

STANDARDS COMMITTEE

**TUESDAY
19TH APRIL 2011
AT 1400 HOURS IN
ROOM F49**

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Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 7th April 2011

Dear Sir or Madam,

You are hereby summoned to attend a Standards Committee meeting of the Bolsover District Council to be held in Room F49, Sherwood Lodge, Bolsover, on Tuesday 19th April 2011 at 1400 hours.

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

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

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

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

You will find the contents of the agenda itemised on page 28.

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 8th March 2011 at 1400 hours.

Moved by Councillor A.M. Syrett, seconded by Councillor H. Gilmour
RESOLVED that the meeting be adjourned for ten minutes to allow Members time to read the circulated reports.

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, V.P. Mills and A.M. Syrett.

Officers:-

S. E. A. Sternberg (Solicitor to the Council and Monitoring Officer), A. Turner (Deputy Monitoring Officer) and A. Bluff (Democratic Services Officer).

J. Yates – In the Chair

909. APOLOGY

An apology for absence was received from J. M. Hill.

910. URGENT ITEMS

There were no urgent items of business to consider.

911. DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
920	Councillor H. J. Gilmour	Personal

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912. MINUTES – 11th JANUARY 2011

Moved by Councillor M. J. Dooley, seconded by Councillor H. J. Gilmour
RESOLVED that the minutes of a meeting held on 11th January 2011 be approved as a correct record.

913. MATTERS ARISING

Minute Number 699 – Localism Bill

The Solicitor to the Council advised the meeting that at Council on 16th February 2011, it had been agreed that Standards Committee would remain in its current format and Council would reconsider the situation in 12 months once the Localism Bill has been enacted.

(Solicitor to the Council / Head of Democratic Services)

914. EXECUTIVE GOVERNANCE ARRANGEMENTS

The Solicitor to the Council presented a report which gave details that Council had decided to move to a new form of Executive Leader and Cabinet model of governance, which is referred to as the “Strong Leader” model. This decision had been made in accordance with legislation, (the Local Government and Improvement in Health Act 2007), and also following consultation.

Committee’s approval was sought whether to recommend to Council that necessary changes to the Constitution, as shown in the Appendix attached to the report, should be approved and published on the web site in accordance with the legislation.

Members asked questions.

Moved by Councillor H. J. Gilmour, seconded by R. Jaffray
RECOMMENDED that the changes to the Constitution as listed in the Appendix be recommended to Council for approval.

(Solicitor to the Council / Head of Democratic Services)

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915. MEMBERS' ROLES AND RESPONSIBILITIES

The Deputy Monitoring Officer presented a report which gave details of a review that had been undertaken of members' job descriptions in Part 5 of the Council's Constitution.

A critical examination of those job descriptions had taken place using similar provisions of other councils nationwide to provide useful comparisons. This would give the relevant members greater clarification of their roles and would provide further information allowing those members to be held to account as part of the democratic process.

Existing roles which had been reviewed were;

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

It was also proposed that the list of job descriptions be expanded and new job descriptions 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

Committee's approval was sought as to whether to recommend to Council the amended and additional member job descriptions in the Constitution.

Members raised questions and a short discussion took place.

D. Wright referred to item 6 under 'duties and responsibilities' in the Chair of the Council's job description and stated that all members job descriptions, including the Leader's, should state "demand standards" and that there should be uniformity between the job descriptions.

A short discussion took place.

The Deputy Monitoring Officer advised the meeting that he would refer the report back to the author for checking of any further generic points and update Standards Committee at the next meeting.

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Moved by Councillor A. M. Syrett, seconded by D. J. Wright

RESOLVED that the draft roles and responsibilities be approved,

RECOMMENDED that the Constitution be amended to include the new roles and responsibilities as drafted and submitted to Council for approval.

(Solicitor to the Council / Head of Democratic Services)

916. STANDARDS COMMITTEE WORK PLAN

The Solicitor to the Council presented information in relation to the Standards Committee Work plan and advised the meeting of minor changes that had been made.

Moved by J. Yates, seconded by Councillor H.J. Gilmour

RESOLVED that the report be noted.

917. COMPLAINTS AGAINST MEMBERS

The Solicitor to the Council presented information in relation to complaints made against Members. It was noted that no additional complaints had been made since the last meeting.

Moved by J. Yates, seconded by Councillor H.J. Gilmour

RESOLVED that the report be noted.

918. LOCAL GOVERNMENT REGULATION EMAIL AND HOME OFFICE PRESS RELEASE REGARDING RIPA

The Solicitor to the Council presented information in relation to councils' use of RIPA (Regulation of Investigatory Powers Act 2000) for covert surveillance.

The information had been received via email from Local Government Regulation News.

The Deputy Monitoring Officer advised the meeting that investigations into benefit fraud were sometimes carried out jointly with the DWP (Department for

STANDARDS COMMITTEE

Work and Pensions) who would apply to the magistrates' court for approval of use of covert surveillance.

Moved and seconded.

RESOLVED that the report be noted.

919. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor M.J. Dooley, seconded by D.J. Wright

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.

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

920. REPORT ON STANDARDS COMMITTEE HEARING EXEMPT PARAGRAPH 5

The Deputy Monitoring Officer presented a report reviewing the proceedings at the Standards Committee Hearing held on 19th November 2010.

Members asked questions and discussion took place.

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

RESOLVED that (1) the report be received,

(2) the content of the report be noted.

The meeting concluded at 1510 hours.

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	1	0		1				

* 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

4th April 2011.

STANDARDS COMMITTEE WORK PLAN 2010/11

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

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"> • District Councillors • Parish Councillors • Monitoring of attendance 	<ul style="list-style-type: none"> • progress reports at each meeting 	<ul style="list-style-type: none"> • The Member Development Working Group (MDWG) is currently putting this together. It includes a session on the first day on the ethical framework. Members are requested to say what contribution they wish to make to this. • 4/4/11 – this has now been put together. A copy of the first day agenda has been attached to this report. 	<ul style="list-style-type: none"> • Ongoing Done.
6. Annual Reports -	<ul style="list-style-type: none"> • Year end number of complaints against District and Parish Councillors received by the Standards Board • Gifts and hospitality Registers • RIPA 	<ul style="list-style-type: none"> • 27/4/2011 • 27/4/2011 • 27/4/2011. 	<ul style="list-style-type: none"> • The complaints report elsewhere on the agenda gives the end of year figures for complaints against District and Parish Councillors • Request that this be reported to the first meeting in the new Corporate Year. • Request that this be reported to the first meeting in the new Corporate Year. 	<ul style="list-style-type: none"> • Ongoing • Request deferral to 2011/2012 work plan. • Request deferral to 2011/2012 work plan.
7. Liaison meetings	<ul style="list-style-type: none"> • Meeting of Chairman with District Council's CEO 	<ul style="list-style-type: none"> • 27/4/2011 	<ul style="list-style-type: none"> • This meeting is fixed for the 19th April 2011 immediately before this meeting. 	<ul style="list-style-type: none"> • Not yet started

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	<ul style="list-style-type: none"> Meeting of Chairman with each of the 3 political parties' Leaders 	<ul style="list-style-type: none"> 4/11/2010 	<ul style="list-style-type: none"> These have been completed and were reported to the last meeting. 	<ul style="list-style-type: none"> DONE
8. Planning probity work	<ul style="list-style-type: none"> To be determined in 2009/2010 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> I will consult the Development Control Manager as to when he thinks this will be carried out. November 2010 – Do members consider that this should be pursued with the Development Control Manager? Deleted at meeting on 4/11/10. 	<ul style="list-style-type: none"> Not yet started
9. Review of guidance to members involved with the Planning process	<ul style="list-style-type: none"> To be determined in 2009/2010/11 or 2011/12 depending on the progress of the Localism Bill. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> I will consult the Development Control Manager as to when he thinks this will be carried out. November 2010 – Do members consider that this should be pursued with the Development Control Manager? 4/11/10 – defer until changes in Standards Committee's work are known. A report on the Localism Bill is on the agenda for this meeting. Request transfer to 2011/2012 work plan 	<ul style="list-style-type: none"> Not yet started Request deferral to 2011/2012 work plan.
10. Review of Constitution			<p>Members to decide what aspects of the Constitution they wish to be reviewed in addition to the ones transferred from the Standards Committee 2010/2011 Work plan. Members should also be aware that there are proposals for change from the new Government. Details are awaited.</p> <p>November 2010 – it is expected that the Government will do away with the rigid statutory requirements for the Constitution. However this still leads requirements for some parts of the Constitution including:- the Delegation Scheme, Contracts Standing Orders, Financial regulations, Council Procedure Rules. We await how the Government intends to deal with this.</p>	<ul style="list-style-type: none"> Ongoing

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
			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.	
	Contracts Standing orders	<ul style="list-style-type: none"> • 8/3/2011. 	<ul style="list-style-type: none"> • Work is continuing. This is expected to be ready for members at the first Standards Committee in the new Corporate Year. Request transfer to new 2011/2012 work plan. 	<ul style="list-style-type: none"> • Ongoing Request deferral to 2011/2012 work plan.
	Financial Regulations review	<ul style="list-style-type: none"> • 8/3/2011. 	<ul style="list-style-type: none"> • The Director of Resources is reviewing Financial Regulations. 4/4/11 – the Director of Resources is hoping to start the process of considering the reviewed Financial Regulations so that they are considered at the same time as Contract Standing Orders. 	<ul style="list-style-type: none"> • Ongoing Request deferral to 2011/2012 work plan.
	Review of member Job Descriptions	<ul style="list-style-type: none"> • 8/3/2011. 	<ul style="list-style-type: none"> • Executive members have asked that the full set be provided, including those for Scrutiny members following the introduction of the new Scrutiny arrangements. November 2010 – drafting of additional JDs for Scrutiny Councillors is nearly complete. They will then be going back to Cabinet and MDWG before coming here. • 8/3/11 – these have been presented to MDWG. • 4/4/11 – these are on the agenda for Council on 13th April 2011. 	<ul style="list-style-type: none"> • Ongoing Done
	Delegation Scheme	<ul style="list-style-type: none"> • 11/1/2011 8/3/11 	<ul style="list-style-type: none"> • November 2010 – The draft delegation for member of SMT is to go to Cabinet before coming to this Committee in January. The rest of the delegation Scheme is being amended – part has been presented today. 11/1/11 – this has slipped and will now be going to the March meeting of the Standards Committee. • 8/3/11 – in view of the announcement on the Strategic Alliance, it is requested that this work be suspended. 	<ul style="list-style-type: none"> • Ongoing • suspended

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	Executive governance arrangements NEW	8/3/11	<ul style="list-style-type: none"> This follows from the Council's resolution at its meeting on the 17th December 2010 under the Local Government and Public Involvement in Health Act 2007 to adopt one of two political management arrangements for the Executive – the Leader and Cabinet model. Changes are required to the Constitution and these must be publicised. 8/3/11 – there is a report on this agenda containing the proposed changes to the agenda. 4/4/11 – Council has approved these. 	<ul style="list-style-type: none"> Done
11. Introduction of new statutory rules on Petitions into the Constitution.	•	• 3 rd August 2010.	<ul style="list-style-type: none"> Completed 	<ul style="list-style-type: none"> Done
12. Development of the Annual Standards Committee work plan for 2011 to 2010	•	• 27/4/11.	<ul style="list-style-type: none"> 4/4/11 - This is an item on this agenda. Members are requested to identify any items when that agenda item is considered. 	<ul style="list-style-type: none"> Not yet started. Ongoing
13. Partnership Governance arrangements and the ethical framework?	<ul style="list-style-type: none"> Scoping report 	•	<ul style="list-style-type: none"> Request this is suspended until the requirements of the Localism Bill are known. 	<ul style="list-style-type: none"> Ongoing. Suspended.
14. Monitoring Officer Protocol with the Parish and Town Councils	•—	•—.	<ul style="list-style-type: none"> Members are requested to approve withdrawal in view of Government changes Deleted at meeting on 4/11/10.. 	<ul style="list-style-type: none"> Request withdrawal
15. Consideration of further publicity required for the Standards Committee and to	•—	•—	<ul style="list-style-type: none"> Members are requested to approve withdrawal in view of Government changes Deleted at meeting on 4/11/10. 	<ul style="list-style-type: none"> Request withdrawal

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

December 2010

MEMBER INDUCTION

16th May 2011

TIME	VENUE		
09.00	Council Chamber	Welcome & Introduction	Wes Lumley - Chief Executive Officer
09.30	Council Chamber	Training – see next schedule	Sarah Sternberg – Solicitor to the Council Alan Turner – Legal and Standards Officer Kath Whittingham – Head of Democratic Services Lorraine Johnson – Payroll Manager
11.00	Outside the Council Chamber	Group photo	Scott Chambers - Communications Officer
11.15	Outside the Council Chamber	Coffee	
11.30	Outside the Council Chamber	Individual Press photos	Scott Chambers - Communications Officer
12:00	Chief Executive's Office	Sign the declaration of acceptance and issue of Core Keys	Wes Lumley, Chief Executive Officer Sarah Sternberg – Solicitor to the Council
12.30	Downstairs Atrium/Members Room	Buffet lunch	All Members, Senior Management Team and Heads of Services

16TH MAY 2011

Training Schedule in Council Chamber at 0930 am

<u>Training</u>	<u>Officer</u>
Standards and Code of Conduct	Alan Turner – Legal and Standards Officer
Register of Interests	&
Gifts and Hospitality	Sarah Sternberg – Solicitor to the Council
Constitution	
Localism Bill	
Law and Conduct at meetings.	
Access to Information	
Exempt Business	
Claiming Expenses	Linda Keeling – Head of Human Resources and Payroll & Lorraine Johnson – Payroll Manager
Meetings – Council Structure	Kath Whittingham – Head of Democratic Services
Recording of Meetings	
Training for Members	

STANDARDS COMMITTEE WORK PLAN 2011/12

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee		<ul style="list-style-type: none"> • 		
2. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> • District Councillors • Parish Councillors • Monitoring of attendance 	<ul style="list-style-type: none"> • progress reports at each meeting 		
3. Annual Reports -	<ul style="list-style-type: none"> • Year end number of complaints against District and Parish Councillors received by the Standards Board • Gifts and hospitality Registers • RIPA 	<ul style="list-style-type: none"> • 20/6/2011 • 20/6/2011 • 20/6/2011. 	<ul style="list-style-type: none"> • • • 	

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
4. Liaison meetings	<ul style="list-style-type: none"> • Meeting of Chairman with District Council's CEO • Meeting of Chairman with each of the 3 political parties' Leaders 	<ul style="list-style-type: none"> • • 	<ul style="list-style-type: none"> • • 	
5. Review of guidance to members involved with the Planning process	<ul style="list-style-type: none"> • To be determined in 2011/12 depending on the progress of the Localism Bill. 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	
6. Review of Constitution			<ul style="list-style-type: none"> • This is dependent on the progress of the Localism Bill. Changes will be required to the Constitution at that point. 	
	Contracts Standing orders	<ul style="list-style-type: none"> • 20/6/2011. 	<ul style="list-style-type: none"> • 	
	Financial Regulations review	<ul style="list-style-type: none"> • 20/6/2011 	<ul style="list-style-type: none"> • 	

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	Delegation Scheme	•	• This is dependent upon the Strategic Alliance and progress with arrangements.	
7. Development of the Annual Standards Committee work plan for 2012 to 2013	•	• 27/4/11.	• This is dependent on the Council's decision following the enactment of the Localism Bill.	
8. Partnership Governance arrangements and the ethical framework?	• Scoping report	•	• Request this is suspended until the requirements of the Localism Bill are known.	
9. Review of Constitution User Guide	•	•	• This is dependent on the changes to be made by the Localism Bill.	

April 2011



MAINTAINING HIGH ETHICAL STANDARDS IN LOCAL GOVERNMENT

The Localism Bill published on 13th December contains proposals to abolish the Standards for England regime. Whilst subject to Parliament approving the necessary legislation, the changes can be summarised as Standards for England (formally the Standards Board for England) ceasing to operate, councils no longer being required to have a local standards committee, the national code of conduct for elected members being dispensed with and council's being allowed to adopt voluntary codes of conduct.

Following the abolition of the standards regime, councils will no longer have a single body of law to refer to for dealing with elected member conduct but will, instead, be able to call upon a range of remedies, including existing criminal and civil law provisions and those provisions contained in the Localism Bill. This paper seeks to summarise the proposals contained within the Bill and outline those provisions available to authorities to call upon. The paper covers the following:

- Summary of changes proposed in the Bill
- The position of the Nolan Principles
- Registering interests
- Fiduciary duty of councillors
- Criminal and civil law including discrimination and electoral offences
- Local Government Ombudsman
- Audit Commission powers
- The common law position of bias, predisposition and predetermination

The Local Government Group acknowledges the valuable contributions of the senior members of the Association of Council Secretaries and Solicitors (ACSeS) in helping to produce this paper.

SUMMARY OF CHANGES PROPOSED IN THE BILL

The proposals outlined in the Bill are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities will be revoked
- The requirement for local authorities to have standards committees will be abolished
- Standards for England will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.
- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members
- Elected members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The government intends that wilful failure to comply with these requirements will constitute a criminal offence.
- The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.
- The requirement for councils to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

It is anticipated that the Bill will receive Royal Assent in late 2011. The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent.

This means that until the appointed day, an allegation of misconduct can be made but that after the appointed day no further allegations of misconduct can be made under the Standards for England regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures are to be put in place to address this and the way in which they will operate is detailed in the following paragraphs:

- Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that these would be properly dealt with. It also provides an elected member who has had an allegation made against them with the opportunity to clear their name.
- The government proposes that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.
- Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date. The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).
- The government proposes that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards committee could do, for instance, is to issue a councillor with a censure or a request that they undergo training.

THE NOLAN PRINCIPLES

The **Committee on Standards in Public Life** is an advisory non-departmental public body established in 1994. The Committee's landmark First Report published in 1995 established *The Seven Principles of Public Life* often described as the Nolan Principles.

The Seven Principles of Public Life are:-

- **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

- **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** - Holders of public office should promote and support these principles by leadership and example.

Whilst it is anticipated that the statutory principles will be repealed, they have the potential to continue to be utilised more informally by people looking to develop their understanding of the standards expected of those in public office.

FIDUCIARY DUTY OF COUNCILLORS

A councillor is treated as a trustee of council assets, with a fiduciary duty to apply those assets in the public interest. Where a councillor abuses that trust, for example by disposing of those assets for personal gain, he/she can be held liable for the resulting loss - as with the House of Lords landmark ruling against Dame Shirley Porter in her capacity as Leader of Westminster City Council.

REGISTERING INTERESTS

The Local Government Act 2000 requires each councillor to make a declaration of his or her interests and to ensure that any addition or amendment to that declaration is made within 28 days of any change occurring in relation to his or her interests. The Bill intends to strengthen this by making it a criminal offence for a councillor to fail to register a relevant interest or withdraw for a personal interest, although the scope of this offence awaits Regulations.

CIVIL LAW

As councillors do not enjoy legal privilege they are subject to the same laws of **libel and slander** as the rest of the population. However, a council cannot itself be libelled so this remedy would only be available for the individual claiming they have been libelled or defamed rather than the authority itself.

Misfeasance in public office is a cause of action in the civil courts. It is an action against the holder of a public office, alleging in essence that the office-holder has misused or abused his power. There are two types of misfeasance in public office. One, known as 'targeted malice', occurs when a public office holder intentionally abuses his or her position with the motive of inflicting damage upon the claimant. The second is termed 'untargeted malice' and is committed by a public office holder who acts knowing that he/she has no power to undertake the act complained of.

EQUALITIES AND DISCRIMINATION LAW

Other civil law remedies would be available to individuals, but not councils, in the area of **equalities and discrimination law** for unlawful discrimination. Discrimination law governs the right of individuals not be treated less favourably than others on grounds that include sex, race, religion, sexual orientation, age and disability. It also deals with the duty of public bodies to promote equality although the coalition government have announced that they are to repeal the social-economic duty on council's enacted in the Equalities Act 2010.

Councillors may, of course, be specifically named as a party to proceedings by claimants in discrimination proceedings.

CRIMINAL LAW

A councillor sentenced to a term of imprisonment of not less than 3 months is disqualified from office by virtue of **Section 80 of the Local Government Act 1972**.

A councillor using their position to support or influence a planning application for a project or venture that they have a financial interest in or otherwise using their position for self financial gain would be committing an offence under the **Fraud Act 2006**. Conviction under this Act carries a maximum penalty of 10 years imprisonment or an unlimited fine or both

The **Bribery Act 2010** provides a legal framework to combat bribery in the public (or private) sectors. It replaces the fragmented and complex offences at common law and those previously contained in the Prevention of Corruption Acts 1889-1916

The new Act creates two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting of an advantage in a public office. Again, the maximum penalty for individuals is 10 years' imprisonment or a fine, or both

The Crown Prosecution Service, rather than councils, would decide whether there was sufficient evidence to prosecute for criminal offences.

ELECTORAL OFFENCES

The relevant legislation relating to electoral offences can be found in the:

- The Representation of the People Act 1983 (the Act)
- The Representation of the People Act 1985
- The Political Parties, Elections and Referendums Act 2000
- The Electoral Administration Act 2006 ("EAA")

There are a number of electoral offences specified in the Representation of the People Act 1983 and 1985, with the key ones being:

Undue influence: Where an individual, directly or indirectly, makes use of or threatens to make use of force, violence or restraint; or inflicts or threatens to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. This offence has been modified by the Electoral Administration Act to extend the effect of it to include intention and not just where an act has taken place. A

person may be guilty of undue influence if they impede or prevent, or intend to impede or prevent, the free exercise of the franchise of an elector.

Bribery: Where any individual, directly or indirectly, gives any money to any voter, in order to induce any voter to vote or not to vote for a particular candidate, or to vote or refrain from voting.

Treating: Where either before, during or after an election, any person, directly or indirectly, gives or provides (or pays wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence corruptly any voter to vote or refrain from voting.

Personation: Where any individual votes as someone else (whether that other person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or proxy. Further, the individual voting can be deemed guilty of personation if they vote on behalf of a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force.

Postal and proxy voting: Where an individual applies for a postal or proxy vote as some other person, otherwise makes a false statement in connection with an application for a postal or proxy vote, requests an Electoral Registration Officer or a Returning Officer to send a postal vote or associated communication to an address which has not been agreed by the person entitled to vote, or causes a postal or proxy voting communication not to be delivered to the intended recipient.

False information in nomination papers: Where a person gives false information in a nomination paper or in their consent to nomination, they are guilty of a corrupt practice.

False information in relation to registration: Where an individual, for any purpose in connection with the registration of electors, provides false information to the Electoral Registration Officer in connection with the registration of electors, that person is guilty of offence.

The Electoral Administration Act 2006 created two new offences which are:

Supplying false information to the Electoral Registration Officer, and

Making fraudulent application for a postal vote

The majority of electoral offences carry a maximum penalty of 1 or 2 years imprisonment or an unlimited fine.

AUDIT COMMISSION FOR LOCAL AUTHORITIES

Whilst powers of surcharge were abolished under the **Local Government Act 2000** an auditor appointed by the Audit Commission under the **Audit Commission Act 1998** will continue to play their role in investigating financial impropriety in local government and can recover financial losses from individuals councillors on the basis that he or she is responsible for the authority incurring unlawful expenditure. It is yet to be seen whether this power will be transferred to another body given the government's announced abolition of the Audit Commission.

LOCAL GOVERNMENT OMBUDSMAN

The Local Government Ombudsman was set up to investigate maladministration causing injustice. The law does not define maladministration but the Local Government Ombudsman currently defines its' mandate as follows:

"We can consider complaints about things that have gone wrong in the way a service has been given or the way a decision has been made, if this has caused problems for you"

Individual or collective actions or failings of councillors may amount to maladministration.

The government has announced that it intends to give the Local Government Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, greater influence. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

BIAS, PREDISPOSITION AND PREDETERMINATION

This is a complex area of common law (i.e. judge-made law) that has implications for councillors individually and councils. It is wrong, therefore, to associate such matters exclusively as having been caused by Standards for England or as a direct result of the introduction of the standards regime under the Local Government Act 2000.

The long established legal position is that a councillor may not be party to decisions in relation to which he/she either is actually biased (in the sense that he/she has a closed mind and has pre-determined the outcome of the matter to be decided irrespective of the merits of any representations or arguments which may be put to him/her) or gives an appearance of being biased, as judged by a reasonable observer.

A finding of bias and/or predetermination can make a decision unlawful with costs and reputational implications for councils and the First-tier Tribunal (Local Government Standards, England (formerly the Adjudication Panel for England) has held that such a finding could be a breach of Paragraph 5 of the current code of conduct which could lead to the disqualification of a councillor.

The Localism Bill aims to clarify the rules on pre-determination and bias: the Bill provides that an indication by a councillor that he takes a particular view on a matter is not to be taken as evidence of a closed mind. The intention is that the normal activities of a councillor, such as campaigning, talking with constituents, expressing views on local matters and seeking to gain support for those views, should not lead to an unjust accusation of having a closed mind on an issue that can lead to a legal challenge. The government claims that that this will give councillors the assurance that they can campaign, discuss and vote on issues with confidence and so encourage more people to stand in local elections. In practice, the Court of Appeal has already asserted that such activities will not preclude participation in decision-making, unless the councillor is so committed that they are not even prepared to listen to the evidence, but courts may fret that, where a councillor says that he has a closed mind on a matter, the court cannot take this assertion into evidence;

The government previously announced that a power of electoral recall of councillors is also being proposed to allow for the removal of councillors mid term for cases of 'serious misconduct'; although this has also not been included in the Localism Bill.

MISCELLANEOUS

It will remain open to councils to agree local arrangements whereby councillors could be censured for breaching local codes of conduct and other local protocols; including other activity regarded as inappropriate and to remove councillors from committees, outside bodies and other appointments, when appropriate. Whilst there will be a need for local authorities to reflect constitutional changes as a result of abolition of the current standards regime, other local protocols covering, for example, member/officer relations and guidelines regarding use of council resources, will continue to have effect and be subject to any local sanctions adopted by individual councils, though there will be no statutory sanctions against an offending member and therefore no powers to suspend or disqualify councillors.

FURTHER CONTACT

Chris Bowron, Local Government Group e-mail – chris.bowron@local.gov.uk

STANDARDS COMMITTEE

AGENDA

Tuesday 19th April 2011 in Room F49

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interests in respect of:- a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and, if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on Tuesday 8 th March 2011.	3 to 7
5.	Complaints to the Standards Board.	8
6.	Standards Committee Work Plan 2010/11.	9 to 16
7.	Standards Committee Work Plan 2011/12.	17 to 19
8.	Constitution Amendment Report.	To Follow
9.	ACSES Paper – Maintaining high ethical standards in Local Government.	20 to 27
10.	Recruitment of Parish Council Representatives to Standards Committee.	Verbal Report
11.	Report on the meeting of the Chairman with the Chief Executive Officer.	Verbal Report

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 8th April 2011

Dear Sir or Madam

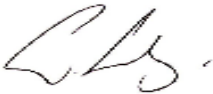
STANDARDS COMMITTEE – TUESDAY 19TH APRIL 2011

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

Part One – Open Items

Agenda Item 8 – Constitution Amendment Report (Pages 29 to 31).

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



CONSTITUTION REVIEW – April 2011.

Page No. and Paragraph	Proposed Changes	Comment
Page 73, Part 3 Responsibility for Functions	Change the title of the Arts and Leisure Portfolio Holder to Social Inclusion Portfolio Holder.	It is felt that the equalities and diversity part of the message is being lost with the current title. This would be strengthened with the change.
Page 398, Part 5.5 Elected Member/Officer Communication Protocol	Clarification of the Communications Protocol. Where a ward resident raises a complaint or problem with a councillor that complaint or problem should be raised via the CRM or “eyes and ears” in accordance with the existing Communications Protocol. The clarification to be added is that where that has failed to produce a result (in the councillor’s view) the councillor should then raise the matter with the relevant Portfolio Holder who will take the matter to the relevant Director.	To give an acceptable route for dealing with member issues.
Page 141 (viii), Part 4.1 Council Procedure Rules	Delete the approval of the meeting schedule from the Annual Council Meeting agenda.	At present, the draft meeting schedule is put to Council for their information some time in February or March, so that members have some knowledge of the future meetings. Approving the meeting schedule at the Annual Meeting is too late for these purposes. It is therefore proposed that the meeting schedule is formally approved in January each year – more or less in tandem with the budget.
Page 117 (iii) Part 3.7 Joint Arrangements - Joint Working Consultation Forum	Delete this paragraph	This Forum has now been disbanded and other mechanisms are being used for the consultation.

Page 180, Part 4.3 Budget and Policy Framework Procedure Rules And Page 34, Article 4 – The Council	Delete Best Value Performance Plan from the list of policies forming part of the Budget and policy Framework.	This is no longer required.
Page 180 onwards, Part 4.3 Budget and Policy Framework Procedure Rules	Amend all references to “Scrutiny Committee” to references to all 3 Scrutiny Committees and references to matters being sent to the relevant Scrutiny Committee.	To reflect the fact that there are now 3 Scrutiny Committees.
Page 184, Part 4.3.5 Urgent Decisions Outside the Budget and Policy Framework	In (a) second bullet point, change to refer to the Chairs of the 3 Scrutiny Committees. (b) Change to refer to the Chairs of the 3 Scrutiny Committees. Where it refers to the consent of the Chairman of Scrutiny Committee, change to refer to the consent of the Chairmen of the 3 Scrutiny Committees and in the absence of all 3 the Chairman of the Council	To reflect the fact that there are now 3 Scrutiny Committees.
Page 172, Access to Information Procedure Rules	In 4.2.15 (b) change to refer to the CEO informing the Chairs of the 3 Scrutiny Committees.	To reflect the fact that there are now 3 Scrutiny Committees.
Page 173, Access to Information Procedure Rules	In 4.2.16 change to refer to the consent of the Chairs of the 3 Scrutiny Committees being obtained to the decision being considered by the Executive.	To reflect the fact that there are now 3 Scrutiny Committees.
Page 39, Article 6 – Scrutiny Committee	Amend 6.1 to read:- “The Council will appoint 3 Scrutiny Committees and a Scrutiny Management Board to discharge....” Amend 6.2 to read:-	To reflect the fact that there are now 3 Scrutiny Committees.

	<p>“Within the Terms of Reference, the 3 Scrutiny Committees have the following functions.....”</p> <p>Amend 6.3 to read:-</p> <p>“(1) <u>Policy Development and Review</u> Each of the 3 Scrutiny Committees may.....”</p> <p>And later in this clause change to refer to the 3 Scrutiny Committees</p> <p>Add to the end of 6.3 (1):-</p> <p>“Each Scrutiny Committee on completing a Review must forward the Review to the Scrutiny Management Board for consideration. The Scrutiny Management Board will consider and refer to Executive.</p> <p>Amend 6.3 (3) to read:-</p> <p>“The Chair of the Scrutiny Management Board must report annually.....”</p> <p>Amend 6.4 to:-</p> <p>“Each of the 3 Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.”</p>	

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 12th April 2011

Dear Sir or Madam

STANDARDS COMMITTEE – TUESDAY 19TH APRIL 2011

I refer to your recently circulated agenda for the above meeting and now enclose an additional urgent item of business:-

Open item

Sheffield City Region Local Enterprise Partnership (LEP) Membership
(Pages 32 to 39).
Recommendation 3 on page 32.

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



**1002. SHEFFIELD CITY REGION LOCAL ENTERPRISE PARTNERSHIP
(LEP) MEMBERSHIP**

The Economic Development and Investment Manager presented the report to advise Members of governance arrangements for the Sheffield City Region Housing and Regeneration Board and to seek agreement for full Membership of the Sheffield City Region LEP. It was added that this complemented Bolsover District Council's aspirations for job creation, regeneration and inward investment.

Members' attention was drawn to the six priorities for collective action endorsed by the Board.

Moved by Councillor A.F. Tomlinson, seconded by Councillor J.E. Bennett

RESOLVED that 1) Members note the governance arrangements for the SCR including the SCR Board membership and Terms of Reference (Appendix A and B);

2) delegated power be given to the Leader to give Bolsover District Council's approval to the LEP Action Plans for the SCR for the period 2011-15, as appropriate;

3) the Standards Committee be recommended to include the delegation in the Members' Delegation Scheme in the Council's Constitution;

4) the Council agrees to full membership of the SCR LEP under the Terms of Reference (Appendix B), and delivery of the priorities set out in the Action Plans.

REASON FOR DECISION: To enable business investment to support growth in the local economy and encourage an entrepreneurial culture to maximise sustainable employment opportunities.

(Head of Regeneration/Solicitor to the Council/Head of Democratic Services)

Committee:	Executive	Agenda Item No.:	15.
Date:	4 th April 2011	Category	
Subject:	Sheffield City Region Local Enterprise Partnership (LEP) Membership	Status	Open
Report by:	Economic Development & Investment Manager		
Other Officers Involved			
Director	Director of Development		
Relevant Portfolio Holder	Councillor A. Tomlinson, Portfolio Holder for Regeneration		

RELEVANT CORPORATE AIMS

REGENERATION – Developing healthy, prosperous and sustainable communities by providing sustainable business growth and employment opportunities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning by providing the opportunity for inclusion of all individuals in employment and training opportunities

TARGETS

Rd2 - Create 50 jobs through locally funded business support by March 2011

VALUE FOR MONEY

Simplifying access to the funds for bidders e.g. combined European Regional Development Fund (ERDF), Regional Growth Fund (RGF) applications covering some/all SCR administrative areas.

THE REPORT

Local Enterprise Partnership (LEP)

1. The Sheffield City Region LEP was included as one of the 'first round' announced in the White Paper 'Local growth: realising every place's potential' on 28th October 2010
2. James Newman has been appointed as the Chair of Sheffield City Region LEP Board. As the former Master Cutler he was instrumental in bringing together business leaders to prepare the LEP proposal. James has appointed 7 private sector board members to the LEP, to direct priorities and develop the Action Plans alongside the 7 public sector members (Appendix A).

The Vision

3. Our vision for the SCR is to make a greater contribution to the UK economy by having a local economy less dependent on the public sector, providing conditions for businesses to grow and by giving the nation its prime centre for advanced manufacturing and materials and low carbon industries. We will offer people a great place in which to live, work, invest, and visit.
4. The primary purpose of the SCR LEP is to rebalance the economy and stimulate private sector job growth by focussing on the following objectives to:
 - Support existing businesses to increase their competitiveness, productivity, exports and innovation
 - Make the SCR the area of choice for private sector investment and re-investment by promoting enterprise and harnessing economic opportunity
 - Create the workforce of tomorrow by developing an employer-led approach to delivering the skills the economy needs, with a focus on our key sectors.
5. The priorities for collective action endorsed the Board, focus on opportunities for joint working on economic growth, job creation and sector development, are:
 - **Establishing a National Growth Hub for Advanced Manufacturing and Materials** at the Advanced Manufacturing Park (AMP) at Waverley to drive growth in key sectors in the city region and rest of the UK.
 - **Delivering a new, employer-led approach to improving workforce skills focussing on key sectors.** The objective here is to bring together employers, schools, colleges, academies and universities to simplify the training offer. An early initiative will be to roll out the Advanced Engineering and Manufacturing apprenticeship scheme across the whole of the city region.
 - **Improving support for strategically important companies and potential inward investors.** Provide a City Region wide advice service to significant potential inward investors. First steps to be to set up a single enquiry point (for referral from UKTI), a database of market-ready sites, and of support services (including referral to private sector professional services firms).
 - **Setting up a new, simplified, private sector led business support service** which focuses on improving innovation in high growth businesses and priority sectors.
 - **Securing new forms of finance for businesses and infrastructure projects.** Create a range of new financial instruments and a sustainable investment fund, including establishing a JESSICA programme from ERDF, and Accelerated

Development Zones to allow prudential borrowing secured against future uplifts in business rates.

- **Developing a Digital Hub** to get the best out of existing assets, such as South Yorkshire Digital Region, for the whole city region by establishing a collaboration centre to foster innovation, a “boot camp” to help grow businesses, and a data storage centre.

LEP Board Responsibilities.

6. The LEP Board will establish a framework of groups/sub-boards, to lead the priority actions and outcomes.
7. A wide range of organisations and partnership groups will operate within the framework, under the leadership provided by the LEP which will meet monthly. Already established are ‘Transport’ including the South Yorkshire Integrated Transport Authority and the local transport authorities (Derbyshire and Nottinghamshire), and ‘Regeneration and Housing Joint Board’ with the Homes and Communities Agency to oversee strategic investment and strategic property assets.
8. The LEP Board will engage quickly with other LEP Boards, including the Nottingham/shire and Derby/shire LEP to identify areas for collaboration (as well as potential overlap) so that activity can be better coordinated to achieve optimum results.

ISSUES/OPTIONS FOR CONSIDERATION

9. Membership of SCR will enable a collaborative approach with SCR LEP partners and is deemed to offer very significant benefit to Bolsover District Council including:
 - Geographic alignment to the Housing and Regeneration Board, with the Homes Communities Agency.
 - To promote a strategic approach to cross-boundary project activity, maximising flexibility in operation of the potential funds and outcomes in relation to job growth.
 - Simplifying access to the funds for bidders e.g. combined European Regional Development Fund (ERDF), Regional Growth Fund (RGF) applications covering some/all SCR administrative areas.
 - Sharing administrative and managerial tasks associated with the funds, thereby increasing efficiency and effectiveness.
10. The key to this work is to maximise resources already available within the SCR. Although public sector funds are reducing, there is still significant investment being made by local authorities and other partners across the economic agenda and we need to ensure that this is being maximised against the priorities set out above.

IMPLICATIONS

Financial: The SCR LEP shall develop a new range of financial instruments such as JESSICA, Assisted Development Zones and tax increment financing (TIF), linked to future business growth. Regional Growth Fund bids have also been submitted for specific interventions.

A resource scoping study has been commissioned to maximise resources already available within the SCR. Although public sector funds are reducing, there is still significant investment (physical and financial) made by local authorities and other partners across the economic agenda. The study is intended to ensure that this is being maximised against the priorities set out above.

Legal: None

Human Resources: Officer time including the Chief Executive, Director of Development, Economic Development & Investment Manager, focused on delivering specific and targeted priorities for Bolsover.

RECOMMENDATIONS:

- 1. To note the governance arrangements for the SCR including the SCR Board membership and Terms of Reference (Appendix A and B).**
- 2. That delegated power be given to the Leader to give Bolsover District Council's approval to the LEP Action Plans for the SCR for the period 2011-15, as appropriate.**
- 3. That the Standards Committee be recommended to include the delegation in the Members' Delegation Scheme in the Council's Constitution.**
- 4. That the Council agrees to full membership of the SCR LEP under the Terms of Reference (Appendix B), and delivery of the priorities set out in the Action Plans.**

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To enable business investment to support growth in the local economy and encourage an entrepreneurial culture to maximise sustainable employment opportunities.

ATTACHMENTS:

Appendix A - **SCR LEP BOARD**

Appendix B - **SCR LEP BOARD TERMS OF REFERENCE**

FILE REFERENCE:

SOURCE DOCUMENT:

Appendix A. SCR LEP BOARD



Private Sector:

James Newman	Chairman	Chairman, Finance Yorkshire
Philip Bartey	Group Chief Executive	The Adsetts Partnership Ltd
Nigel Brewster	Managing Director	Sewell Moorhouse Recruitment Group, President, Doncaster Chamber of Commerce
Simon Carr	Managing Director	Henry Boot Construction
David Grey MBE	Group Managing Director	OSL Group Holdings
Chris Scholey	Ex Managing Director	Manufacturing Sector and Chairman of Doncaster and Bassetlaw NHS Foundation Trust
Lee Strafford	Co-founder and CEO	PlusNet PLC, Co-founder of Project Sheffield
Prof Philip Jones	Vice Chancellor	Sheffield Hallam University

Public Sector:

Cllr Stephen Houghton	Leader	Barnsley MBC
Cllr Mike Quigley	Leader	Bassetlaw DC
Cllr Ray Russell	Leader	Chesterfield BC
Cllr Eion Watts	Leader	Bolsover DC
Mayor Peter Davies	Mayor	Doncaster MBC
Cllr Graham Baxter	Leader	North East Derbyshire DC
Cllr Roger Stone	Leader	Rotherham MBC
Cllr Paul Scriven	Leader	Sheffield CC

**LOCAL ENTERPRISE PARTNERSHIP BOARD
LEP BOARD TERMS OF REFERENCE**

Terms of Reference

Vision

1. Our vision is for the Sheffield City Region to make a greater contribution to the UK economy by having a local economy less dependent on the public sector, providing conditions for businesses to grow and by giving the nation its prime centre for advanced manufacturing and materials and low carbon industries. We will offer people a great place in which to live, work, invest, and visit.

Objectives

2. The primary purpose of the SCR LEP is to rebalance the economy and stimulate private sector job growth by focussing on the following objectives to:
 - a) Support existing businesses to increase their competitiveness, productivity, exports and innovation
 - b) Make the SCR the area of choice for private sector investment and re-investment by promoting enterprise and harnessing economic opportunity
 - c) Create the workforce of tomorrow by developing an employer-led approach to delivering the skills the economy needs, with a focus on our key sectors.

Full Membership

3. The LEP Board will comprise:
 - o a private sector Chair;
 - o 6 private sector members;
 - o a University Vice Chancellor.
 - o the Leaders and Mayor of seven local authorities (Barnsley, Bassetlaw, Bolsover, Chesterfield, NE Derbyshire, Rotherham, Sheffield and Doncaster);

Associate Membership

4. Associate members comprise the local authorities of:
 - Derbyshire Dales DC
 - and the Peak District National Park Authority

The associate members have a right of representation on the LEP Leaders Group and on the LEP Chief Executives Group.

Modus operandi

5. The LEP Board will meet once a month.
6. The Chair of the Sheffield City Region Chief Executives' Group will attend each meeting as an observer, along with a Chief Executive representative of the full members from North Derbyshire/North Nottinghamshire Districts.
7. A wide range of organisations and partnership groups will operate within the framework and under the leadership provided by the LEP. For transport, this will include the South Yorkshire Integrated Transport Authority, and the local transport authorities covering relevant parts of Derbyshire and Nottinghamshire. For regeneration and housing, this will include a new SCR Joint Board with the Homes and Communities Agency overseeing strategic investment and strategic property assets.
8. Other groups and potentially, sub boards, will be considered and established by the LEP Board as the priority actions and outcomes work is initiated.
9. The LEP Board will engage quickly with other LEP Boards as these are set up to identify areas for collaboration (as well as potential overlap) so that activity can be better coordinated to achieve optimum results.

Initial Operational approach 2011-2012

10. **Annex A** attached also sets out six suggested priority actions and outcomes, excluding any infrastructure projects dependent on external funding at this stage. If agreed, these actions could then be allocated to a combination of private sector and appropriate public sector champions from the LEP.
11. In identifying how best to deliver on these proposed priorities, three approaches could be adopted, as described in our LEP submission in the summer:
 - a) the mobilisation of an existing private or public sector organisation to deliver;
 - b) the rationalisation and use of existing bodies and structures where there is a need for them to be more efficient and effective; or
 - c) the setting up of new delivery mechanisms if they do not exist, but only if absolutely necessary.