

# STANDARDS COMMITTEE

TUESDAY  
8<sup>TH</sup> MARCH 2011

AT  
1400 HOURS  
IN  
COMMITTEE ROOM 1

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Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 28<sup>th</sup> February 2011

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 8<sup>th</sup> March 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 16<sup>th</sup> 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 page 27.

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 Tuesday 11<sup>th</sup> January 2011 at 1400 hours.

### **PRESENT:-**

Independent Members: -

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

Members: -

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

Officers:-

A. Turner (Deputy Monitoring Officer) and A. Bluff (Democratic Services Officer).

J. Yates – In the Chair

### **690. APOLOGIES**

Apologies for absence were received from Councillors K. Reid (Parish Council Member), P.R. Hendry (District Council Member) and S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer).

### **691. URGENT ITEMS**

There were no urgent items of business to consider.

### **692. DECLARATIONS OF INTEREST**

Minute No.	Member	Level of Interest
695	Councillor H. J. Gilmour	Personal
696	Councillor M. J. Dooley	Personal

## STANDARDS COMMITTEE

### 693. MINUTES – 4<sup>TH</sup> NOVEMBER 2010

Moved by J. Yates, seconded by Councillor M.J. Dooley

**RESOLVED** that the minutes of a meeting held on 4<sup>th</sup> November, 2010 be approved as a correct record.

### 694. MATTERS ARISING

#### Minute No 527 (iii) – A Beginners Guide to the Constitution

The Deputy Monitoring Officer confirmed that the 'Beginners Guide to the Constitution' was now available for viewing on the Council's website.

Councillor Gilmour declared a personal interest in the following item and remained in the meeting.

### 695. MINUTES OF A STANDARDS COMMITTEE HEARING HELD ON FRIDAY 19<sup>TH</sup> NOVEMBER 2010

The Deputy Monitoring Officer introduced the minutes from the Standards Committee Hearing held on 19<sup>th</sup> November 2010.

A discussion took place regarding the outcome of the Standards Hearing as detailed in the minutes.

Members asked questions.

Further discussion took place.

Standards Committee Members requested that a report be prepared by the Monitoring Officer and Deputy Monitoring Officer and that a special meeting of Standards Committee be arranged to consider the report.

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

**RESOLVED** that 1) the minutes of a Standards Committee Hearing held on the 19<sup>th</sup> November 2010 be noted,

2) a report be prepared by the Monitoring Officer and Deputy Monitoring Officer and that a special meeting of Standards Committee be arranged to consider the report.

(Deputy Monitoring Officer/Head of Democratic Services)

## STANDARDS COMMITTEE

Councillor Dooley declared a personal interest in the following item and remained in the meeting.

**696. RECOMMENDED ITEM FROM UNION EMPLOYEE CONSULTATION COMMITTEE HELD ON 15<sup>TH</sup> NOVEMBER 2010; LOCAL GOVERNMENT PENSION SCHEME – CONSULTATION EXERCISE RESULTS RECOMMENDED CHANGE TO TRANSFERS-IN POLICY**

The Deputy Monitoring Officer introduced a report to seek Committee's approval for an amendment to the Chief Executive Officer's delegated powers, for inclusion in the Council's Constitution, in relation to the Local Government Pension Scheme. Full details were contained in the report.

Moved by Councillor A.M. Syrett, seconded by Councillor H. Gilmour  
**RESOLVED** that the amendment to the Chief Executive Officer's delegated powers in the Council's Constitution be approved.

(Head of Democratic Services (Constitution))

**697. STANDARDS COMMITTEE WORK PLAN**

The Deputy Monitoring Officer presented information in relation to the Standards Committee Workplan.

Moved and seconded.  
**RESOLVED** that the report be noted.

**698. COMPLAINTS AGAINST MEMBERS**

The Deputy Monitoring Officer presented information in relation to complaints to the Standards Committee against Members.

Moved and seconded.  
**RESOLVED** that the report be noted.

## STANDARDS COMMITTEE

### 699. LOCALISM BILL

The Deputy Monitoring Officer presented a report in respect of the Localism Bill and gave an explanation to the meeting on how this would impact on Standards Committee and its work. Full details were included in the report.

The Localism Bill was published on 13<sup>th</sup> December 2010.

There would no longer be a duty on local authorities to have a Standards Committee; this would become voluntary but further details were awaited. In the meantime complaints would continue through Local Assessment Committees and be referred (where appropriate) to Standards for England until October 2011.

Under the Localism Bill, there would still be a requirement for Members to register their interests, though there may be some changes for parish council members. There would still be a requirement for the Register to be made public and failure to make appropriate declarations would have criminal implications with the most serious failures being dealt with by the police.

There would be changes to governance arrangements to allow Councils to return to the Committee system.

Discussion took place and Members raised questions.

The Deputy Monitoring Officer advised the meeting that the Chair of Standards Committee would be involved in the consultation.

The Chair advised the meeting that he would be urging the Council to continue in its present form.

Further discussion took place.

Moved by Councillor A.M. Syrett, seconded by Councillor H. Gilmour  
**RESOLVED** that the report be noted,

**RECOMMENDED** that Council consider keeping Standards Committee in its present format.

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

## STANDARDS COMMITTEE

### 700. MEMBERS JOB DESCRIPTIONS

The Deputy Monitoring Officer informed the meeting that this item was deferred and a report would be presented to a future meeting.

### 701. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor M.J. Dooley, seconded by Councillor H. Gilmour  
**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

### 702. RECOMMENDED ITEM FROM COUNCIL HELD ON 3<sup>RD</sup> NOVEMBER 2010; LOCAL LAND CHARGES FEES FINANCIAL IMPLICATIONS RELATING TO ENVIRONMENTAL INFORMATION REGULATIONS (EIR) EXEMPT PARAGRAPHS 3 AND 5

The Deputy Monitoring Officer introduced a report to seek Committee's approval for an amendment to the Solicitor to the Council's delegated powers, for inclusion in the Council's Constitution, in relation to the Land Charges Service. Full details were contained in the report.

Moved by Councillor A.M. Syrett, seconded by J.M. Hill  
**RESOLVED** that the amendment to the Solicitor to the Council's delegated powers in the Council's Constitution be approved.

(Head of Democratic Services (Constitution))

The meeting concluded at 1440 hours.

Committee:	Standards Committee	Agenda Item No.:	5.
Date:	8 <sup>th</sup> March 2011	Category	
Subject:	Executive Governance Arrangements	Status	Open
Report by:	Solicitor to the Council and Monitoring Officer		
Other Officers involved:	Chief Executive Officer Legal and Standards Officer		
Director	Solicitor to the Council		
Relevant Portfolio Holder	This report affects the governance arrangements for the Executive and is not therefore within the remit of any of the Portfolio Holders.		

#### **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.

As this concerns the governance arrangements for the Executive, this affects all the Corporate Aims.

#### **TARGETS**

There are no targets associated with the subject of this report.

#### **VALUE FOR MONEY**

Not applicable as there is no expenditure of money.

### **THE REPORT**

Council has decided in accordance with legislation (the Local Government and Improvement in Health Act 2007) and following consultation, to move to a new form of Executive Leader and Cabinet model of governance. This is commonly referred to as the “Strong Leader” model as it means that once appointed, the Executive Leader:-



- ✓ Remains the Executive Leader throughout the 4 years of the Council following the normal elections. Currently the Leader is elected annually. The Council may decide to include a mechanism for removing the Leader during that period. This Council already has that mechanism within its rules and there is no proposal to change this.
- ✓ Chooses one Councillor to be Deputy Leader. This Councillor will hold this role for the 4 year term unless the Leader “thinks fit” to remove the member.
- ✓ Chooses between 2 and 9 Councillors to be Executive members. Currently it is the Council which chooses and the size of the Executive is set at 9 Councillors.
- ✓ Decides which Portfolios each of the Councillors will have.

These changes require changes to the Constitution. These are attached at the Appendix for your consideration.

### **ISSUES FOR CONSIDERATION**

Whether to recommend to Council that the changes to the Constitution shown in the Appendix should be approved and published on the web site in accordance with the legislation.

### **IMPLICATIONS**

Financial : None  
 Legal : As in the report.  
 Human Resources : None

### **RECOMMENDATION**

**That the changes to the Constitution listed in the Appendix be recommended to the Council for approval.**

ATTACHMENT: **Y – the Appendix**  
 FILE REFERENCE: **None**  
 SOURCE DOCUMENT: **Local Government and Improvement in Health Act 2007**

Appendix

Report to Standards Committee 8<sup>th</sup> March 2011

List of proposed changes to the Constitution.

Part of the Constitution	Change	Now reads	Reason
Article 7 – The Executive			
7.2	Delete “Executive” from Executive Leader. Add after “Leader” the following “the Deputy Leader and a maximum of “ Delete “Council” at the end of the paragraph and replace with “Leader.	7.2 Form and Composition The Executive will consist of the Leader, together with the Deputy Leader and a maximum of 8 other councillors appointed to the Executive by the Leader.	This makes one of the main changes to the Constitution as required by the governance change. It is now the Leader who appoints the Cabinet and the Deputy Leader and not Council.
7.3	Delete “each year” after by the Council and add “following the normal Elections at the end of the first sentence.	7.3 The Leader The Leader will be a councillor elected to the position of Leader by the Council at the Annual Council Meeting following the Elections for a 4 year term.	This makes another fundamental change. The Leader is elected for the 4 year term of the Council following the elections.
7.4	Insert new 7.4	7.4 The Deputy Leader The Deputy Leader will be a Councillor appointed to the position of Deputy Leader by the Leader. The Deputy Leader will hold office until:- (a) he/she resigns from office; or (b) he/she is suspended from being a Councillor under Part 111 of the Local Government Act	There is now a statutory obligation for the Leader to appoint a Deputy Leader to act in his/her absence. The Deputy Leader may be removed by the Leader if he/she thinks fit.

**Appendix**

**Report to Standards Committee 8<sup>th</sup> March 2011**

**List of proposed changes to the Constitution.**

		<p>2000 (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office by the Leader if he/she thinks fit</p> <p>(e) the next ordinary Elections</p>	
7.4	<p>Renumber 7.4 as 7.5</p> <p>Amend (d) to replace Council with Leader</p>	<p>7.5 Other Executive Members</p> <p>(d) they are removed from office, either individually or collectively, by the Leader.</p>	
7.5	<p>Renumber 7.5 as 7.6</p>		
7.6	<p>Renumber 7.6 as 7.7</p> <p>Insert "individual Executive members" after "setting out the Executive"</p>	<p>7.7 Responsibility and functions</p> <p>The Council will maintain a list in Parts 3 and 4 of this Constitution setting out whether the Executive, individual Executive members, officers or joint arrangements are responsible for the exercise of particular executive functions.</p>	
Executive Procedure Rules			
4.4.1 Taking Executive	<p>Add a new (iii) as follows and renumber sub clauses:-</p>	<p>(iii) By a member of the Executive</p>	<p>This recognises that some decisions are now delegated</p>

Appendix

Report to Standards Committee 8<sup>th</sup> March 2011

List of proposed changes to the Constitution.

Decisions			to Executive members.
4.4.1 (c)	Delete "At the present time the Executive has not delegated any decisions other than to officers." After "also shown in the Forward Plan" Add "or Part 4.10 "Officer Delegation Scheme" after "responsibility for functions. Amend the final sentence by changing 4 to 3 and "officers" to members and change to read "Members Delegation are set out in Part 3."	(c) Where a decision has been delegated by the Executive, that fact together with details of which body or person is making such decision, will be shown in Part 3 of this Constitution – "Responsibility for Functions" or Part 4.10 "Officer Delegation Scheme". Where the decision is a key decision it will also be shown in the Forward Plan. Members Delegation are set out in Part 3.	This is tidying up.
4.4.7 Conduct of Executive Meetings (iv)	Add "of any of the Scrutiny Committees" after reports from.	(iv) consideration of reports from any of the Scrutiny Committees and,	This recognises that there are now 3 Scrutiny Committees.
4.4.8 Consultation	Change "and Scrutiny Committee to "and the Scrutiny Committees"	4.4.8 Consultation All reports to the Executive from any member of the Executive or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with the	This recognises that there are now 3 Scrutiny Committees.

Appendix

Report to Standards Committee 8<sup>th</sup> March 2011

List of proposed changes to the Constitution.

		stakeholders and the Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.	
4.4.9 Who can put items on the Executive Agenda	In (b) add "One of the " at the start and an s to Committee. In (c) add "The Section151 Officer" at the start and put the Director of Resources in Brackets.	(b) One of the Scrutiny Committees or the full Council where it has been resolved that an item be considered by the Executive. However there may only be up to 5 such items on any one agenda. (c ) The Section151 Officer [The Director of Resources]	This recognises that there are now 3 Scrutiny Committees.
<b>Council Procedure Rules</b>			
4.1.6 Order of Business at Annual Meeting of the Council	In (iv) delete "and Deputy Leader" Delete (v) and replace with (v) and (vi) Renumber following sub paragraphs. Delete "Policy and Performance Groups" from new (vii). Change Part 3 to Parts 3 and 4 in new (viii)	(iv) Elect the Leader (v) Receive the announcement of the appointment of the Deputy Leader and members of the Executive by the Leader. (vi) Receive the announcement of the allocation of the Portfolios to the Executive	(iv) Recognises that the Deputy Leader is not appointed by Council but by the Leader. (v) and (vi) recognise that it is for the Leader to appoint between 2 and 9 members to the Executive and not as

Appendix

Report to Standards Committee 8<sup>th</sup> March 2011

List of proposed changes to the Constitution.

		members (vii) Appoint at least one Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution). (viii) Agree the scheme of delegation – or such part of it as the Constitution determines it is for the Council to agree (as set out in Parts 3 and 4 of this Constitution).	formally the role of Council. The Leader will also allocate Portfolios – this is what happens now.

### STANDARDS COMMITTEE WORK PLAN 2010/111

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee		<ul style="list-style-type: none"> <li>•</li> </ul>	The Chairman presented the Annual Return sent to Standards for England to the June Council meeting.	<ul style="list-style-type: none"> <li>• Done</li> </ul>
<del>2. Introduction of new code of conduct.</del>		<ul style="list-style-type: none"> <li>• <del>None</del></li> </ul>	<del>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.</del>	<ul style="list-style-type: none"> <li>• <del>Request withdrawal</del></li> </ul>
<del>3. Introduction of system for obtaining feedback on the management of complaints.</del>			<del>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.</del>	<ul style="list-style-type: none"> <li>• <del>Request withdrawal</del></li> </ul>
4. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> <li>• District Councillors</li> <li>• Parish Councillors</li> <li>• Monitoring of attendance</li> </ul>	<ul style="list-style-type: none"> <li>• progress reports at each meeting</li> </ul>	<ul style="list-style-type: none"> <li>• This is being arranged for June/July. <b>8 District Cllrs have not yet attended and will be pursued.</b> 11/1/11 – all District Cllrs now trained.</li> <li>• It is proposed that this year no further training is given to Parish and Town Councillors</li> <li>• 21/2/11 – in view of the proposals in the Localism Bill, it is not proposed to undertake further training at this stage.</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Ongoing</del></li> <li>• suspended</li> </ul>

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
5. Code of Conduct induction training for both District and Parish/Town Councillors following May 2011 elections.	<ul style="list-style-type: none"> <li>• District Councillors</li> <li>• Parish Councillors</li> <li>• Monitoring of attendance</li> </ul>	<ul style="list-style-type: none"> <li>• progress reports at each meeting</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>
6. Annual Reports -	<ul style="list-style-type: none"> <li>• Year end number of complaints against District and Parish Councillors received by the Standards Board</li> <li>• Gifts and hospitality Registers</li> <li>• RIPA</li> </ul>	<ul style="list-style-type: none"> <li>• 27/4/2011</li> <li>• 27/4/2011</li> <li>• 27/4/2011.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>• .</li> <li>• .</li> </ul>	<ul style="list-style-type: none"> <li>• Not yet started</li> </ul>
7. Liaison meetings	<ul style="list-style-type: none"> <li>• Meeting of Chairman with District Council's CEO</li> <li>• Meeting of Chairman with each of the 3 political parties'</li> </ul>	<ul style="list-style-type: none"> <li>• 27/4/2011</li> <li>• 4/11/2010</li> </ul>	<ul style="list-style-type: none"> <li>• This meeting is due in April 2011.</li> <li>• These have been completed and were reported to the last meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Not yet started</li> <li>• DONE</li> </ul>



ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	Leaders			
8. Planning probity work	<ul style="list-style-type: none"> <li>• To be determined in 2009/2010</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• I will consult the Development Control Manager as to when he thinks this will be carried out. <b>November 2010 – Do members consider that this should be pursued with the Development Control Manager?</b></li> <li>• Deleted at meeting on 4/11/10.</li> </ul>	<ul style="list-style-type: none"> <li>• Not yet started</li> </ul>
9. Review of guidance to members involved with the Planning process	<ul style="list-style-type: none"> <li>• To be determined in 2009/2010/11 or 2011/12 depending on the progress of the Localism Bill.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• I will consult the Development Control Manager as to when he thinks this will be carried out. <b>November 2010 – Do members consider that this should be pursued with the Development Control Manager?</b></li> <li>• 4/11/10 – defer until changes in Standards Committee’s work are known. <b>A report on the Localism Bill is on the agenda for this meeting.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Not yet started</li> </ul>
10. Review of Constitution			<p><b>Members to decide what aspects of the Constitution they wish to be reviewed in addition to the ones transferred from the Standards Committee 2010/2011 Work plan. Members should also be aware that there are proposals for change from the new Government. Details are awaited. 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.</b></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"> <li>• Ongoing</li> </ul>

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	Contracts Standing orders	<ul style="list-style-type: none"> <li>8/3/2011.</li> </ul>	<ul style="list-style-type: none"> <li>Work is continuing.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
	Financial Regulations review	<ul style="list-style-type: none"> <li>8/3/2011.</li> </ul>	<ul style="list-style-type: none"> <li>The Director of Resources is reviewing Financial Regulations</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
	Review of member Job Descriptions	<ul style="list-style-type: none"> <li>8/3/2011.</li> </ul>	<ul style="list-style-type: none"> <li>Executive members have asked that the full set be provided, including those for Scrutiny members following the introduction of the new Scrutiny arrangements. <b>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.</b></li> <li><b>8/3/11 – these have been presented to MDWG.</b></li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
	Delegation Scheme	<ul style="list-style-type: none"> <li><del>11/1/2011</del> 8/3/11</li> </ul>	<ul style="list-style-type: none"> <li><b>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.</b> 11/1/11 – this has slipped and will now be going to the March meeting of the Standards Committee.</li> <li><b>8/3/11</b> – in view of the announcement on the Strategic Alliance, it is requested that this work be suspended.</li> </ul>	<ul style="list-style-type: none"> <li><del>Ongoing</del></li> <li>suspended</li> </ul>
	Executive governance arrangements <b>NEW</b>	8/3/11	<ul style="list-style-type: none"> <li>This follows from the Council’s resolution at its meeting on the 17<sup>th</sup> 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.</li> <li>8/3/11 – there is a report on this agenda containing the proposed changes to the agenda.</li> </ul>	

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
11. Introduction of new statutory rules on Petitions into the Constitution.	•	• 3 <sup>rd</sup> August 2010.	• Completed	• Done
12. Development of the Annual Standards Committee work plan for 2011 to 2010	•	• 27/4/11.	•	• Not yet started
13. Partnership Governance arrangements and the ethical framework?	• Scoping report	•	•	• Ongoing
<del>14. Monitoring Officer Protocol with the Parish and Town Councils</del>	<del>•</del>	<del>•</del>	<del>• Members are requested to approve withdrawal in view of Government changes • Deleted at meeting on 4/11/10..</del>	<del>• Request withdrawal</del>
<del>15. Consideration of further publicity required for the Standards Committee and to publicise the work of the Standards Committee.</del>	<del>•</del>	<del>•</del>	<del>• Members are requested to approve withdrawal in view of Government changes • Deleted at meeting on 4/11/10.</del>	<del>• Request withdrawal</del>
<del>16. Annual consideration of publicity requirements for the Local Assessment of complaints against members procedures</del>	<del>•</del>	<del>•</del>	<del>• Members are requested to approve withdrawal in view of Government changes • Deleted at meeting on 4/11/10.</del>	<del>• Request withdrawal</del>

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
17. Review of Constitution User Guide	•	• <b>3/8/2010</b>	• The Head of Democratic Services is to present this at the first meeting in the new corporate year. <b>It was considered at the meeting on 3/8/2010.</b>	• 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	1	0
2009	17	13	4***	0	2	5	0	0
2010	6	6	0	0	0	0	0	0
2011	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

21<sup>st</sup> February 2011.

26 January 2011

**Lobbying success ensures councils can continue using RIPA to fight serious crime**

On 26 January 2010, the Home Secretary announced the outcomes of the Review of Counter-Terrorism and Security Powers to Parliament and details are available on the Home Office web site, together with a report by Lord Macdonald of River Glaven, who provided independent oversight of the review.

Although much of the review focused on the use of control orders, stop and search powers and detention of terrorist suspects before charge, part of the review considered councils' use of the Regulation of Investigatory Powers Act 2000 (RIPA) to undertake covert surveillance and access communications data. The Coalition Government set out the intention to "ban the use of powers in RIPA by councils, unless they were signed off by a magistrate and required for stopping serious crime". Over the summer the Local Government Group has been involved in discussions with the Home Office at a Ministerial level and with civil servants, regarding the review of counter terrorism and councils' use of RIPA. Following this lobbying the review has recommended that:

- Councils will have to get a Magistrate's approval for use of covert directed surveillance, covert human intelligence sources (CHIS) and access to communications data (i.e. billing and subscriber information) in addition to getting authorisation from a local authority senior manager and the more general oversight by elected councillors. The LG Group has said that assurances must be given that this process will be swift and that investigations will not be hindered. In urgent cases, immediate access to a Judge must be granted and all applications must be heard in private to prevent on-going operations from being undermined.
- Councils' use of RIPA to authorise directed surveillance should be confined to cases where the offence under investigation carries a maximum custodial sentence of 6 months or more. The LG Group argued that this 'serious crime' threshold should not be the higher levels of 12 months or 3 years or more, as this would have significantly restricted council's ability to tackle a wide range of regulatory offences. Councils' use of RIPA to authorise directed surveillance should be confined to cases where the offence under investigation carries a maximum custodial sentence of 6 months or more. The LG Group argued that this 'serious crime' threshold should not be the higher levels of 12 months or 3 years or more, as this would have significantly restricted council's ability to tackle a wide range of regulatory offences. This threshold will mean that councils will be unable to use directed surveillance for a number of low level anti-social behaviour offences such as dog-fouling and littering. In the interim

period, before any changes are formally implemented, councils may wish to seriously consider whether it is appropriate to authorising directed surveillance for such activities.

- The LG Group also lobbied hard to ensure that councils would be able to continue using RIPA to tackle irresponsible retailers who persistently sell alcohol and tobacco to children even though these offences have monetary fines rather than custodial sentences. We are pleased that the review recognises the importance of directed surveillance in corroborating investigations into underage sales of alcohol and tobacco and has recommended that the Government should not seek to apply the serious crime threshold in these cases.
- The serious crime threshold should not be applied to access to communications data and use of a CHIS because of their more limited use and importance in specific types of investigation which do not attract a custodial sentence.

The expectation is that the Freedom Bill will introduce the Magistrates' Courts approval process and may be laid before parliament mid-February 2011 and the 'serious crime threshold' will be introduced in secondary legislation later in the year.

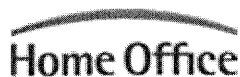
Responding to the Home Secretary's announcement on councils' future use of the Regulation of Investigatory Powers Act, Cllr Mehboob Khan, chair of the Local Government Association's Safer and Stronger Communities Board, said: "Councils should only be using covert surveillance as a last resort and any usage is always recorded and fully transparent. Hopefully this announcement will dispel the myth that all councils use RIPA for is to snoop. In certain cases, it is the only way that they can protect public safety and ensure criminals are brought to justice... Let's not forget that it is because of surveillance that councils are putting more benefits cheats and loan sharks behind bars, anti-social behaviour rates are down, serious enviro-crime is being tackled and would-be fraudsters are thinking twice about cheating the system."

A copy of the LG Group press release is available on the LGA website [here](#).

A copy of the Home Office press statement is available on their website [here](#).

## **Contact**

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Policy Officer  
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Media centre

# Review of CT powers and legislation published

Wednesday, 26 Jan 2011

New measures to rebalance Britain's counter-terrorism powers and restore British freedoms whilst protecting the public were outlined by the Home Secretary, Theresa May today.

The recommendations follow a comprehensive review of counter-terrorism powers and legislation which sought to assess whether they were necessary, effective and proportionate. Specifically, it looked at:

- how long terror suspects can be detained before being charged
- the use of section 44 stop and search
- the use of Regulation of Investigatory Powers Act (RIPA)
- the banning of groups that espouse or incite hatred or violence
- the deportation of foreign terrorists; and the control order regime

In some areas counter-terrorism and security powers were found to be neither proportionate nor necessary and today's recommendations are designed to restore British freedoms while enabling the police and security services to continue to protect the public and national security.

Home Secretary Theresa May said: 'The threat from terrorism remains serious and complex and I have always said that this government's first priority is to protect public safety and national security.'

'But for too long the balance between security and British freedoms has not been the right one.'

'The measures we are announcing today will restore our civil liberties while still allowing the police and security services to protect us.'

'They are in keeping with British traditions and our commitment to the rule of law. I also believe they will restore public confidence in counter-terrorism legislation.'

Key recommendations include:

- an end to 28 day detention without charge - returning to 14 days as the standard maximum period that a terrorist suspect can be detained before they are charged or released
- an end to the indiscriminate use of terrorism stop and search powers provided under Section 44 of the Terrorism Act 2000
- the end to the use of the most intrusive RIPA powers used by local authorities to investigate low level offences and a new requirement that all applications
- by local authorities to use any RIPA techniques are approved by a magistrate
- a commitment to rationalise the legal basis by which communications data can be acquired and, as far as possible, to limit that to RIPA
- a stronger effort to deport foreign nationals involved in terrorist activities in this country, while fully respecting our human rights obligations;



the repeal of control orders and their replacement with a more focused and targeted regime which carries restrictions similar to powers used in the civil justice system

- additional resources to the police and security agencies to underpin the effectiveness of the new regime and our commitment to prosecuting wherever possible

On pre-charge detention, the government concluded that the period terror suspects can be held before they are charged should revert to 14 days and that provision should be made in draft primary legislation for this period to be temporarily increased to 28 days only in exceptional circumstances where the government judges it is essential.

The government proposes to replace section 44 stop and search powers with a more tightly defined power allowing a senior police officer to make an authorisation for stop and search powers where they have reason to suspect a terrorist attack will take place and searches are necessary to prevent it.

The 'necessity' test replaces the less stringent threshold of 'expedient'. This targeted measure will also prevent the misuse of these powers against photographers.

On RIPA, the government will deliver the Coalition commitment to prevent local authorities from using these powers unless it is to prevent serious crime and has been authorised by a magistrate.

The government is committed to tackling those who incite or promote hatred and violence, exposing and confronting the bigoted ideology of extremists, and prosecuting those who step outside the law. After careful consideration the review recommends that it would be disproportionate to widen powers to deal with these groups as there would be unintended consequences for the principles of freedom of expression. It therefore proposes to draw upon the wide range of powers already available for tackling racial and religious hatred and public disorder as well as our work to tackle extremism and promote integration and participation.

The review also found that it is both legitimate and necessary to seek to extend arrangements with more countries to deport foreign nationals involved with terrorism.

The government is clear that prosecution, conviction and imprisonment or deportation will always be our preferred method for dealing with terrorists. But in the rare cases where that is not immediately possible, it would be irresponsible to allow these individuals to go freely about their terrorist activities. The review therefore proposes to repeal control orders and introduce a new, more focused regime.

Under the new regime:

- restrictions that impact on an individual's ability to follow a normal pattern of daily life will be kept to a minimum
- the legislation will make clearer what restrictions can and cannot be imposed
- the new measures will have a two year maximum time limit and will only be imposed by the Home Secretary with prior permission from the High Court, except in urgent cases

The Home Secretary will need reasonable grounds to believe that an individual is or has been involved in terrorism-related activity – a higher test than under the current regime – and be satisfied that it is necessary to apply measures from the regime to protect the public from a risk of terrorism

A more flexible overnight residence requirement will replace the current curfew arrangements and forcible relocation will be scrapped and replaced with the power to order more tightly-defined exclusions from particular areas and to prevent foreign travel

The government will now bring forward legislation to introduce the new regime in the coming weeks to give Parliament the opportunity to thoroughly scrutinise this legislation.

However we cannot allow the existing regime simply to lapse; to do so would remove all restrictions on the activities of the present subjects of control orders.

So while Parliament considers that legislation, we will renew the current regime until the end of the year to allow the replacement to take effect.

The review also recognised that in exceptional circumstances, additional measures may be required. Legislation will be published, but not introduced until necessary, allowing more stringent measures including curfews and further restrictions on communications, association and movement. This would require an even higher statutory test for involvement in terrorism related activity to be met – the balance of probabilities – and the legislation would be introduced to Parliament only when necessary to protect the public from a risk of terrorism.

Lord Macdonald of River Glaven has provided independent oversight of the entire CT Review process, with access to all relevant papers and playing a role in testing thinking and ensuring all the evidence is given proper attention. His report is published today alongside the CT Review report and he makes clear that he found the overall process of the review to be sound.

## Notes to editors

1. Alongside the Review of Counter-Terrorism and Security Powers: Findings and Recommendations, the Home Office is publishing a report by Lord MacDonald of River Glaven QC; a summary of the consultation responses and an impact assessment document. All the documents can be found on [this website](#).

2. The review took evidence from experts and civil society groups, from communities across the country, and from the law enforcement and security agencies and a summary of the results of this consultation have been published with the full review.

3. The review was launched in July last year and was asked to look at the issues of security and civil liberties in relation to the most sensitive and controversial security powers. The aim of the review was to ensure that the powers and measures it looked at are necessary, effective and proportionate, and meet the UK's international and domestic human rights obligations.

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## STANDARDS COMMITTEE

### AGENDA

Tuesday 8<sup>th</sup> March 2011 at 1400 hours

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
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 11 <sup>th</sup> January 2011.	3 to 7
5.	Executive Governance Arrangements.	8 to 14
6.	Members Roles and Responsibilities.	To Follow
7.	Standards Committee Workplan.	15 to 20
8.	Complaints Against Members.	21
9.	Local Government Regulation Email and Home Office Press Release regarding RIPA.	22 to 26
10.	<b>PART 2 – EXEMPT ITEMS</b> <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12.</i>	
11.	<b>Exempt Paragraph 5</b> Report on Standards Committee Hearing.	To Follow

Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 25th February 2011

Dear Sir or Madam

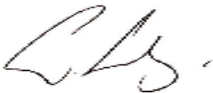
STANDARDS COMMITTEE – 8<sup>TH</sup> MARCH 2011

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

**Part One – Open Items**

Agenda Item 6 – Members Roles and Responsibilities (pages 28 to 44)  
**Recommendation on page 29.**

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



INVESTORS IN PEOPLE

Committee:	Standards Committee	Agenda Item No.:	6.
Date:	8th March 2011	Category	
Subject:	Review of Members' Roles & Responsibilities	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:			
Director	Solicitor to the Council		
Relevant Portfolio Holder			

### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

Ensuring provisions within the Constitution are fit for purpose giving clearer guidance to Members on their roles within the organisation.

### **TARGETS**

N/A

### **VALUE FOR MONEY**

N/A

### **THE REPORT**

It was decided to carry out a review of the members' job descriptions in Part 5 of the Constitution and to create a more comprehensive description of members' roles and responsibilities. The purpose of this review is to ensure that descriptions of roles and responsibilities are accurate, adequate and fit for purpose.

A critical examination of those job descriptions has taken place, using similar provisions of other councils nationwide to provide useful comparisons.

As a result the job descriptions currently included in the Constitution have been reviewed and updated to provide a more comprehensive and relevant indication of what those roles entail. This will give the relevant members greater clarification of their roles, and will provide further information allowing those members to be held to account as part of the democratic process.

The existing roles which have been reviewed are:

- Leader of the Council
- Members of the Executive
- Members of Scrutiny Committees
- Chair of the Council

It is also proposed that the list of job descriptions be expanded. This will provide clearer guidance to councillors who have important roles to play within the organisation, including the Chairs of Planning and Licensing Committees, the Leader of the Opposition and Vice-Chairs of all committees.

New job descriptions have been included for the following roles:

- All District Councillors
- Deputy Leader of the Council
- Opposition Leader
- Chair of the Scrutiny Management Board
- Chairs of Planning / Licensing Committees
- Chair of Standards Committee
- Vice-Chairs of all Committees

The attached draft roles and responsibilities have been prepared following consultation with the Solicitor to the Council, Member Development Working Group, members of Scrutiny Committee and Cabinet members.

The final approval of the Standards Committee is now sought on the draft roles and responsibilities attached to this report together with recommendation for inclusion in the Constitution by Council.

### **ISSUES FOR CONSIDERATION**

Whether to recommend the amended and additional member Job Descriptions in the Constitution.

### **IMPLICATIONS**

Financial : None  
Legal : None  
Human Resources : None

### **RECOMMENDATION(S) that;**

- (1) the draft roles and responsibilities attached are approved as drafted**
- (2) a recommendation be made to Council that the Constitution be amended to include the new roles and responsibilities as drafted**

ATTACHMENT: Y  
FILE REFERENCE: None  
SOURCE DOCUMENT: The Constitution

**BOLSOVER DISTRICT COUNCIL**

**MEMBERS' ROLES AND RESPONSIBILITIES**

## DISTRICT COUNCILLOR

### **Role Purpose**

1. To participate constructively in the good governance of the District.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery
3. To represent effectively the interests of the Ward for which the councillor was elected, and deal with constituents' enquiries and representations
4. To champion the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the council effectively, when appointed to an outside body, such as a charitable trust or association, etc.
6. To act at all times with probity and propriety in the best interest of the Council

### **Duties and Responsibilities**

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities and strategy)
2. To participate effectively as a member of any committee or Panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or Panel's) terms of reference, and its liaison with other public bodies to promote better understanding and partnership working
3. To participate in the activities of any outside body to which the Councillor is appointed, reporting back to the Council and providing two-way communication between the organisations. Also, for this purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
4. To participate in the scrutiny or performance review of the services of the authority including, where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council
5. To maintain satisfactory attendance at meetings in accordance with local requirements
6. To participate, as appointed, in consultative processes with the community and with other organisations
7. To provide a link between the authority to the community, through the various forums available
8. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority
9. To develop and maintain a working knowledge of the other organisations and services which serve the District



10. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the democratic process
11. To conduct the business of the Council within the Council and not to make inappropriate use of the written or broadcast media
12. To maintain confidentiality in all relevant Council business
13. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.
14. Not individually to seek to instruct officers and act in accordance with the Protocol on Member/Officer Relations and the Elected Member/Officer Communications Protocol at all times when dealing with officers
15. Be responsible for continuous personal development, engaging in available opportunities for training and development to build on understanding and knowledge, and to develop relevant skills.

### **Skills Required**

1. Good communication and Interpersonal skills
2. Ability to relate and deal with the public in a professional and timely manner
3. Ability to work effectively with Council officers and outside organisations
4. Community Leadership skills

## **EXECUTIVE MEMBERS**

### **Purpose**

1. To provide collective and individual leadership as part of the Executive
2. To undertake lead responsibility for allocated portfolios
3. To contribute effectively towards the strategic direction of the Council

### **Duties and Responsibilities**

1. Participate effectively as a Member of the Executive – take joint responsibility with colleague Executive Members for all actions and be accountable collectively. Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
2. To take joint responsibility for proposing the budget and policy framework to the full Council, and for discharging executive functions in accordance with the budget and policy framework
3. Shape and develop the Strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
4. Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Executive and the Council's corporate policy objectives. Champion the portfolio concerned within that strategic context.
5. Recognise the differing roles of members and officers in the Council's Constitution.
6. In connection with the portfolio:
  - a) Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
  - b) Keep abreast of related developments and policies at national, regional and local level
  - c) Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
  - d) Aim for Bolsover to be at the forefront of service development and provision where possible; take an active interest in related performance indicators and rankings, including visiting other Councils to observe examples of good practice
  - e) Represent the Executive at the Scrutiny Committee in connection with any related matter that may be requisitioned (called in) or otherwise scrutinised.
  - f) Be aware of issues of importance to the community and other stakeholders concerning portfolio services
  - g) Be aware of key budgetary issues by regular monitoring of all income and expenditure affecting the portfolio of the Executive Member

7. Represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
8. Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships.
9. Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
10. Along with colleague Executive Members and the Senior Management Team, be available as appropriate for other Members to discuss any queries or matters of concern.
11. To develop and maintain a positive and constructive relationship with the Chief Executive Officer and the Directors.
12. To positively promote the portfolio and where appropriate to act as the spokesperson with the media for that portfolio area only.

### **Skills Required**

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Bolsover
5. The ability to understand the Council's budget especially in respect of the relevant portfolio
6. Leadership skills
7. Political knowledge and awareness
8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team

**NOTE** The above duties and responsibilities are in addition to the member's role as a District Councillor

## **LEADER OF THE COUNCIL**

### **Purpose**

1. To provide effective political leadership and strategic direction for the Council.
2. To ensure effective Corporate Governance
3. To provide effective stewardship of the Council
4. To chair the Cabinet and ensure that it achieves its terms of reference
5. To ensure that the Council delivers high quality, value for money services

### **Duties and Responsibilities**

1. To provide the political leadership to the Council, including proposing the policy framework within which the Council will operate and to take such executive action as may be delegated by the authority
2. To ensure effective Corporate Governance including working with opposition groups to seek to achieve where possible cross party co-operation
3. To lead the Cabinet and be responsible for the Council's corporate and resource strategy
4. To ensure that the Cabinet achieves its terms of reference both collectively and as individual portfolio holders
5. To ensure the effective integration of roles, responsibilities and functions within the Cabinet membership
6. As Leader of the Council, to be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and the Council's Senior Management Team
7. To be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations and to positively promote the Council as a whole in the media.
8. To act as the political spokesperson for the Council
9. To promote the long term financial, business and economic stability of the Council
10. To encourage the highest standards of probity and corporate governance for the well being of the District.
11. To communicate the Administration's policies and priorities to the Senior Management Team and to receive their advice.
12. To exercise delegated powers in accordance with the Council Constitution.

### **Skills required**

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover

5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

**NOTE** The above duties and responsibilities are in addition to the member's role as a councillor and as an Executive Member

## **DEPUTY LEADER OF THE COUNCIL**

### **Purpose**

1. To assist and work with the Leader of the Council to provide effective political leadership and strategic direction for the Council.
2. To assist the Leader of the Council with their other responsibilities such as ensuring effective Corporate Governance and Stewardship of the Council and to ensure the Council delivers high quality, value for money services
3. Where appropriate and where permissible under the Council's Constitution to act in the absence of the Leader of the Council.

### **Duties and Responsibilities**

1. To assist and work with the Leader of the Council in delivering his responsibilities to the Council within his job profile
2. To deputise for the Leader of the Council in his absence from Council meetings and, if a member of Cabinet, to deputise in the Leader's absence at Cabinet meetings
3. In the Leader of the Council's absence to carry out the requirements of his job profile so far as legally possible and permissible.
4. To carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council

### **Skills required**

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

**NOTE** The above duties and responsibilities are in addition to the member's role as a councillor and as an Executive Member with portfolio

## **LEADER OF AN OPPOSITON GROUP**

### **Purpose**

1. To provide effective leadership and strategic direction for an opposition party.

### **Duties and Responsibilities**

1. To provide the leadership of an opposition party including scrutiny of the majority group's administration of the Council.
2. To act as spokesperson for the Opposition Group of which he/she is leader
3. To promote the long term financial, business and economic stability of the Council
4. To encourage the highest standards of probity and corporate governance.
5. To represent the Council's best interests on all organisations to which he/she is nominated by the Council.
6. To lead their Group in a positive, pro-active manner with a view to securing meaningful engagement for the Group in the political processes of the Council and that the Group and its individual members contribute fully to the good governance of the district.
7. To work to secure effective cross-party dialogue and co-operative working with other political Groups so far as this is consistent with the agreed political objectives of the Group.
8. To ensure that members of the Group are aware of the need to secure efficient and effective working relationships based on mutual co-operation and respect, with any officer with whom such member may need to deal, either individually or on Group business.
9. To participate in the appointment and/or performance appraisal procedures for the posts of Chief Executive and Directors.

### **Skills required**

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand the Council's budget
6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

**NOTE** The above duties and responsibilities are in addition to the member's role as a councillor.

## **CHAIR OF SCRUTINY MANAGEMENT BOARD**

### **Purpose**

1. To maintain effective liaison with the Leader of the Council and the Chief Executive to ensure that scrutiny committees contribute to effective decision-making.
2. To represent Scrutiny Management Board and be accountable to council for the actions of the scrutiny committees.
3. To ensure that overview and scrutiny is publicised and communicated to build understanding of its role both within and outside the council.
4. To represent the council at regional and national forums concerned with overview and scrutiny.

### **Duties and responsibilities**

1. To Chair the meetings of the Scrutiny Management Board.
2. To ensure that scrutiny work is properly co-ordinated between the scrutiny committees.
3. To maintain an overview of the work of all the committees in order to ensure effective co-ordination and progress of all work.
4. To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
5. To support and advise the chairs of the scrutiny committees
6. To receive all requests for scrutiny and ensure initial investigation to inform consideration at the Management Board.
7. To monitor the use of 'call-in' procedures to advise on whether the procedure is being used appropriately.
8. To maintain an overview of scrutiny in Bolsover and to learn from practice elsewhere.
9. To ensure the continuing development of scrutiny in Bolsover through improving both practice and how it is organised.
10. To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in scrutiny matters.

### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

**NOTE** The above duties and responsibilities are in addition to the member's role as a councillor.



## **CHAIRS OF SCRUTINY COMMITTEES**

### **Purpose**

1. To provide leadership of & direction to their particular Committee
2. To ensure that adequate resources (financial & officer support) are identified and sought from the Council
3. To chair Committee meetings and ensure the Committee achieves its terms of reference

### **Duties and responsibilities**

1. To ensure that Committee members lead on developing an effective work programme
2. To encourage Committee members to obtain necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary
3. To endeavour to engage all members of the Committee within the scrutiny process
4. To lead the Committee in prioritising its work so as to ensure effective scrutiny
5. To co-ordinate work with other scrutiny Committees & Chairmen and to share learning
6. To develop a constructive relationship with the Executive, especially with relevant portfolio holders
7. To develop a constructive relationship with the Directors/Heads of Service in the areas that the Committee scrutinises
8. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

**NOTE** The above duties and responsibilities are in addition to the member's role as a councillor.

## **CHAIRS OF PLANNING/LICENSING COMMITTEES**

### **Purpose**

1. To provide leadership of and direction to the Committee
2. To demonstrate to the public, applicants, objectors etc., fair and open decision making by or on behalf of the Committee
3. To ensure that adequate resources (financial and officer support) are identified and sought from the Council
4. To chair and manage Committee meetings and ensure the Committee achieves its terms of reference

### **Duties and responsibilities**

1. To ensure Committee members obtain the necessary skills and training to contribute to the work of the Committee and to work with officers to provide training if necessary
2. To endeavour to engage all members of the Committee in its activities
3. To lead the Committee, in consultation with officers, in prioritising its work
4. To develop a constructive relationship with the relevant Director and their staff and where appropriate, with relevant portfolio holders
5. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
6. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible
7. To Chair the committee in a fair and open manner in accordance with the procedures of the committee, applicants and objectors to put their arguments to the committee
8. To ensure the Committee fully considers the merits of any applications taking account of national and local policies and guidance and any other material considerations
9. To guide, with the assistance of officers, the committee to reach decisions based on the information presented to it
10. Where necessary, to act as witness for the Council at any court hearing, tribunal or other appeal against a decision made by that Committee

### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and excellent chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
5. Ability to work as part of a team

**NOTE** The above duties and responsibilities are in addition to the member's role as a Councillor

## **CHAIR OF THE COUNCIL**

### **Role Purpose**

1. To chair meetings of the Council
2. To act as the civic representative of the Council
3. To provide civic leadership to the Council and local communities; and
4. To fulfil all other requirements of the Constitution relative to the role of chairman.

### **Duties and Responsibilities**

1. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Cabinet or hold Committee Chairs are able to hold the Cabinet and Committee Chairs to account
2. To represent the Council to the local community for example the local business community, local partnerships, opening schools, presenting awards, and attending meetings and events of local societies and clubs.
3. To represent the interests of the Council locally, regionally and nationally and undertaking such representative duties as may be required and acting as an advocate for the Council and local communities.
4. To lead the work of the Council and encouraging members to work together as a team for the benefit of the Council, its communities and stakeholders.
5. To liaise with the Chief Executive Officer and other officers on a regular basis through Senior Management Team and otherwise and the Customer Service and Performance Department in its acceptance or otherwise of invitations, transport and other arrangements.
6. To lead by example and achieve the highest standards of probity in public life and in all matters relating to the Council's Code of Conduct, other Protocols and Codes and Ethics rules generally.

### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and excellent chairmanship skills
3. Time management skills

## VICE-CHAIRS OF ALL COMMITTEES

### **Role Purpose:**

1. To deputise for the Chair of the relevant Committee in his/her absence;
2. To provide support to the Chair of the relevant Committee

### **Duties and Responsibilities**

1. To provide leadership of and direction to the Committee in the absence of the Chair
2. To undertake such tasks and responsibilities as are allocated to him/her by the Chair of the relevant Committee and in keeping with the Terms of Reference of the relevant Committee;
3. To otherwise assist the Chair-in his/her role and attend relevant meetings with Officers, Elected Members, organisations and members of the public (as necessary) so as to further the Terms of Reference of the relevant Committee.

### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and excellent chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
5. Ability to work as part of a team

**NOTE** The above duties and responsibilities are in addition to the member's role as a Councillor

*The following role profile included although it relates to a role which is not undertaken by an elected Councillor, but by a layperson who is independent from the Council:*

### **CHAIR OF STANDARDS COMMITTEE**

#### **Role Purpose**

1. To chair the Standards Committee in accordance with its terms of reference
2. To chair panels dealing with allegations of breach of the Council's Code of Conduct.

#### **Duties and responsibilities**

1. To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics
2. To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on Bolsover District Council and on parish and town councils in the area
3. To advise officers on the content of the agenda for Committee meetings
4. To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee
5. To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance and on an entirely apolitical basis
6. To act as a spokesperson for the Standards Committee
7. To present any reports or findings to the relevant bodies within the Council
8. To establish and maintain the necessary knowledge and understanding of the Council's structures and processes to facilitate this role
9. To ensure that Members and co-opted Members of the Council receive the continuous development and training they require on matters relating to the Council's Code of Conduct

#### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and excellent chairmanship skills
3. Time management skills
4. Assimilating and analysing complex and contradictory information
5. Obtaining and weighing up evidence and making decisions based on that evidence
6. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
7. Ability to work as part of a team