

STANDARDS COMMITTEE

**WEDNESDAY
26TH OCTOBER 2011
AT 1400 HOURS IN
COMMITTEE ROOM 1**

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Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 18th October 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 Wednesday 26th October 2011 at 1400 hours.

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

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

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

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

You will find the contents of the agenda itemised on pages 25 and 26.
Yours faithfully,



Chief Executive Officer

To: Chairman and Members of the Standards Committee



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



INVESTORS IN PEOPLE

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 23rd August 2011 at 1400 hours.

PRESENT:-

Independent Members: -

J. Yates - Chair

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

Members: -

Councillors M.G. Crane, M.J. Dooley, H. J. Gilmour and A.M. Syrett.

Officers:-

A. Turner (Deputy Monitoring Officer), C. Doy (Development Control Manager)(to Minute Number 352) and A. Bluff (Democratic Services Officer).

343. APOLOGIES

Apologies were received from S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), K. Belshaw, J. Hill, T. Munro and Councillor D.S. Watson.

344. URGENT ITEMS

The Chair advised the meeting of an urgent item of business to be considered being secondment of a Parish Council representative. This would be discussed after agenda item 13; Email from ACSeS – Standards and the Localism Bill – press release.

The Chair further advised the meeting that Exempt agenda item 14; Recommended item from Union/Employee Consultation Committee held on 10th August 2011 – Update to List of Employees authorised to take Disciplinary Action had now been withdrawn from the agenda. This was due to the item being deferred at Union/Employee Consultation Committee on 10th August 2011.

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345. DECLARATIONS OF INTEREST

There were no declarations of interest made.

346. APPOINTMENT OF VICE CHAIR

Moved by Councillor A.M. Syrett, seconded by Councillor H.J. Gilmour
RESOLVED that J. Jaffray be appointed Vice Chair of Standards Committee for the ensuing year.

(Head of Democratic Services)

347. MINUTES – 21ST JUNE 2011

It was raised that apologies from J. Jaffray, R. Lilley and D. Wright had been omitted from the minutes of a meeting held on 21st June 2011.

Moved by Councillor H. J. Gilmour, seconded by Councillor M.J. Dooley
RESOLVED that subject to the inclusion of apologies from J. Jaffray, R. Lilley and D. Wright, the minutes of a meeting held on 21st June 2011 be approved as a correct record.

(Head of Democratic Services)

348. RECOMMENDED ITEM FROM SCRUTINY MANAGEMENT BOARD HELD ON 15TH JUNE 2011 – MINUTE NO. 82 - AMENDED TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Scrutiny Management Board held on 15th June 2011 in relation to amendments to the Terms of Reference for Scrutiny Management Board in the Council's Constitution.

The amendment was to include the scrutiny of health and a further amendment to allow the Deputy Leader to substitute for the Leader at Scrutiny Management Board meetings.

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Moved and seconded

RECOMMENDED that Council be recommended to approve the amended Terms of Reference for Scrutiny Management Board for inclusion in the Constitution.

(Monitoring Officer/Head of Democratic Services)

349. RECOMMENDED ITEM FROM COUNCIL HELD ON 22ND JUNE 2011 – MINUTE NO. 114 - COMPULSORY PURCHASE POWERS

The Deputy Monitoring Officer presented a recommended item from Council held on 22nd June 2011, in relation to a permanent change to the Chief Executive Officer's Delegation Scheme in the Council's Constitution that he be granted the same power to authorise compulsory purchases as is available to Council.

The making of a compulsory purchase order would be made in consultation with the Leader, Deputy Leader and Solicitor to the Council. This was in order to avoid delays and make the process more efficient.

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

RESOLVED that Council be recommended to approve the permanent change to the Chief Executive Officer's Delegation Scheme for inclusion in the Council's Constitution.

(Head of Democratic Services)

350. RECOMMENDED ITEM FROM AUDIT COMMITTEE HELD ON 27TH JUNE 2011 – MINUTE NO. 146 - ACCOUNTS AND AUDIT REGULATION CHANGES

The Deputy Monitoring Officer presented a recommended item from Audit Committee held on 27th June 2011, in relation to changes to the Accounts and Audit Regulations, and that these requirements be reflected in the Audit Committee's Terms of Reference in the Council's Constitution.

The changes had been made as a result of consultation by the Department for Communities and Local Government to the Accounts and Audit Regulations 2011 which came into effect on 31st March 2011.

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

RECOMMENDED that Council be recommended to approve the amended

STANDARDS COMMITTEE

Terms of Reference for Audit Committee for inclusion in the Constitution.

(Monitoring Officer/Head of Democratic Services)

351. RECOMMENDED ITEM FROM EXECUTIVE HELD ON 8TH AUGUST 2011 – MINUTE NO. 284 - FLY POSTING POLICY

The Development Control Manager presented a recommended item from Executive held on 8th August 2011, in relation to changes to Planning Committee's Terms of Reference and Officer Delegation Scheme in the Council's Constitution, with regard to the Fly Posting Policy.

The Fly Posting Policy had been revised with an explicit process to deal with fly posting on street furniture such as lamp posts and telegraph poles, to cover occasions when cooperation was not forthcoming from the relevant agencies, eg, Highways or British Telecom.

Power available under Section 31 of the Clean Neighbourhoods and Environment Act 2005, A Defacement Removal Notice, would cover this type of situation and it was proposed to delegate the power to serve a Notice under this provision to the Head of Planning and Environmental Health, Development Control Manager, Principal Enforcement Officer and Enforcement Officer.

In response to questions raised, the Development Control Manager confirmed that fly posting was a problem in the District and there are hotspots, particularly at motorway junctions. He further added that there are deemed consents for circuses and fairs who are allowed a certain number of posters but these must be taken down after a specific length of time. The definition of fly posting was set out in the Policy.

Moved by Councillor A.M. Syrett, seconded by Councillor M.J. Dooley
RECOMMENDED that (1) Council be recommended to approve that the amended Terms of Reference of Planning Committee (to allow the issue of Notices under Section 31 of the Clean Neighbourhoods and Environment Act 2005) be included in the Constitution,

(2) the power to issue the Section 31 Notices be delegated to the Head of Planning and Environmental Health, Development Control Manager, Principal Enforcement Officer and Enforcement Officer.

(Monitoring Officer/Head of Democratic Services)

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The Development Control Manager left the meeting.

352. ANNUAL RIPA REPORT (REGULATION OF INVESTIGATORY POWERS ACT 2000)

The Deputy Monitoring Officer presented the annual RIPA (Regulation of Investigatory Powers Act 2000) report to the meeting.

The report informed Members of the number of applications for approval of covert surveillance in 2011 and also the previous seven years. No changes had been made to the RIPA policy and procedure in view of the Coalition government's proposed changes to the system. As the proposed changes (including the requirement that covert surveillance is authorised externally by a Magistrate) are major, there will be a need for a major rewrite of the policy when these changes are applied. Accordingly, no changes had been suggested at this time.

A question was raised with regard to the high number of applications in 2005. The Deputy Monitoring Officer advised that this may have been that Environmental Health had a particular project in a particular area of the District at that time.

Moved and seconded
RESOLVED that the Annual RIPA report be noted.

353. STANDARDS COMMITTEE WORK PLAN

The Deputy Monitoring Officer presented the Standards Committee Work Plan 2011/12.

Councillor Gilmour commented that it had been expected for newly elected Parish Council Members to receive training during 2011 but the Work Plan stated this would be 2012. The Deputy Monitoring Officer replied that he would raise this with the Solicitor to the Council and report back to the next meeting.

Moved and seconded
RESOLVED that the details of the Standards Committee Work Plan be noted.

(Deputy Monitoring Officer)

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354. COMPLAINTS TO THE STANDARDS BOARD

The Deputy Monitoring Officer presented a report which gave details of complaints against Members to the Standards Board.

Members noted the current position.

Moved and seconded

RESOLVED that the report be noted.

355. EMAIL FROM ACS_eS – STANDARDS AND THE LOCALISM BILL – PRESS RELEASE

The Deputy Monitoring Officer presented a copy of a press release received from ACS_eS, (Association of Council Secretaries and Solicitors), regarding Standards and the Localism Bill for Members information.

Moved and seconded

RESOLVED that the email be noted.

356. URGENT ITEM OF BUSINESS – SECONDMENT OF A PARISH COUNCIL REPRESENTATIVE

The Deputy Monitoring Officer reported that it was possible that a Local Area Assessment Committee meeting may need to be arranged within the next few weeks.

Currently, Standards Committee had only one Parish Council representative who would not be available over the next few weeks and so it may be necessary to appoint a Parish Council representative on a temporary basis.

Committee were requested to make a delegation to the Monitoring Officer, in consultation with the Chair of Standards Committee, to appoint a Parish Council Representative to serve on the Standards Committee for a limited period.

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

RECOMMENDED that Council approve that authority be delegated to the Monitoring Officer, in consultation with the Chair of Standards Committee, to appoint a Parish Council Representative to serve on the Standards Committee for a limited period.

(Monitoring Officer/Head of Democratic Services)

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**357. RECOMMENDED ITEM FROM UNION/EMPLOYEE
CONSULTATION COMMITTEE HELD ON 10TH AUGUST 2011 –
MINUTE NO. 314 - UPDATE TO LIST OF EMPLOYEES
AUTHORISED TO TAKE DISCIPLINARY ACTION
EXEMPT PARAGRAPH 4**

As this item had been deferred at Union/Employee Consultation Committee on 10th August 2011, it was now withdrawn from the Standards Committee agenda.

The meeting concluded at 1435 hours.

RECOMMENDED ITEM FROM UECC HELD ON 10TH AUGUST 2011

300. TERMS OF REFERENCE

The Terms of Reference were submitted for the meetings consideration.

The Head of Human Resources and Payroll referred to paragraph 12 under the heading, 'Procedure', and stated that this should now be changed from 'ACAS' to 'provincial joint secretaries'.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor G.O. Webster
RESOLVED that paragraph 12 under the heading, 'Procedure', be amended to;

(xii) "If the Committee cannot agree to a negotiable issue, officers of the Trade Union shall negotiate with the appropriate administrative officers of the Council. Failing agreement appropriate matters may thereafter be referred by either side to the **provincial joint secretaries** if necessary".

Unison referred to paragraphs 2 and 3 under the heading, 'Membership', and stated that as the composition for both the Employers side and the Employees side was now twelve, this would need amending in the Terms of Reference.

Moved by Councillor E. Watts, seconded by G. Buxton
RESOLVED that paragraphs 2 and 3 under the heading, 'Membership', be amended

to;

(ii) The composition of the Employers' Side of the Committee shall be **twelve** elected Members with voting rights and substitutes in the event of nominated Members being unable to attend. The Chief Executive, Head of Human Resources and Payroll and Director of Resources shall attend in an advisory capacity without voting rights; together with such other officers of the Council as may be appropriate having regard to matters to be discussed.

(iii) The Employees Side of the Committee shall comprise **twelve** representatives selected by the local branch of the Trade Union representing the employees, together with full-time Trade Union officials (if required).

Moved by Councillor B.R. Murray-Carr, seconded by C. Hirst

RESOLVED that subject to the inclusion of the above amendments, the Terms of Reference for the Union/Employee Consultation Committee, be agreed.

RECOMMENDED the amendments be referred to Standards Committee for changes to the Constitution.

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

**RECOMMENDED ITEM FROM COUNCIL HELD ON 21ST SEPTEMBER,
2011- MINUTE NO. 423(3) – RECOMMENDED FROM UNION EMPLOYEE
CONSULTATION COMMITTEE – 10TH AUGUST 2011**

- 3) Union Employee Consultation Committee – 10th August, 2011 –
Minute No. 312 – Draft Shared Services Protocol 2011

The Head of Human Resources and Payroll presented the Shared Services Protocol 2011 for approval. Members were informed that this was a new document and had been produced due to the discontinuation of the Joint Working Consultation Forum across Chesterfield Borough, North East Derbyshire and Bolsover District Councils and ad hoc meetings would replace the forum.

Moved by Councillor A.F. Tomlinson, seconded by Councillor K. Bowman
RESOLVED that the Shared Services Consultation Protocol be approved by Council and referred to Standards Committee for inclusion in the Council's Constitution.

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

RECOMMENDED ITEM FROM UECC HELD ON 10TH AUGUST 2011

**312. DRAFT SHARED SERVICES PROTOCOL 2011
EXEMPT PARAGRAPH 4**

The Head of Human Resources and Payroll presented the draft Shared Services Protocol 2011 for Committee's consideration.

The draft document had been produced due to the discontinuation of the Joint Working Consultation Forum across Chesterfield Borough, North East Derbyshire and Bolsover District Council, and replacement of the forum with ad hoc meetings on shared services.

The Head of Human Resources and Payroll drew the meeting's attention to paragraph four in the report and advised that September was incorrect and this would now be October. The following changes were also proposed to the protocol:

Point 1.1 - a note had been added that the bullet points listed are not an exhaustive list.

Point 1.2 - a note had been added to explain that once the outline business case had been concluded the proposal for joint working on a shared service may cease at this stage.

Moved by C. Hirst, seconded by Councillor E. Watts

RESOLVED that (1) the report be received,

(2) the amended draft Shared Services Consultation Protocol be referred to Council for approval and Council be recommended to send it to Standards Committee for inclusion in the Council's Constitution.

(Head of Human Resources and Payroll / Head of Democratic Services)

EXECUTIVE SUMMARY

This summary provides an overview of the key insights from the 2010 survey on public attitudes to standards in public life. The survey was conducted about eighteen months after the height of the MPs' expenses scandal and nearly eight months after the General Election of 2010 and the creation of the current coalition Government. The survey took place before the height of the phone-hacking scandal in the early summer of 2011.

The analysis conducted on the data, in relation to previous surveys, allows us to chart changes over time and to see which demographic factors and political orientation (such as age, social grade and party-affiliation) are related to particular attitudes. Although the analysis cannot definitively identify causes for changes in attitudes, it is reasonable to consider the changing patterns of response against the background of the political events prior to the survey and to hypothesise about possible connections. The bullet points below identify core findings, drawing attention to especially significant patterns of relationships between attitudes and demographic factors. The subsequent passages of commentary suggest possible explanations for changes between the surveys. A fuller discussion can be found in the report's Overview.

1 Key Changes in Overall Perceptions of Standards in Public Life

- Previous surveys showed that most people in GB have a neutral or guardedly positive view of the overall standards of conduct of public office holders in the UK. In the 2010 survey people rated standards of conduct less positively. In the previous three surveys at least four in ten people rated standards as high but by 2010 only about three in ten people rate them as such. In comparison to the last (2008) survey, the number of people rating standards as high dropped by almost 10 per cent and the proportion rating standards as low rose by about 4 per cent. Similarly, the proportion thinking that

standards had deteriorated increased, and the proportion of individuals who thought that standards had improved fell.

- When respondents were asked how they thought standards today compared to those of a few years ago almost half said they thought that standards of conduct amongst public office holders had deteriorated; only about two in ten respondents thought they had improved.
- Overall, supporters of the three main parties, people in higher occupational categories, and ethnic minority respondents have more positive views. Men and young people are also more positive about changes in standards relative to, respectively, women and older people.

The evidence collected shows a long-term decline in public confidence in those holding public office between 2004 and 2010. On many issues, the 2010 results show a steeper decline than in the previous period. It might have been anticipated that there would be a growth in positive attitudes following the General Election and the change in government. In fact, the results suggests that there was no 'bounce' in public confidence following the election, or that any such bounce had collapsed by the time of the survey, or that there was a bounce, but that does not appear as a positive change but serves to mask an even steeper decline in confidence than is reported here.

It is not possible to identify with certainty the cause of people's declining confidence, but it is possible that the expenses scandal has had an impact on people's views and appear to have fed into and exacerbated the long-run trend of increasingly negative evaluations of politicians.

2 Trust in Public Office Holders to Tell the Truth

- As in previous surveys it is clear that some professional groups continue to command

public confidence. Front line professionals are rated highly in terms of telling the truth; those working in the media are less trusted, although there is considerable variation between types of media and types of newspaper. Politicians, especially those with whom the public has less direct contact, are rated poorly. In this survey, against the background of the expenses scandal, levels of trust in local MPs fell, and confidence in the media increased across the board. Over the four surveys confidence in tabloid journalists and TV news journalists has increased by 9 per cent.

- As with the assessment of standards, statistical analysis shows that levels of trust in MPs in general and Government ministers tends to be higher among younger voters, those in higher occupational categories, and those from ethnic minorities. Supporters of the parties in government (Conservative and Liberal Democrat) were more trusting of politicians than supporters of Labour and Other parties.

In relation to questions about 'trusting people to tell the truth', the evidence is that confidence has declined in local MPs, but not in other professional groups, and there has been some increase in confidence in the media. This suggests both that people do have confidence in areas of public service manned by professionals, but that these views do not affect, and are not (as yet) affected by, their attitudes to politicians. At the same time, it may be that the rise in confidence in journalists is linked to their perceived role in exposing the expenses scandal. How robust that confidence will prove in the face of the details of the phone-hacking scandal remains to be seen.

3 Expectations and Perceptions of Westminster MPs

- People's views as to how national politicians should behave and the priority that people attach to specific criteria of propriety have remained similar since the survey was first conducted in 2004, suggesting a broad and consistent consensus among members of the public on what general standards of conduct are appropriate in politics. The public places particular emphasis on basic honesty, financial prudence and selfless dedication to public service. However, there are also some fluctuations in people's ranking of the importance of these standards compared to previous years:

- the proportion of individuals ranking not taking bribes in the top three behaviours fell sharply in 2010 (from 42 to 25 per cent);
- being in touch with what the public thinks is more likely to be rated as important;
- not using power for personal gain, and being competent at their jobs on the other hand remained relatively consistently evaluated in comparison to previous surveys, with about 25-35 per cent of respondents ranking these amongst the three most important criteria of appropriate conduct.

Overall, the proportion who state a preference for the criteria of propriety that rated most highly in 2004 has declined, whereas the proportion selecting those rated least highly has increased (in each case between 2008-2010).

- As in previous surveys, the 2010 survey suggests a mismatch between how people think national politicians should behave and what they think actually happens in practice. MPs fall short of what people expect of them on all of the dimensions covered in the survey – with the exception of not taking bribes. The 2008 results suggested the public attached major importance to four key areas of conduct in which MPs are thought to be doing particularly badly.

'telling the truth'
 'making sure public money is used wisely'
 'being in touch with what the public thinks is important'
 'owning up to mistakes'

In 2010, three further areas enter this list:

'being dedicated to doing a good job for the public'
 'not using power for their own gain'
 'being competent at job'

- Public satisfaction with the conduct of MPs has declined on every measure except taking bribes since the last survey was conducted. Most worryingly, between 2008 and 2010, the proportion thinking that most MPs are dedicated to doing a good job for the public fell by twenty percentage points (from 46 to only 26 per cent); the proportion thinking that most MPs are competent at their jobs fell by ten percentage points (from 36 to 26 per cent); there was a 14 percentage point drop in the proportion thinking that most MPs are in touch with what the public thinks is important (from 29 to only 15 per cent).

cent); and there were also large drops in the proportion thinking that most MPs set a good example in their private lives (from 36 to 22 per cent), make sure public money is used wisely (from 28 to 18 per cent), that they explain the reasons for their actions and decisions (from 25 to 17 per cent), and that they tell the truth (from 26 to 20 per cent).

In 2010 there was no change in levels of trust in ministers and MPs in general, although some decline in trust in local MPs. However, these more detailed and probing questions about standards of propriety that the public expect MPs to demonstrate do show considerable changes in people's confidence that MPs will conform to these standards.

One possible explanation is that the impact of the MPs' expenses scandal has been considerable, and has exacerbated a trend that earlier surveys identified. Confidence in relation to MPs' conduct has fallen on practically every measure. The results also suggest that concerns with bribery or associated risks of outside influence on political decisions have been overshadowed by concerns with self-serving behaviour on the part of MPs. The increase in the number of areas of concern is most likely a further reflection of decreased public confidence in MPs generally.

4 MPs and Voting in Parliament

- When respondents were asked in 2010 about the kinds of reasons that ought to influence MPs when voting in Parliament, they were slightly less likely to select selfless motives and slightly more likely to accept self-interested motivations relative to previous surveys. In general, however, acting in the public interest remains important. Voting in accordance with what the MP's party election manifesto promised, and therefore honouring a pledge to the electorate, is also widely seen as acceptable. Most people do not want MPs to prioritise their own interests when voting on national issues.
- As in previous surveys, many people seem to reject party loyalties and political leadership as legitimate influences on the decisions that individual MPs take, although these motivations have become more acceptable. The wishes of local party members are seen as a more legitimate influence than the interest of the party at national level. There is little consensus on which single

factor MPs would be most likely to take into account when voting. The most common view, given by a quarter of respondents, is that most MPs would base their decision on what would benefit the country as a whole, which is also the factor most likely to be viewed as a reasonable basis for the decision.

People's views on which factors most influence MPs' decisions appear to have changed to some extent over time. More people believe that MPs base their decisions on what the party's election manifesto promises, and on what would benefit people living in the MP's local constituency. On the other hand, fewer people believe that MPs base their decision on what will make their party more popular or what might affect their political career.

These results suggest an increased complexity in terms of expectations of politicians – with a greater acceptance shown towards the influence of parties at both the national and local level than in previous surveys. It is possible that the experience of coalition government may have had an impact on people's views of the legitimacy of manifesto promises and party influence.

5 Public Office Holders and Accountability

- Respondents are evenly split over whether the authorities are committed to upholding standards in public life. Most respondents are confident that the media will generally uncover wrongdoing by people in public office; fewer have confidence that the authorities would do this, and still fewer had confidence that public office holders will be punished for misconduct. Nonetheless, the levels of confidence in the authorities to uncover and punish wrongdoing are slightly higher than in the 2008 survey.
- In broad terms, confidence in the authorities' and the media's ability to improve standards and uncover wrongdoing is higher among young people, supporters of mainstream parties, and people from the higher occupational grades. People from ethnic minority backgrounds were more likely than White-British respondents to feel confident in the authorities' ability and commitment to improving standards and uncover wrongdoing but had less confidence than White-British respondents in the media's ability to uncover wrongdoing.

Given declining levels of trust and confidence in MPs' conduct, the relatively stable, and in some respects improved, evaluation of the role of the authorities in uncovering offences and punishing offences suggests that while people's evaluation of MPs is affected by the expenses scandal, they retain their confidence in the more general institutions which police public standards was not affected. This, together with a good deal of evidence collected in the surveys over time (such as levels of trust in professionals; the consistency with which certain values are supported; and the reasonably high levels of confidence in wrong-doing being uncovered) suggests that the increasingly negative evaluations of politicians remains framed by a less fluctuating confidence in many British institutions and practices.

6 Party Funding

- The 2010 survey included a number of questions on the funding of political parties to assist the Committee in its inquiry into party finance. Most respondents believe that this is an important issue and that it is 'never acceptable' for politicians to do special favours in return for contributions. Respondents are most concerned about large donations, whether from activist groups, large companies, trade unions, or individual donors. Moreover, people largely assume that substantial donations are made for self-interested reasons. About a third of respondents believe that politicians 'very often' do special favours for people and organisations who give large donations; about two in ten respondents think that MPs 'very often' decide what to do based on what their political contributors want. About half of respondents believe that MPs' decisions are conditioned by donations, with very few thinking this was never the case.

The picture in relation to party funding is reasonably clear. A clear majority of people see large donations (over £100,000) as a source of major concern, with at most a fifth of the population thinking that they are not a concern. Moreover, most people believe that donations come with expectations of influence or benefit to the donor, and the vast majority of people believe that, in one way or another, donors do get special favours or do influence MPs' decisions.

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	5+	3	3			1		3

* 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

+ one complaint was withdrawn before the LAC met

Average time taken to reach a decision by the LAC

Year	Number of Complaints	average time to LAC decision
2010	6	20
2011	4	25.75

3rd August 2011.

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"> • 24th April 2012 	<ul style="list-style-type: none"> • Suggested date 	Not yet Started
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 	<ul style="list-style-type: none"> • District Cllrs – the induction has taken place. • Parish Cllrs – needs reviewing at 21st February 2012 meeting when Localism Bill has been enacted. 	Ongoing
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"> • Considered at a previous meeting • Considered at a previous meeting • Considered at the last meeting. 	<ul style="list-style-type: none"> • Done • Done • Done

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"> 24th April 2012 4th December 2012 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Not yet started Not yet started
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"> 21st December 2012 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Not yet started
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"> On this agenda August 2011 – these were approved by Council on 20th July and so are now in place and being acted upon. 	Done
	Financial Regulations review	<ul style="list-style-type: none"> 20/6/2011 	<ul style="list-style-type: none"> I've asked the Director of Resources to update me on when this will be available. August 2011 – the Director of Resources has confirmed that these will be presented to the next meeting on 26th October 2011. 	Ongoing

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	Delegation Scheme	•	<ul style="list-style-type: none"> This is dependent upon the Strategic Alliance and progress with arrangements. August 2011 – an updated version is now on the web. This simply takes into account changes of title and changes to departmental structure. The scheme will need a re write following the Strategic Alliance changes. This will need to be done in parallel with NEDDC, our Strategic Alliance partner. 	Suspended
7. Development of the Annual Standards Committee work plan for 2012 to 2013	•	<ul style="list-style-type: none"> 27/4/11. 21/2/2012 	<ul style="list-style-type: none"> This is dependent on the Council's decision following the enactment of the Localism Bill. 	Not yet started
8. 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. 	Suspended
9. Review of Constitution User Guide	•	•	<ul style="list-style-type: none"> This is dependent on the changes to be made by the Localism Bill. 	Suspended

October 2011

STANDARDS COMMITTEE

AGENDA

Wednesday 26th October 2011 at 1400 hours in Committee Room 1

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 23 rd August 2011.	3 to 9
5.	Recommended Item from Union Employee Consultation Committee (UECC) held on 10 th August 2011; Minute No. 300 - Amendments to Terms of Reference for UECC. Recommendation on page 11.	10 to 11
6.	Recommended Item from Council held on 21 st September 2011; Minute No. 423(3) - Draft Shared Services Protocol 2011. Recommendation on page 12.	12 to 16
7.	Survey of Public Attitudes Towards Conduct in Public Life.	17 to 20
8.	RIPA – Review of Authorising Officers.	To Follow
9.	Changes to the Delegation Scheme.	To Follow
10.	Complaints to the Standards Board.	21
11.	Standards Committee Work Plan.	22 to 24

- | | | |
|-----|---|------------------|
| 12. | Authority to Apply for Premises License Review. | To Follow |
| 13. | Authority to Take Action Under TARP Regulations 2011 (Trade in Animals and Related Products Regulations). | To Follow |
| 14. | The meeting will be followed by a short training session. | Training Session |

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 18th October 2011

Dear Sir or Madam

STANDARDS COMMITTEE – WEDNESDAY 26TH OCTOBER 2011

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

Open Item

Agenda Item 8.

RIPA – Review of Authorising Officers – pages 27 to 30

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



Committee:	Standards Committee	Agenda Item No.:	8.
Date:	26 th October 2011	Category	
Subject:	RIPA – Authorising Officers	Status	Open
Report by:	Solicitor to the Council and Monitoring Officer		
Other Officers involved:	N/A		
Director	N/A		

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

By ensuring that covert surveillance (which is part of the enforcement process) is properly authorised in accordance with the legislative requirements.

TARGETS

N/A

VALUE FOR MONEY

N/A

THE REPORT

Attached is a copy of the press release showing the new Strategic Alliance Joint Directors.

There will be a large number of changes required as a result of this stage of the Strategic Alliance having been reached. For example a future report will have to deal with revision of the Council's Delegation Scheme and this will have to be done in conjunction with North East Derbyshire District Council.

In relation to RIPA, the Authorising Officers are the Directors. Accordingly the two new Directors need to be added to the list of Authorising Officers. The remaining two Directors need adjustment to their titles.

The two new Directors will need training prior to acting as Authorising Officers. This will be done in house, as necessary. Members are reminded that the Government intends to require local authorities to seek the approval of a magistrate rather than being able to have an internal approval system as now. This change is not in place yet.

ISSUES FOR CONSIDERATION

It is for Standards Committee to decide this under their terms of reference. The Regulation of Investigatory Powers is the Act which requires Covert Surveillance to be properly authorised before it's undertaken.

IMPLICATIONS

Financial : None

Legal: The Council needs to have in place properly authorised Officers to consider RIPA applications in accordance with the legislation.

Human Resources : None

RECOMMENDATION(S)

- 1) That the following become Authorising Officers under the Council's RIPA procedure.

Paul Hackett, Joint Director of Health and Wellbeing.

Kevin Hopkinson, Joint Director of Development.

Bryan Mason, Joint Director of Corporate Services.

Stuart Tomlinson, Joint Director of Neighbourhoods.

- 2) That suitable training is given in due course.

ATTACHMENT: **Y – press release**



FILE REFERENCE: ***none***

SOURCE DOCUMENT: ***press release***

Council's appoint new Joint Directors

The second stage of a pioneering Strategic Alliance between Bolsover District Council and North East Derbyshire District Council has seen the appointment of four Joint Directors.

The Joint Directors will take up their roles with immediate effect and they are as follows:

 Bryan Mason Joint Director of Corporate Resources	 Kevin Hopkinson Joint Director of Development
 Paul Hackett Joint Director of Health and Wellbeing	 Stuart Tomlinson Joint Director of Neighbourhoods

The Strategic Alliance between the councils was launched on 1 April 2011 and these Joint Directors, together with Joint Chief Executive Officer, Wes Lumley will form the Senior Management Team and help steer the two councils into the future.

The Joint Directors will work across both councils and have a number of departments they are responsible for. They will now start to plan how these services will operate in the future and also consider the next steps for the Alliance which will be to look at the next tier of management and how best this can be structured.

Joint Chief Executive, Wes Lumley said, "We are delighted with the appointments and feel we have the right blend of knowledge and experience to take us through, what are going to be, very tough and challenging times. I am really

looking forward to working with them and focusing our efforts on making sure we deliver the best possible services to our residents in the most cost efficient way.”

The Alliance is helping both councils to reduce their staffing costs, with savings ploughed into protecting frontline services and keeping Council Tax bills low. Although the councils share senior managers they will keep their political, geographical and administrative independence.

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 25th October 2011

Dear Sir or Madam

STANDARDS COMMITTEE – WEDNESDAY 26TH OCTOBER 2011

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

Open Items

Agenda Item 9; Changes to the Delegation Scheme (Constitution Review) (pages 31 to 33).

Agenda Item 12; Authority to Apply for Premises License Review (pages 34 and 35).

Agenda Item 13; Authority to Take Action Under TARP Regulations 2011 (Trade in Animals and Related Products Regulations (pages 36 and 37).

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



CONSTITUTION REVIEW – October 2011.

Page No. and Paragraph	Proposed Changes	Comment
Page 262 CEO delegation Number 3(a)(7)	Add the words in bold to the following:- Amend the duties and responsibilities and/or terms and conditions (including those related to the establishment and disestablishment of vacant posts) of employees within any Department as a result of the implementation of Human Resources policies or procedures provided always that there is no resultant adverse financial consequence, and that the changes do not create any pay inequality.	One of the policies of the Council allows employees to request flexible working arrangements. Often these requests can be met and result in both a saving to the Authority (with no affect on service) and satisfying an employee's request. At the moment, there is no delegated route for approving these arrangements. The formal approval route is through Council. In many cases this is out of proportion to the nature of the request. Accordingly the suggestion is that this is delegated to the CEO and Head of Paid Services to determine.
Page 261 CEO delegation Number 2 (b)	Add the following as number (6):- To amend the Polling Place Scheme between reviews in consultation with the Leader and Deputy Leader.	At Council on 19 th October, this was recommended to you for inclusion in the Delegation Scheme in the Constitution. It covers changes which are necessary between reviews.
Part 4.10 Delegation Scheme for the Directors. Director of Development on page 266-7	To rename the Director of Development's delegation, the Joint Director of Development. Full text is in the Appendix attached	Following the appointment of the new Strategic Alliance Joint Directors, there is a need to address the delegations for these 4 officers. The 4 new Joint Directors are:- Joint Director of Development Joint Director of Health and Wellbeing Joint Director of Neighbourhoods.

Page No. and Paragraph	Proposed Changes	Comment
		<p>Joint Director of Corporate Resources.</p> <p>These posts need to be included in the Delegation Scheme in place of the previous Directors. This report proposes immediate changes with a view to a further review occurring in the near future.</p>
<p>Part 4.10 Delegation Scheme for the Directors. Director of Neighbourhoods on page 268-9</p>	<p>To rename the Director of Neighbourhoods delegation, the Joint Director of Neighbourhoods</p> <p>In addition:- to remove in 2 (b) (1) which relates to procurement to transfer 2 (b)(2) which relates to the Public Art and Participatory Arts Programme to the Joint Director of Health and Wellbeing to remove 3 (a)(11) relating to signing planning permissions for the Authority to move from the CEO's delegation 3 (a)(29) relating to the Community Safety Partnership</p> <p>Full text is in the Appendix attached</p>	
<p>Part 4.10 Delegation Scheme for the Directors. Director of Resources on</p>	<p>To rename the Director of Resources delegation, the Joint Director of Corporate Resources.</p>	

Page No. and Paragraph	Proposed Changes	Comment
page 268-9	<p>In addition:- To remove reference to waiving Contracts Standing Orders in 2(b)(1)</p> <p>Full text is in the Appendix attached</p>	<p>The recently approved new Contracts Standing Orders do not provide for waiving standing Orders. Instead they provide exemptions where Contracts Standing Orders will not apply.</p>
<p>Part 4.10 Delegation Scheme for the Directors Joint Director of Health and Well Being</p>	<p>Add to the Delegation Scheme delegation for the Joint Director of Health and Well Being which mirrors the powers of the other Joint Directors.</p> <p>In addition:- Add in 2(b)(2) from the Director of Development's delegation.</p> <p>Full text is in the Appendix attached</p>	<p>2(b)(2) relates to the Public Art and Participatory Arts programme which is a Leisure function.</p>

Appendix

4.10.2 JOINT DIRECTOR OF DEVELOPMENT

1. PROPER OFFICER APPOINTMENTS

(1) to be the Council's Corporate Property Officer

DELEGATED MATTERS

2. FUNCTIONS OF THE COUNCIL

(1) i) Exercise the powers and duties of the Council under section 16 (power of local authorities to obtain particulars of persons interested in land) of the Local Government (Miscellaneous Provisions) Act 1976;

ii) Section 330 (Requisitions for Information) of the Town and Country Planning Act 1990; and

iii) Section 171C (Planning Contravention Notices) of the Town and Country Planning Act 1990.

(2) In the event that the Bolsover District Council Peacetime Emergency and Disaster Plan is triggered, to exercise any or all of the respective duties and responsibilities specified therein or arising therefrom.

(3) To approve the virement of savings up to a value of £10,000 direct employee expenses excepted subject to the agreement of SMT.

(4) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

(5) To sign applications for planning permission, building regulation approval, and associated notices and documents where the Council is the applicant.

(6) In consultation with the Leader and Deputy Leader, to agree extended rent free periods up to 5 years where major building works are undertaken by tenants at Pleasley Vale Business Park.

3.. MANAGEMENT

(a) GENERAL

(1) To deputise for the Chief Executive Officer in his absence and as instructed by the Chief Executive Officer.

(2) To authenticate any notice, order or other document which the Director of Development may be authorised to sign on behalf of the Council.

(3) To suspend or dismiss any employee.

(4) To authorise in respect of Heads of Service both annual leave and annual leave which may be carried forward to the next financial year subject to a maximum of 5 days.

(5) Amend the duties and responsibilities of employees within the Directorate provided always that there is no resultant financial consequence.

(6) Grant compassionate leave/special leave in respect of Heads of Service and below within the Directorate in accordance with the Council's policy.

(7) To ensure that staff appraisals are carried out in respect of all staff within the directorate and to appraise the Heads of Service within the Directorate on a regular basis.

(8) To waive any part of the notice required to be given by the Heads of Service within the Directorate or any employee below Head of Service level within the Directorate to terminate employment.

(9) To appoint staff in accordance with the approved establishment for the Directorate.

(10) The power to delegate any matter which has been delegated to the Director of Neighbourhoods.

(11) Authorisation to take disciplinary action, in accordance with the Disciplinary and Appeals Procedure.

(12) To vire employee expenses towards advertising posts

(b) IN CONSULTATION WITH MEMBERS

None

4.10.3 JOINT DIRECTOR OF NEIGHBOURHOODS

1. PROPER OFFICER APPOINTMENTS

None

DELEGATED MATTERS

2. FUNCTIONS OF THE COUNCIL

(a) GENERAL

(1) i) Exercise the powers and duties of the Council under section 16 (power of local authorities to obtain particulars of persons interested in land) of the Local Government (Miscellaneous Provisions) Act 1976;

ii) Section 330 (Requisitions for Information) of the Town and Country Planning Act 1990; and

iii) Section 171C (Planning Contravention Notices) of the Town and Country Planning Act 1990.

(2) In the event that the Bolsover District Council Peacetime Emergency and Disaster Plan is triggered, to exercise any or all of the respective duties and responsibilities specified therein or arising therefrom.

(3) To approve the virement of savings up to a value of £10,000 direct employee expenses excepted subject to the agreement of SMT.

(4) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

(5) With the appropriate Members, to represent the Council at the meetings of the Bolsover Community Safety Strategy Group and where necessary for the implementation of the Bolsover Community Safety Strategy, to commit the Council to any scheme provided that any associated cost is within existing budgets.

(b) IN CONSULTATION WITH MEMBERS

None

3. MANAGEMENT

(a) GENERAL

(1) To deputise for the Chief Executive Officer in his absence and as instructed by the Chief Executive Officer.

(2) To authenticate any notice, order or other document which the Director of Neighbourhoods may be authorised to sign on behalf of the Council.

(3) To suspend or dismiss any employee.

(4) To authorise in respect of Heads of Service both annual leave and annual leave which may be carried forward to the next financial year subject to a maximum of 5 days.

- (5) Amend the duties and responsibilities of employees within the Directorate provided always that there is no resultant financial consequence.
- (6) Grant compassionate leave/special leave in respect of Heads of Service and below within the Directorate in accordance with the Council's policy.
- (7) To ensure that staff appraisals are carried out in respect of all staff within the Directorate and to appraise the Heads Service within the Directorate on a regular basis.
- (8) To waive any part of the notice required to be given by the Heads of Service within the Directorate or any employee below Head of Service level within the Directorate to terminate employment.
- (9) To appoint staff in accordance with the approved establishment for the Directorate.
- (10) The power to delegate any matter which has been delegated to the Director of Neighbourhoods.
- (11) To sign applications for planning permission, building regulation approval, and associated notices and documents where the Council is the applicant.
- (12) Authorisation to take disciplinary action, in accordance with the Disciplinary and Appeals Procedure.
- (13) To vire employee expenses towards advertising posts

(b) IN CONSULTATION WITH MEMBERS

None

4.10.4 JOINT DIRECTOR OF CORPORATE RESOURCES

1. PROPER OFFICER APPOINTMENTS

(1) To be the designated officer for the purposes of section 151 of the Local Government Act 1972.

(2) To be the Council's Officer Champion for Procurement.

DELEGATED MATTERS

2. FUNCTIONS OF THE COUNCIL

(a) GENERAL

(1) Exercise the powers and duties of the Council under Section 16 (power of local authorities to obtain particulars of persons interested in land) of the Local Government Miscellaneous Provisions) Act 1976.

(2) To approve home loss payments.

(3) Write off debts/items where the amount or value is £1000 or less in respect of the following categories -

- (i) Sundry Debts
- (ii) National Non Domestic Rates
- (iii) Council Tax
- (iv) Community Charge
- (v) Rent Arrears
- (vi) Mortgage repayments
- (vii) Loss of property
- (viii) Obsolete stores and equipment

(4) Payment of grant to Senior Citizens lunch clubs in accordance with the Council's Policy

(5) In cases where an application for grant aid falls outside the criteria fixed by the Executive to advise applicants accordingly.

(6) To issue, serve and pursue in Court proceedings the following in order to recover or prevent any increase in rent arrears, licence fee arrears, mesne profits or the extent of other monies owed to the Council by virtue of a tenancy agreement or contractual arrangement:-

(i) a Notice Seeking Possession under the Housing Act 1985

(ii) a Landlord's Notice to Terminate under section 25 Landlord and Tenant Act 1954

(iii) a Notice to Quit

the termination of a contractual licence and the above includes commencing proceedings for forfeiture, distress, distraint or any other appropriate remedy.

(7) Exercise the powers and duties of the Council under Section 16 (power of local authorities to obtain particulars of persons interested in land) of the Local Government Miscellaneous Provisions) Act 1976.

(8) In the event that the Bolsover District Council Peacetime Emergency and Disaster Plan is triggered, to exercise any or all of the respective duties and responsibilities specified therein or arising therefrom.

(9) To approve the virement of savings up to a value of £10,000 direct employee expenses excepted subject to the agreement of Senior Alliance Management Team.

(10) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

(11) To amend Parish Council interest rates.

(12) To effect movements between the separately agreed limit for borrowing and other long term liabilities, within the total limit for any individual year.

(13) To determine Discretionary Rate Relief and to award Mandatory Rate Relief.

(14) The execution and administration of treasury management decisions, in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

(b) IN CONSULTATION WITH MEMBERS

(1) To renew the Council's insurance cover in consultation with the Chief Executive Officer, Leader and Deputy Leader and the Chair and Vice Chair of Scrutiny Committee, whilst ensuring the most economically advantageous contracts for insurance are secured.

(2) In consultation with the Cabinet Member for Regeneration, delegated authority for bridging loan applications.

3. MANAGEMENT

(a) GENERAL

(1) Authenticate any Notice, Order or other document which the Director of Resources is authorised to sign by the Council.

(2) To obtain independent legal advice in connection with Director of Resource's duties under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988 and to incur the necessary reasonable expenditure to obtain such advice.

(3) The power to delegate any matter delegated to the Director of Resources.

(4) To attend as a representative of the Council at any meeting of creditors of any Company such meetings being called under the provisions of the Companies Act 1985 and to vote at such meetings in the best interests of the Council.

(5) Suspend or dismiss any employee.

(6) To authorise in respect of the Heads of Service within the Directorate both annual leave and annual leave which may be carried forward to the next financial year subject to a maximum of 5 days.

(7) Amend the duties and responsibilities of employees within the Directorate provided always that there is no resultant financial consequence.

(8) Grant compassionate leave/special leave in respect of Heads of Service and below within the Directorate in accordance with the Council's policy.

(9) To ensure that staff appraisals are carried out in respect of all staff within the Directorate and to appraise the Heads of Service within the Directorate on a regular basis.

(10) To waive any part of the notice required to be given by the Heads of Service within the Directorate or any employee below Head of Service level within the Directorate to terminate employment.

(11) To appoint staff within the Directorate in accordance with the approved establishment for the Directorate.

(12) Authorisation to take disciplinary action, in accordance with the Disciplinary and Appeals Procedure.

(13) To vire employee expenses towards advertising posts

4.10.5 JOINT DIRECTOR OF HEALTH AND WELLBEING

1. PROPER OFFICER APPOINTMENTS

None

DELEGATED MATTERS

2. FUNCTIONS OF THE COUNCIL

(a) GENERAL

(1) i) Exercise the powers and duties of the Council under section 16 (power of local authorities to obtain particulars of persons interested in land) of the Local Government (Miscellaneous Provisions) Act 1976;

ii) Section 330 (Requisitions for Information) of the Town and Country Planning Act 1990; and

iii) Section 171C (Planning Contravention Notices) of the Town and Country Planning Act 1990.

(2) In the event that the Bolsover District Council Peacetime Emergency and Disaster Plan is triggered, to exercise any or all of the respective duties and responsibilities specified therein or arising therefrom.

(3) To approve the virement of savings up to a value of £10,000 direct employee expenses excepted subject to the agreement of SMT.

(4) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

(b) IN CONSULTATION WITH MEMBERS

(i) In consultation with the Head of Leisure and the Portfolio Holder for Social Inclusion delegated powers to commission the Public Art and Participatory Arts programme.

3. MANAGEMENT

(a) GENERAL

(1) To deputise for the Chief Executive Officer in his absence and as instructed by the Chief Executive Officer.

(2) To authenticate any notice, order or other document which the Director of Health and Wellbeing may be authorised to sign on behalf of the Council.

(3) To suspend or dismiss any employee.

(4) To authorise in respect of Heads of Service both annual leave and annual leave which may be carried forward to the next financial year subject to a maximum of 5 days.

(5) Amend the duties and responsibilities of employees within the Directorate provided always that there is no resultant financial consequence.

(6) Grant compassionate leave/special leave in respect of Heads of Service and below within the Directorate in accordance with the Council's policy.

(7) To ensure that staff appraisals are carried out in respect of all staff within the directorate and to appraise the Heads of Service within the Directorate on a regular basis.

(8) To waive any part of the notice required to be given by the Heads of Service or any employee below Head of Service level within the Directorate to terminate employment.

(9) To appoint staff in accordance with the approved establishment for the Directorate.

(10) The power to delegate any matter which has been delegated to the Director of Neighbourhoods.

(11) To sign applications for planning permission, building regulation approval, and associated notices and documents where the Council is the applicant.

(12) Authorisation to take disciplinary action, in accordance with the Disciplinary and Appeals Procedure.

(13) To vire employee expenses towards advertising posts

(b) IN CONSULTATION WITH MEMBERS

None

Committee:	Standards Committee	Agenda Item No.:	12.
Date:	26 th October 2011	Category	
Subject:	Authority to apply for Premises Licence Review under Section 52 of the Licensing Act 2003	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:	Environmental Health Commercial Manager		
Director	Director of Health and Wellbeing		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services
ENVIRONMENT – Promoting and enhancing a clean and sustainable environment
STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

By ensuring officers are properly authorised to enforce the legislation

TARGETS

This report does not relate to a particular target

VALUE FOR MONEY

There are no financial consequences from this report

THE REPORT

Environmental Health have received a number of complaints with regard to public nuisance emanating from a public house dating from March 2009.

Section 52 of the Licensing Act 2003 states that ‘Where a premise licence has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence.’

The Council is a ‘responsible authority’ for the purposes of the Act as it is a ‘local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.’

More specifically, this statutory function is exercised by Environmental Health.

The Council's Constitution does not delegate authority to any officer in the Council to apply for a premises licence review.

The Chief Executive Officer has delegated powers under paragraph 2(a) (4) of the Council's Constitution 'To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force only until the next ordinary meeting of the Committee having authority to issue/ grant such authorisation.'

The Chief Executive Officer used this delegation to authorise the Head of Planning and Environmental Health to apply for a Premises Licence Review as it was in the interest of the public to submit an application without delay.

It is envisaged that in the future there will be a need to apply for further Premises Licence Reviews. The Environmental Health Commercial Manager manages the process leading to an application and a delegation is therefore sought for her to have the power to apply for a Premises Licence Review also.

ISSUES FOR CONSIDERATION

Giving the relevant officers the delegated powers to request Premises Licence Reviews.

IMPLICATIONS

Financial: None

Legal: The proposals set out within the report are consistent with the Council's Constitution in as much as this report should be considered by the Standards Committee.

Human Resources: None

RECOMMENDATION(S)

- 1. To endorse the action of the Chief Executive Officer that power be delegated to the Head of Planning and Environmental Health to apply for a Premises Licence Review.**
- 2. To recommend to Council that they endorse the action of the Chief Executive Officer that power be delegated to the Head of Planning and Environmental Health to apply for a Premises Licence Review.**
- 3. To recommend to Council that they delegate power to the Environmental Health Commercial Manager to apply for a Premises Licence Review and include this in the Constitution**

ATTACHMENT: **N**
FILE REFERENCE:
SOURCE DOCUMENT:

Committee:	Standards Committee	Agenda Item No.:	13.
Date:	26 th October 2011	Category	
Subject:	Delegation to Environmental Health Officers to take action under The Trade in Animals and Related Products Regulations 2011.	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:	Environmental Health Commercial Manager		
Director	Director of Health and Wellbeing		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

.
By ensuring officers are properly authorised to enforce the legislation.

TARGETS

This report does not relate to a particular target.

VALUE FOR MONEY

There are no financial consequences from this report.

THE REPORT

Environmental Health received notification from Trading Standards that a batch of honey had been tested which could be injurious to health.

Although officers have previously had the delegation in the Constitution to take action in relation to this matter, the legislation has recently changed and they no longer have specific authorisation to act under The Trade in Animals and Related Products Regulations 2011.

As this was a serious matter, officers needed to serve the appropriate Notices on the premises the next working day.

The Chief Executive Officer has delegated powers under paragraph 2(a) (4) of the Council's Constitution 'To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force only until the next ordinary meeting of the Committee having authority to issue/ grant such authorisation.'

The Chief Executive Officer used this delegation to authorise Helen Rawson, Roberta Borges Stewart, Sharon Gillott and Richard Cooper to take all appropriate action under The Trade in Animals and Related Products Regulations 2011.

ISSUES FOR CONSIDERATION

The proper delegation of officers under The Trade in Animals and Related Products Regulations 2011.

IMPLICATIONS

Financial: None

Legal: The proposals set out within the report are consistent with the Council's Constitution in as much as this report should be considered by the Standards Committee.

Human Resources: None

RECOMMENDATION(S)

1. To endorse the action of the Chief Executive Officer that power be delegated to Helen Rawson, Roberta Borges Stewart, Sharon Gillott and Richard Cooper to take all appropriate action under The Trade in Animals and Related Products Regulations 2011.

2. To recommend to Council that they;

(a) endorse the action of the Chief Executive Officer in giving temporary authorisation and;

(b) that power be delegated to Helen Rawson, Roberta Borges Stewart, Sharon Gillott and Richard Cooper to take all appropriate action under The Trade in Animals and Related Products Regulations 2011 and this be included in the Delegation Scheme in the Constitution

ATTACHMENT: **N**
FILE REFERENCE:
SOURCE DOCUMENT:

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 21st October 2011

Dear Sir or Madam

STANDARDS COMMITTEE – WEDNESDAY 26TH OCTOBER 2011

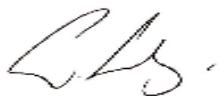
EXTRA ITEM FOR DISCUSSION – DRAFT CODE OF CONDUCT PRODUCED BY ACSES

I refer to your recently circulated agenda for the above meeting and now enclose an additional item of business to be discussed at the end of the Standards Committee meeting:-

OPEN ITEM

Draft Code of Conduct produced by ACSES – pages 1 to 9

Yours faithfully,



Chief Executive Officer

To: Chairman & Members of the Standards Committee



Localism Bill

Standards Clauses

Since the Bill was first introduced, considerable changes have been made to the standards clauses and further changes now seem likely. The Bill is currently going through the report stage in the House of Lords and both Government amendments and other amendments are being considered. Parliament is in recess at present during the political party conference season. The Lords will resume the report stage debate on 10 October.

It became apparent on 14 September that the Government was likely to lose the vote on an amendment for local authorities to have a code of conduct moved by Lord Bichard and supported by both Conservative and Lib-Dem peers. This prompted a Government whip, Lord Taylor, to agree to open discussions on the content of the clauses as a customary means in the Lords of avoiding Government defeat. The amendment was not moved and the government amendments were accepted (presumably for the time being).

The following is a brief summary of the current clauses in the Bill;

Chapter 4 Predetermination

CI 14 Prior indications of view of a matter not to amount to predetermination etc

Chapter 5 Standards

CI 15 Amendment of existing provisions

Applies Schedule 4 which repeals most of the LGA 2000 standards provisions

CI 16 Duty to promote and maintain high standards of conduct

CI 17 Voluntary codes of conduct

Enables a LA to adopt a code. Includes a requirement for LA to consider investigation in response to allegation of failure to comply, and to investigate as appropriate and to take action.

New CI 18 Register of interests

Requiring MOs to maintain register of interests (including for PCs). Up to LAs to determine what to include, subject to below.

New CI after 18 - Disclosure of pecuniary interests on taking office

Requires pecuniary interests to be notified to the MO. Limits pecuniary interest to the interests of the cllr and spouse/partner. Description of pecuniary interest to be in regulations.

New CI after 18 - Pecuniary interests in matters considered at meetings or by a single member

Restricts a member having a disclosable pecuniary interest from participating in any discussion of the matter at the meeting and voting. Requires interest to be notified to MO if interest not on register. (Requirements subject to sensitive interest and dispensation provisions below.)

Standing orders may provide for exclusion of a member who is restricted from so participating.

New Cl after 18 - Sensitive Interests

Enables interests where disclosure of the detail could lead to the cllr being subject to violence or intimidation to have the detail omitted from public disclosure.

New Cl after 18 - Dispensations from section (Pecuniary interests in matters considered at meetings or by a single member)

Provision for authority to grant dispensation to relieve member of participation and voting restriction (above) in certain circumstances

Cl 19 offence of breaching regulations under section 19

Amends Cl 19 to provide offences of failing to comply with obligation to disclose pecuniary interest and participating in contravention. Also of providing false or misleading information in relation to the disclosure obligations.

New Cl after 19 Delegation of functions by Greater London Authority

Enables Mayor of London and London Assembly to arrange for functions under these clauses to be delegated to GLA staff and to a 'standards committee'. (This provision requested by GLA)

The new standards framework

The minimum framework to operate a code of conduct would appear to include the following;

- a) A duty to maintain standards
- b) A duty to adopt a code (or list of agreed standards)
- c) The means of including uniform contents in the code across local government
- d) Arrangements to enforce the code
- e) Arrangements for applying sanctions
- f) Where there are other statutory requirements (e.g. about interests and criminal sanctions) there should be clarity about any overlap of jurisdiction.

A mandatory code

It seems likely that, following the concession of Lord Taylor in the House of Lords, the Government will include a provision requiring local authorities to adopt a code. It seems clear that, under the deregulation strategy, the Government does not want to impose a statutory code formulated by regulation. There is concern however that codes of conduct should be uniform across principal councils (or at least contain mostly uniform provisions), and presumably the same for parish councils. As the representative bodies of principal authority and parish councils respectively, there is logic in The LGA and NALC accepting leadership responsibility for producing uniform code provisions. A way forward would be for a provision to the effect that;

- a) Local authorities must adopt a code of conduct
- b) This obligation be met by the adoption of a code containing requirements recommended by LGA and NALC respectively (with the option available for local authorities to include additional requirements as they see fit)

c) The LGA and NALC be required to promulgate codes of conduct (and to review them and revise them as appropriate)

Current CI 17 would require amending accordingly.

Enforcement and sanctions

CI 17 is fairly bald on what arrangements a local authority needs to have in place to enforce its code of conduct and also as to what sanctions could be taken by a local authority for breach. The power to 'take action' would appear to be limited to making administrative arrangements and presumably passing a decision of censure. This sort of limited sanction would avoid the application of the 'fair trial' obligations under Human Rights legislation and obviate the need for any formal appeal mechanism. Whilst the broad flexibility allows LAs to be proportionate in what they do, it would seem to be reasonable to enable LAs to suspend payment of allowances for a limited period (assuming this power is not already available to local authorities - the position is not completely clear.)

Overlap with criminal provisions

One possible overlap in the current Localism Bill provisions is the extent that a local authority could take any action in addition (or substitution) to that taken (or not taken) by the Police, CPS and Court in relation to a criminal infringement. The situation is not clear. Can/should the code repeat the statutory requirements on interests?

Under the new CI 18 pecuniary interests are limited. The code would need to make provision for other pecuniary interests (i.e. those of other members of family, relatives, friends, which currently could expose a LA to a bias claim if not otherwise dealt with).

The code would also need to deal with other interests (e.g. as per the existing code) which, if not dealt with, would put the trust relationship vis a vis the electorate at risk.

Predetermination

It remains the Government's position that CI 14 does not involve a change in the law. (Which, of course, begs the question why the clause is necessary in the first place!) An effect of the clause is that evidence available to a Court under current law, that might be relevant as to whether a decision is tainted by bias, would no longer be available to the Court to consider. So a decision that *might* be tainted by bias today, having regard to pre decision evidence, would not be so tainted when the clause comes into effect.

So a change in the law is surely being made by CI 14.

The courts have, of course, gone a long way in recognising that politicians need to be politicians and that not all what they say is necessarily what they do at the point of decision making. In effect, the courts already apply a presumption against bias in relation to local elected representatives to enable democracy to work in the way it has developed.

Conclusion

The ill thought through approach of the Government to changing the standards regime of local government is causing a problem for Parliament in dealing with the Localism Bill. On the hoof amendments are at risk of creating more problems than they resolve. The current clauses do not provide a clear and cohesive framework for local government to work on. Further compromise amendments will hopefully improve the substitute framework the Government is now applying in substitution for the 2000 Act regime. One cannot help thinking that Parliament will have no option but to again review the application of standards to local government in due course. One wonders what Lord Nolan might have thought of it all. Sadly, he died in 2007.

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Ethical Governance Portfolio

Draft CODE OF CONDUCT

Introduction

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out at Appendix 1.

This Code does not cover matters in respect of which the Secretary of State may, under the Localism Act (when in force), specifically provide that criminal sanctions will apply.

Interpretation

In this Code—

"meeting" means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

"member" includes a co-opted member and an appointed member.

General Obligations

1. When acting in your role as a member of the authority:

1.1 **Do** treat others with respect.

1.2, **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of members.

1.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional *legal* advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (cc) you have consulted the Monitoring Officer prior to its release; or

1.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2. When using or authorising the use by others of the resources of the authority—

2.1 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at appendix 3, copies of which have been provided to you and which you are deemed to have read ;

2.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and

2.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Interests [Subject to localism Bill]

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **Do** act solely in terms of the public interest and **Do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

4. There will be no requirement for you to declare or register any gifts and hospitality; however **Do not** accept any gifts or hospitality in excess of £50.00 (Fifty Pounds).

Disclosure and participation [Dependant on contents of interests Above]

5. At a meeting where any such issues arise, **Do** declare any personal and/or professional interests relating to your public duties and **Do** to take steps to resolve any conflicts arising in a way that protects the public interest.

6. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer

or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **Do not** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **Do not** vote in relation to such matters.

7. There are some decisions that your authority will need to make that could affect every member. A list of these is set out at Appendix 2. **You may** take part in these decisions *unless* you fall into one of the exceptions set out in the list.

8. **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

Pre-determination or bias [Subject to Localism Bill provisions]

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **Do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

10 When making a decision, **Do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Interests arising in relation to overview and scrutiny committees [Subject to Localism Bill provisions]

11. In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—

11.1 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

11.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken;

Or

11.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

You may attend a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

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 material 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 that 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.

APPENDIX 2

Where the decision referred to in Clause 7 above relates to one of the functions of the authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

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