

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Committee held on 10th August 2011 – Update to List of Employees authorised to take Disciplinary Action had now been withdrawn from the agenda.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

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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.