

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Wednesday 26th October 2011 at 1400 hours.

PRESENT:-

Independent Members: -

J. Yates - Chair

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

Members: -

District Councillors; H. J. Gilmour and D.S. Watson.

Parish Councillor T. Munro.

Officers:-

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

530. APOLOGIES

Apologies were received from Councillor M.G. Crane and A.M. Syrett.

531. URGENT ITEMS

There were no urgent items of business to consider.

532. ADDITIONAL ITEM OF BUSINESS

The Chair advised the meeting of an additional item of business to be considered by Members being, 'Draft Code of Conduct', produced by ACSeS. This item had been previously circulated to Members and would be discussed after agenda item 13, 'Authority to take Action under TARP Regulations 2011'.

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533. DECLARATIONS OF INTEREST

There were no declarations of interest made.

534. MINUTES – 23rd AUGUST 2011

Standards Committee had agreed to delegate authority 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 of time. This had been approved at Council on 21st September 2011.

The Deputy Monitoring Officer advised the meeting that, with the help of the Local Strategic Partnership (LSP), the Monitoring Officer in consultation with the Chair of Standards had exercised her delegated authority to appoint a Parish representative to Standards Committee. It was hoped that the Parish Council representative would take up his appointment and be in attendance at the next meeting of Standards Committee.

Moved by Councillor H. J. Gilmour, seconded by Councillor J. Jaffray
RESOLVED that the minutes of a meeting held on 23rd August 2011 be approved as a correct record and the comments noted.

535. RECOMMENDED ITEM FROM UNION/EMPLOYEE CONSULTATION COMMITTEE (UECC) HELD ON 10TH AUGUST 2011; MINUTE NUMBER 300 – AMENDMENTS TO TERMS OF REFERENCE FOR UECC

The Deputy Monitoring Officer presented a recommended item from Union Employee Consultation Committee (UECC) held on 10th August 2011 in relation to amendments to the Terms of Reference for UECC to be included in the Council's Constitution.

The changes were;

- Paragraph 12 under the heading 'Procedure', change from 'ACAS' to 'provincial joint secretaries'.
- Paragraphs 2 and 3 under the heading 'Membership', the composition for both the Employers side and the Employees side was now twelve.

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Moved by Councillor T. Munro, seconded by Councillor H.J. Gilmour
RESOLVED that the amendments to the Terms of Reference for Union /
Employee Consultation be approved.

RECOMMENDED that Council be recommended to approve the amendments to
the Terms of Reference for Union / Employee Consultation
Committee for inclusion in the Council's Constitution.

(Monitoring Officer / Head of Democratic Services)

**536. RECOMMENDED ITEM FROM COUNCIL HELD ON 21ST
SEPTEMBER 2011; MINUTE NUMBER 423(3) RECOMMENDED
FROM UNION EMPLOYEE CONSULTATION COMMITTEE – 10TH
AUGUST, 2011 - DRAFT SHARED SERVICES PROTOCOL 2011**

The Deputy Monitoring Officer presented a recommended item from Council held
on 21st September 2011 in relation to the Shared Services Protocol 2011 for
inclusion in the Council's Constitution.

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. Ad hoc meetings would replace the
Forum.

Moved by K. Belshaw, seconded by J. Jaffray
RESOLVED that the Shared Services Protocol 2011 be included in the Council's
Constitution.

(Monitoring Officer / Head of Democratic Services)

**537. SURVEY OF PUBLIC ATTITUDES TOWARDS CONDUCT IN
PUBLIC LIFE**

The Deputy Monitoring Officer presented an article from a publication entitled
'Survey of Public Attitudes towards Conduct in Public Life' for Committee
Members interest.

A short discussion took place.

Trends showed that there appeared to be a falling away of confidence in public
standards.

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538. RIPA – REVIEW OF AUTHORISING OFFICERS

The Council needs to have in place properly authorised officers to consider RIPA applications in accordance with the legislation. The authorising officers are the Directors.

The Monitoring Officer presented a report in relation to the two new Directors who need to be added to the list of Authorising Officers. The remaining two Directors need adjustment to their titles.

The two new Directors would require training prior to acting as Authorising Officers. This would 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.

Moved by T. Munro, seconded by J. Jaffray

RESOLVED that (1) 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) suitable training be given in due course.

(Monitoring Officer)

539. CHANGES TO THE DELEGATION SCHEME (CONSTITUTION REVIEW)

The Monitoring Officer presented a report in relation to necessary changes to the Chief Executive Officer's and Directors' Delegation Schemes in the Council's Constitution.

Members were taken through the report and explanations given for the reasons for each of the changes. A full text of the changes was attached in an appendix to the report.

Moved by T. Munro, seconded by J. Jaffray

RESOLVED that the changes referred to in the report in relation to the Chief Executive Officer's and Directors' Delegation Schemes be included in the Council's Constitution subject to approval at Council.

(Head of Democratic Services)

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540. COMPLAINTS TO THE STANDARDS BOARD

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

The contents of the report were noted.

Moved and seconded

RESOLVED that the report be noted.

541. STANDARDS COMMITTEE WORK PLAN

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

No queries were raised by Members on the Work Plan.

Moved and seconded

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

542. AUTHORITY TO APPLY FOR PREMISES LICENCE REVIEW

Currently, 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 has used this delegation to authorise the Head of Planning and Environmental Health to apply for a Premises Licence Review in relation to a recent public nuisance emanating from a public house.

The Deputy Monitoring Officer presented a report to seek Committee's approval to allow the Environmental Health Commercial Manager to have delegated power to apply for a Premises Licence Review and this be included in the Council's Constitution.

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It is envisaged that in the future there will be a need to apply for further Premises Licence Reviews.

Moved by J. Jaffray, seconded by K. Belshaw

RESOLVED that the action of the Chief Executive Officer in delegating to the Head of Planning and Environmental Health to apply for a Premises Licence Review be endorsed.

RECOMMENDED that (1) Council 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) Council delegate power to the Environmental Health Commercial Manager to apply for a Premises Licence Review and this be included in the Council's Constitution.

(Monitoring Officer / Head of Democratic Services)

543. AUTHORITY TO TAKE ACTION UNDER TARP REGULATIONS 2011 (TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS)

Environmental Health recently received notification from Trading Standards with regard to a serious matter at a food premises which could have been injurious to public health - officers needed to serve the appropriate Notices on the premises the next working day.

The Chief Executive Officer had used his 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.

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

The Deputy Monitoring Officer presented a report to seek Committee's approval to endorse the action of the Chief Executive Officer in giving temporary authorisation as above and also 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 Council's Constitution.

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Further to a question raised by D. Wright, the Deputy Monitoring Officer confirmed that this process would have to be carried out again if any of the named officers left the employment of the Authority.

Moved by J. Jaffray, seconded by K. Belshaw

RESOLVED that the action of the Chief Executive Officer in granting delegated powers 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 be endorsed.

RECOMMENDED that Council;

(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.

(Monitoring Officer / Head of Democratic Services)

544. ADDITIONAL ITEM OF BUSINESS – DRAFT CODE OF CONDUCT PRODUCED BY ACSeS

The Monitoring Officer presented information from ACSeS in relation to the Draft Code of Conduct and the Localism Bill. The Localism Bill is still in the process of going through Parliament and is currently in the House of Lords where significant changes are being made.

The Deputy Monitoring Officer noted that the Draft Code of Conduct was a much reduced version from the current one but still contained the seven principles of conduct in public life.

A short discussion took place.

Members were advised that they could email the Monitoring Officer if they wished to raise any questions regarding the information at a later date.

Moved and seconded

RESOLVED that the information from ACSeS in relation to the Draft Code of Conduct and the Localism Bill be noted.

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545. TRAINING FOR STANDARDS COMMITTEE MEMBERS

The Deputy Monitoring Officer advised the meeting that both he and the Monitoring Officer were mindful that Members had not received Standards training as extensively as they would have liked. The Localism Bill had hindered training as it was difficult to know what to train Members on whilst the content of the proposed legislation remained uncertain.

The following four training sessions were put forward;

- The Specifics of Local Assessment Committees
- Options – proposals under the Localism Bill
- How Council is organised and the role of Standards.
- Investigations and other action.

Members agreed that they would choose one training topic from the above four subjects and a one hour training session be carried out before the start of each Standards Committee meeting.

The Deputy Monitoring Officer added that when adopted, a further training session would be required on the Draft Code of Conduct and the new ethical standards regime.

J. Jaffray commented that it was important that the public had confidence in the Standards Committee and the work it undertook and that this was also made clear and understandable. The Monitoring Officer replied that although information regarding work that Standards Committee carried out was available on the Council's website, it could be included as an agenda item for discussion at the next meeting.

Moved and seconded

RESOLVED that (1) a one hour training session be carried out before the start of each Standards Committee meeting on one of the four topics as stated above,

(2) 'Standards Committee on the Council's Website' be included as an agenda item for discussion at the next meeting.

(Deputy Monitoring Officer / Head of Democratic Services)

The meeting concluded at 1445 hours.