This had been written for ease of understanding for the benefit of the public, officers and Members, with the language kept as user friendly as possible. The document would be published on the internet and a notice put in local papers informing that it was available to the public.

A short discussion took place and it was suggested that the document could benefit further from flow charts and diagrams. The Head of Democratic Services replied that this could be considered and added that the Constitution was also available in audio form on the Council's new website.

The Chair thanked the Head of Democratic Services for her work on condensing the Constitution.

Moved by Councillor M.J. Dooley, seconded by B. Betts  
**RESOLVED** that the 'Beginners Guide to the Constitution' be noted.

(Head of Democratic Services)

### 239. LETTER FROM STANDARDS FOR ENGLAND

The Chair presented a letter received from Standards for England dated 1<sup>st</sup> June 2010.

The letter informed the meeting that as no further details had been made available since the Government's recent proposals to 'abolish the Standards Board regime'. The statutory framework remained operative.

A short discussion took place.

**RESOLVED** that the letter from Standards for England be noted.

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### 240. DEPARTMENTAL GIFTS AND HOSPITALITY REGISTER

The Solicitor to the Council and Monitoring Officer presented the report, which gave details of the outcome of a review carried out in July 2010, on all departments' gifts and hospitality registers. A review was carried out annually so the results could be used to help Standards Committee evaluate any changes / improvements that may be necessary to the ethical framework.

It was noted that there had been an increase in the number of gifts registered for Street Services over the previous year and it was thought that this was due to a presentation carried out at the depot by the Solicitor to the Council and Monitoring Officer to raise awareness in Street Services of the requirement to register and of the guidance on registering gifts and hospitality .

Members raised questions and a short discussion took place.

Moved by Councillor M.J. Dooley, seconded by R.J. Jaffray

**RESOLVED** that 1) the outcome of the review be noted,

2) an item be put on the weekly bulletin confirming completion of the review.

(Solicitor to the Council and Monitoring Officer)

### 241. COMPLAINTS TO THE STANDARDS BOARD

The Solicitor to the Council and Monitoring Officer presented the report which gave details of the number of complaints made to the Standards Board against Members in 2010. The table providing information of the average time taken to reach a decision by the LAC meetings was also attached to the report.

Moved by B. Betts, seconded by M.J. Dooley

**RESOLVED** that the report be noted.

### 242. DRAFT STANDARDS COMMITTEE WORK PLAN

The Solicitor to the Council and Monitoring Officer presented the draft Standards Committee Work Plan to the meeting.

It was reported that all District Councillors should have received training by September 2010.



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A short discussion took place and questions were raised with regard to what sanctions would be imposed on Councillors who did not attend training.

The usual annual review of RIPA (Regulation of Investigatory Powers Act) would be carried out, though Members were informed that the coalition Government were looking to change the RIPA process so Councils could no longer regulate themselves but would have to go to a Magistrate instead.

The Solicitor to the Council and Monitoring Officer advised the meeting that it was intended to review the Job Descriptions for Scrutiny Committee Members to reflect the recent change of one Scrutiny Committee to three Scrutiny Committees.

A question was raised as to target dates for completion of actions on the work plan. The Solicitor to the Council and Monitoring Officer agreed to look at this.

**RESOLVED** that the draft Standards Committee Work Plan be noted.

The meeting concluded at 1445 hours.