

# STANDARDS COMMITTEE

**TUESDAY  
24<sup>TH</sup> APRIL 2012  
AT 1400 HOURS IN  
COMMITTEE ROOM 1**

## ACCESS FOR ALL

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Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 16<sup>th</sup> April 2012

Dear Sir or Madam,

You are hereby summoned to attend a Standards Committee meeting of the Bolsover District Council to be held in Committee Room 1, Sherwood Lodge, Bolsover, on Tuesday 24<sup>th</sup> April 2012 at 1400 hours.

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

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

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

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

You will find the contents of the agenda itemised on page 17.

Yours faithfully,



Chief Executive Officer

To: Chairman and Members of the Standards Committee

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Tuesday 21<sup>st</sup> February 2012 at 1400 hours.

### **PRESENT:-**

Independent Members: -

J. Yates - Chair

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

Members: -

District Councillors; M. Dooley, A. M. Syrett and D.S. Watson.

Officers:-

S. Sternberg (Solicitor and Monitoring Officer), A. Turner (Deputy Monitoring Officer) and K. Rodda (Democratic Services Officer).

### **893. APOLOGIES**

Apologies for absence were received from J Hill, Councillors M. Crane and H. Gilmour

### **894. URGENT ITEMS**

The Chair informed the meeting that he had received two urgent items of business, which would be heard as agenda items 9 and 10.

### **895. DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

## STANDARDS COMMITTEE

### 896. MINUTES – 4<sup>TH</sup> JANUARY 2012

Moved by A. Gascoyne, seconded by J. Jaffray

**RESOLVED** that the minutes of a meeting held on 4<sup>th</sup> January 2012 be accepted as a correct record.

### 897. MATTERS ARISING

- (1) Minute no. 751 Recommended Item from Council – 19<sup>th</sup> October 2011 – Amendment to the Solicitor of Council's Delegation

In response to a question from D. Wright, the Deputy Monitoring Officer, confirmed that the wording would be made clear in the delegation to the Solicitor to the Council in the Constitution. This would be worded to reflect that it was the 'practice' of hypnotism as stated in the legislation and not the 'performance'.

### 898. STANDARDS COMMITTEE WORK PLAN

The Deputy Monitoring Officer presented the Standards Committee Work Plan 2011/12 to the meeting and explained that the work plan was subject to change.

The work plan was noted.

### 899. COMPLAINTS TO THE STANDARDS BOARD

The Solicitor to the Council presented the report which gave detailed information about complaints that had been made against Members of both the Parish and District Council to the meeting.

Three complaints had been received to date for 2012 and they had all been dealt with within the agreed target of 20 days.

The report was noted.

## STANDARDS COMMITTEE

### 900. CONSTITUTIONAL CHANGES TO ARRANGEMENTS FOR SCRUTINY COMMITTEES AND REVISED SCRUTINY PROCEDURE RULES

The Solicitor to the Council presented the report which reminded Members that current arrangements for the three Scrutiny Committees required the attendance of a Director, a Scrutiny Policy Officer and a Legal representative.

Members of the Scrutiny Management Board had also questioned whether it was necessary to have this amount of Officer attendance and whether it should be changed.

The report suggested that the requirements for the attendance of Directors at Scrutiny meetings be changed and that the Scrutiny Committees be attended by the Head of Customer Service and Performance or the Solicitor to the Council together with the Scrutiny and Policy Officer, and that representatives of the Finance and Legal departments attend when necessary at the discretion of their Head of Service.

Attached to the report was a revised draft of the Scrutiny Procedure Rules.

Moved by A Gascoyne, seconded by R. Jaffray

**RECOMMENDED** that (1) the requirements for Directors to attend the three Scrutiny Committees be changed, as outlined in the report and

(2) the revised Scrutiny Procedure Rules be forwarded to Council for inclusion in the Constitution.

(Council)

### 901. INFORMATION VIA EMAIL RECEIVED FROM THE STANDARDS BOARD.

The Deputy Monitoring Officer explained that a copy of an email from the Interim Chief Executive Officer of the Standards Board had been added to the agenda as an information item.

Guidance was still available on the Standards Board website, and the Deputy Monitoring Officer further explained that as an Authority we would still have to pay regard to their guidance when determining/assessing complaints.

The report was noted.

## STANDARDS COMMITTEE

### 902. LOCALISM ACT – UPDATE

The Solicitor to the Council presented the report and informed the meeting that there had been little in the way of development since the last meeting. The Act itself came into force in November 2011 but regulations had not yet been issued so little was known about how the system would operate.

She informed the meeting that Monitoring Officers within Derbyshire had formed a working group with the intention of aligning codes, investigating procedures and procedures for appointing Independent Persons and possibly looking at pooling co-optees.

The new Standards Committee would not be empowered to have voting co-optees and there would not be a requirement for a Parish Council representative.

The report detailed the selection of Independent persons; the Standards Committee; the Code of Conduct; Investigation and the new Disclosable Pecuniary Interests; Hearings Procedures and Training.

Discussions took place and the meeting also raised its concerns about the fact that there may be no requirement for Members to abide by the new Code of Conduct and that Local Assessment Committees will not take place under the new system in the Localism Act 2011.

Discussions took place on what sanctions would also be available to Members under the new regulations and Members raised their concerns.

It was hoped that at the next meeting, more would be known about the Localism Act 2011 requirements.

Moved by Councillor A. Syrett, seconded by R. Jaffray  
**RESOLVED** that the report be received.

### 903. PRE-DETERMINATION AND THE LOCALISM ACT

The Deputy Monitoring Officer circulated a briefing note to the meeting which gave the meeting information on Section 25 of the Localism Act which came into force on 15<sup>th</sup> January 2012.

The Briefing note was noted.

The meeting closed at 1445 hours.

**AGENDA ITEM 5  
RECOMMENDED ITEM FROM  
SAFETY COMMITTEE – 2<sup>ND</sup> MARCH 2012**

**937f. AMENDMENT TO TERMS OF REFERENCE**

The Head of Human Resources and Payroll advised Members of a review of the Safety Committee Terms of Reference included in the Council's Constitution, following the appointment of the Shared Health and Safety Manager.

Members were advised of amendments required to the report included in the agenda :

'Add to the terms of reference of the Safety Committee at point vii and xii on page 97 and renumber the final point:-'

- (vii) To receive reports from the Health and Safety Officer and Bassetlaw's Health and Safety Manager in relation to the above (refers to point (vi)
- (xii) to resolve any issues referred from the Joint Safety Management Forum.

Add in to 2(ii) Bassetlaw's Health and Safety Manager.

Moved by Councillor G.O. Webster, seconded by S. Sambrooks  
**RECOMMENDED** that the changes to the Safety Committee Terms of Reference be referred to Standards Committee.

(Head of Democratic Services)

Committee:	Safety Committee	Agenda Item No.:	5.
Date:	2 <sup>nd</sup> March 2012	Category	
Subject:	Amendment to Terms of Reference	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Head of Human Resources and Payroll		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor B Murray-Carr, Portfolio Holder for Community Safety		

### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation by ensuring that the new shared health and safety arrangements are reflected in the Safety Committee’s Terms of Reference.

### **TARGETS**

None

### **VALUE FOR MONEY**

The contents of this report do not involve the expenditure of money.

### **THE REPORT**

On 9<sup>th</sup> January 2012, Council approved a joint Health and Safety Service, to be managed by Bassetlaw District Council’s Health and Safety Manager. This service will commence on the 1<sup>st</sup> April for a 12 month trial.



As a consequence, it is necessary to make some amendment to the Safety Committee's Terms of Reference. These are shown in the table attached at page 11.

### **ISSUES FOR CONSIDERATION**

Whether to recommend to Standards Committee and Council the changes to the Safety Committee's Terms of Reference for inclusion in the Constitution.

### **IMPLICATIONS**

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

### **RECOMMENDATION**

**That Safety Committee recommend to Standards Committee the changes to the Terms of Reference listed in the report.**

ATTACHMENT: **Y – Existing Safety Committee Terms of Reference**  
FILE REFERENCE: **None**  
SOURCE DOCUMENT: ***Health and Safety Service Review Business Case.***

CONSTITUTION REVIEW – March 2012.

Page No. and Paragraph	Proposed Changes	Comment
<p>Safety Committee Terms of Reference numbers 1 and 2 on page 97</p>	<p>Add to the terms of reference of the Safety Cttee at point (xi) and (xii) on page 97 and renumber final point:-</p> <p>(xi) To receive reports from the Health and Safety Officer and Bassetlaw's Health and Safety Manager in relation to the above.</p> <p>(xii) To resolve any issues referred from the Joint Safety Management Forum..</p> <p>Add in to 2(ii) Bassetlaw's Health and Safety Manager.</p>	<p>This reflects the new shared health and safety service with Bassetlaw District Council and other authorities. This Committee and an officer forum (including BDC's Head of HR and Payroll) will be responsible for monitoring the arrangements.</p>

## APPENDIX – Existing Safety Committee Terms of Reference

### SAFETY COMMITTEE

1. The overall purpose of the Safety Committee is to promote cooperation between the council and its employees in developing and carrying out measures to manage health and safety risks and to secure the health and safety of employees, service users, contractors and any others who may be affected by the work of the Council.
  - (i) To promote the development of a safety culture throughout Bolsover District Council.
  - (ii) Reviewing the adequacy of and effectiveness of Bolsover District Council's Corporate Health and Safety Policy and any task specific or local health and safety policies, practices, procedures or safe systems of work.
  - (iii) Reviewing accident and industrial disease information and trends, to identify unhealthy or unsafe conditions and practices, along with recommendations for remedial action.
  - (iv) Review of health and safety information, risk assessments, audit reports, safety inspections and other monitoring information, making appropriate recommendations for remedial action.
  - (v) Analysis of information, reports and correspondence from enforcing authorities (Health and Safety Executive, fire service etc.).
  - (vi) Consideration of reports from safety representatives.
  - (vii) To receive and discuss health and safety reports.
  - (viii) To approve new health and safety policies and procedures and amendments to existing policies and procedures.
  - (ix) To review arrangements for health and safety information and training.
  - (x) To review the impact of proposed or new legislation, codes of practice or legal judgements.
  - (xi) To consider any other health and safety matters raised by committee members.

## 2. MEMBERSHIP

- (i) The Committee shall comprise representatives of Management and Employees holding officer for a period of one year and eligible for reappointment or re-election.
- (ii) The composition of the Employers Side of the Committee shall be 5 elected Members with voting rights. The Head of Human Resources and Payroll, Health and Safety Officer and Head of Paid Services 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 5 representatives selected by the local branch of the Trade Union representing the employees.
- (iv) The Union Side shall submit the names of their representatives forming the Employees side to the Committee to the Chief Executive Officer of the Council not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chairman and Vice Chairman from among the Committee. When the Chairman is appointed from one side of the Committee the Vice-Chairman will be appointed from the other side. These Officers will also act as Chairman of their respective sides of the Committee.
- (vi) The Head of Democratic Services will act as Secretary to the Joint Committee.
- (vii) The Members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises by the relevant side.

## 3. ADVISORS

- (i) Either side shall have the right to have in attendance upon them, persons with a specialised knowledge, in a consultative or advisory capacity but without the right to vote. Such attendance shall be notified to the Secretary of the Employers' Side who will arrange for notices of meeting, agendas and minutes to be forwarded to such representatives unless requested otherwise.

## 4. PROCEDURE

- (i) Regular meeting shall be convened during working hours at 3 monthly intervals and held at Sherwood Lodge, Bolsover.

- (ii) Meetings may be called by the Chairman at any item at the request of either side, such requests to be submitted through their respective Chairmen.
- (iii). Employees will be granted time off with pay to attend a reasonable number of meetings and will be entitled to payment in the event of meetings continuing beyond normal working hours.
- (iv) The Employees Side shall submit to their respective secretary's items which they wish to be included on the agendas of regular meetings, and they will be responsible for forwarding this information to the Head of Democratic Services not later than 14 days prior to a meeting.
- (v) In the event of a scheduled meeting being due and there being no items from either side, following consultation with the Chairman and Vice-Chairman, the meeting may be cancelled and Members advised accordingly.
- (vi) The agenda for business of regular meetings shall be circulated by the Chief Executive Officer to each Member and to any consultative or advisory representative not later than 10 working days before a meeting. The matters to be discussed at any meetings of the Committee shall be stated on the agenda with a notice summoning the meeting provided that any other business may be considered if admitted by a majority vote of each side. Nominated Trade union Officers shall be provided with 6 copies of the agenda and reports to circulate to their Members as appropriate and to their full-time Trade Union Officials.
- (vii) Two Members of the Employers' Side and two members of the Employees' Side of the Committee shall together constitute a quorum.
- (viii) An individual employee wishing to raise with the Committee any question within the function shall do this through his/her appropriate representative on the Committee.

**AGENDA ITEM 6  
RECOMMENDED ITEM FROM  
SCRUTINY MANAGEMENT BOARD – 12TH MARCH 2012**

**977. DRAFT BUDGET SCRUTINY TERMS OF REFERENCE**

The Draft terms of Reference for the Budget Scrutiny Committee were presented to the meeting for approval.

**RECOMMENDED** that the Terms of Reference for the Budget Scrutiny Committee be approved.

(Head of Democratic Services)

Agenda Item No. 10

## **Draft Terms of Reference**

### BUDGET SCRUTINY COMMITTEE

1. To receive the Cabinet/Executive's Budget proposals and scrutinise them in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
2. To make recommendations to the Cabinet/Executive in respect of those Budget proposals in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
3. To monitor the Council's Budget (General Fund, Capital Programme and Housing Revenue Account) on a quarterly basis.
4. To raise questions with the relevant Portfolio Holders and officers in relation to financial issues arising out of the quarterly monitoring of Budgets.
5. To make recommendations to the Cabinet/Executive in respect of financial issues arising out of the Budget Monitoring.
6. To refer to the relevant Scrutiny Committee any performance or other non financial issues arising out of the quarterly monitoring of the Council's Budget.

## STANDARDS COMMITTEE

### AGENDA

Tuesday 24<sup>th</sup> April 2012 at 1400 hours in Committee Room 1

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interests in respect of:-  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items  and, if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on 21 <sup>st</sup> February 2012.	3 to 6
5.	Recommended Item from Safety Committee held on 2 <sup>nd</sup> March 2012. Amendment to Terms of Reference for Safety Committee. <b>Recommendation on page 7.</b>	7 to 13
6.	Recommended Item from Scrutiny Management Board held on 12 <sup>th</sup> March 2012. Draft Budget Scrutiny Terms of Reference. <b>Recommendation on page 14.</b>	14 to 15
7.	Recommended Item from Council held on 28 <sup>th</sup> March 2012 in relation to Minute No. 900 of Standards Committee held on 21 <sup>st</sup> February, 2012.	16
8.	Standards Committee Work Plan.	To Follow
9.	Complaints to the Standards Board.	To Follow
10.	Arrangements for the Appointment of Independent Persons (Localism Act 2011).	To Follow



Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 19<sup>th</sup> April 2012

Dear Sir or Madam

STANDARDS COMMITTEE –  
TUESDAY 24<sup>TH</sup> APRIL 2012

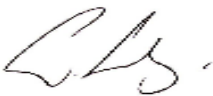
I refer to your recently circulated agenda for the above meeting and now enclose the following item:

**Part One – Open Items**

Agenda Item 8 – Standards Committee Work Plan  
(Pages 18 to 20)

Agenda Item 9 – Complaints to the Standards Board  
(Page 21)

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



INVESTORS IN PEOPLE

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



The Council's commitment to excellence

### 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"> <li>• 24<sup>th</sup> April 2012</li> </ul>	<ul style="list-style-type: none"> <li>• Suggested date</li> <li>• Suggest that this is done at the first Council meeting in June. It is likely that there will be a report to Council in respect of the ethical framework changes following the Localism Act 2011.</li> </ul>	Not yet Started
2. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> <li>• District Councillors</li> <li>• Parish Councillors</li> <li>• Monitoring of attendance</li> </ul>	<ul style="list-style-type: none"> <li>• progress reports at each meeting</li> </ul>	<ul style="list-style-type: none"> <li>• District Cllrs – the induction has taken place.</li> <li>• Parish Cllrs – needs reviewing at 21<sup>st</sup> February 2012 meeting when Localism Bill has been enacted.</li> <li>• <b>April 2011</b> - this will need including within the proposals for the new ethical framework. Suggest that it is suspended till then.</li> </ul>	Ongoing
3. Annual Reports -	<ul style="list-style-type: none"> <li>• Year end number of complaints against District and Parish Councillors received by the Standards Board</li> <li>• Gifts and hospitality Registers</li> <li>• RIPA</li> </ul>	<ul style="list-style-type: none"> <li>• 20/6/2011</li> <li>• 20/6/2011</li> <li>• 20/6/2011.</li> </ul>	<ul style="list-style-type: none"> <li>• Considered at a previous meeting</li> <li>• Considered at a previous meeting</li> <li>• Considered at a previous meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Done</li> <li>• Done</li> <li>• Done</li> </ul>
4. Liaison meetings	<ul style="list-style-type: none"> <li>• Meeting of Chairman with District</li> </ul>	<ul style="list-style-type: none"> <li>• 24<sup>th</sup> April 2012</li> </ul>	<ul style="list-style-type: none"> <li>• <b>It is also suggested that this is put on hold pending the changes under the Localism Act 2011.</b></li> </ul>	• Not yet started

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
	<p>Council's CEO</p> <ul style="list-style-type: none"> <li>Meeting of Chairman with each of the 3 political parties' Leaders</li> </ul>	<ul style="list-style-type: none"> <li>4<sup>th</sup> January 2012</li> </ul>	<ul style="list-style-type: none"> <li>It is suggested that this is put on hold and the meeting takes place as part of the consultation on the new code under the Localism Act 2011.</li> </ul>	<ul style="list-style-type: none"> <li>Not yet started</li> </ul>
5. Review of guidance to members involved with the Planning process	<ul style="list-style-type: none"> <li>To be determined in 2011/12 depending on the progress of the Localism Bill.</li> </ul>	<ul style="list-style-type: none"> <li>21<sup>st</sup> December 2012</li> </ul>	<ul style="list-style-type: none"> <li><b>April 2011</b> – suggest this is suspended until the new ethical framework is in place. In the meantime, the changes to predetermination contained in the Localism Act 2011 are being discussed with Planning with a view to advising members as soon as possible.</li> </ul>	<ul style="list-style-type: none"> <li>Not yet started</li> </ul>
6. Review of Constitution			<ul style="list-style-type: none"> <li>This is dependent on the Localism Act 2011. Changes will be required to the Constitution, but these have yet to be determined.</li> </ul>	<ul style="list-style-type: none"> <li>Not yet started</li> </ul>
	Contracts Standing orders	<ul style="list-style-type: none"> <li>20/6/2011.</li> </ul>	<ul style="list-style-type: none"> <li><b>August 2011</b> – these were approved by Council on 20<sup>th</sup> July and so are now in place and being acted upon.</li> </ul>	Done
	Financial Regulations review	<ul style="list-style-type: none"> <li>20/6/2011</li> </ul>	<ul style="list-style-type: none"> <li>I've asked the Director of Resources to update me on when this will be available.</li> <li><b>August 2011</b> – the Director of Resources has confirmed that these will be presented to the next meeting on 26<sup>th</sup> October 2011.</li> <li><b>January 2012</b> – considered at this meeting. Council to consider these on 15<sup>th</sup> February 2012.</li> </ul>	Done
	Delegation Scheme	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>This is dependent upon the Strategic Alliance and progress with arrangements.</li> <li><b>August 2011</b> – 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</li> </ul>	Suspended

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
			<p>changes. This will need to be done in parallel with NEDDC, our Strategic Alliance partner.</p> <ul style="list-style-type: none"> <li>• <b>April 2011</b> – following the recent appointments of Assistant Directors this can now be taken up.</li> </ul>	
7. Development of the Annual Standards Committee work plan for 2012 to 2013	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• <del>27/4/11.</del></li> <li>• 21/2/2012</li> </ul>	<ul style="list-style-type: none"> <li>• This is dependent on the Council's decision following the enactment of the Localism Bill.</li> <li>• <b>January 2012</b> – this will be considered as part of the Council's consideration of the Localism Act 2011.</li> <li>• <b>April</b> – suggest this is suspended until the new ethical framework is in place.</li> </ul>	Not yet started
8. Partnership Governance arrangements and the ethical framework?	<ul style="list-style-type: none"> <li>• Scoping report</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Request this is suspended until the requirements of the Localism Bill are known.</li> </ul>	Suspended
9. Review of Constitution User Guide	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• This is dependent on the changes to be made by the Localism Bill.</li> </ul>	Suspended

**April 2012**

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	8+	4	5	0		3		3
2012	5	2	3					2

\* 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 and another was a repeat complaint.

Average time taken to reach a decision by the LAC

Year	Number of Complaints	average time to LAC decision
2010	6	20
2011	5	26.5
2012	3	18

17<sup>th</sup> April 2012.

Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 20<sup>th</sup> April 2012

Dear Sir or Madam

STANDARDS COMMITTEE – TUESDAY 24<sup>TH</sup> APRIL 2012

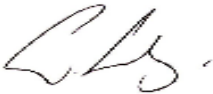
I refer to your recently circulated agenda for the above meeting and now enclose the following item:

**Part One – Open Items**

Agenda Item 10 – Arrangements for the Appointment of Independent Persons (Localism Act 2011).

(Pages 22 to 27).

Yours faithfully



Chief Executive Officer

To: Chairman & Members of the Standards Committee



INVESTORS IN PEOPLE

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Email [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk) Web [www.bolsover.gov.uk](http://www.bolsover.gov.uk)  
Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



The Standard & System

Committee:	Standards Committee	Agenda Item No.:	10.
Date:	24 <sup>th</sup> April 2012	Category	*
Subject:	Arrangements for the Appointment of Independent Persons (Localism Act 2011).	Status	Open
Report by:	Monitoring Officer		
Other Officers involved:	Deputy Monitoring Officer		
Director	N/a		
Relevant Portfolio Holder	<b>N/a</b>		

#### **RELEVANT CORPORATE AIMS**

COMMUNITY SAFETY – Ensuring that communities are safe and secure  
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

REGENERATION – Developing healthy, prosperous and sustainable communities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This report relates to the development of the new ethical following the Localism Act 2011. Consequently, it is relevant to all the corporate aims.

#### **TARGETS**

None, although the current deadline for the introduction of the new ethical framework under the Localism act 2011 is 1<sup>st</sup> July 2012. It will be necessary to propose arrangements to the Council at their meeting in June this year to meet the deadline.

#### **VALUE FOR MONEY**

N/a

#### **THE REPORT**

As members are aware from previous reports on the Localism Act 2011, the new regime has to be in place for the 1<sup>st</sup> July. However we are currently still awaiting further guidance from the Government on Disclosable Pecuniary Interests (DPIs) and other parts of the framework.

In the absence of that guidance, the Authority needs to put in place suitable arrangements combined with delegations so that the new system can be in place in time.

There are a number of aspects that need to be considered:-

- The Derbyshire Monitoring Officers Group
- The replacement Code of Conduct
- Disclosable Pecuniary Interests and change to the Standing Orders
- Independent Persons/Joint advertising
- Investigation Procedure
- Constitution of Standards Committee after the 1<sup>st</sup> July 2012
- Parish Councils
- Transition arrangements for existing complaints
- Timetable
- A Special meeting to be held in May prior to the June Council meeting.

### **Derbyshire Monitoring Officers**

Monitoring Officers in Derbyshire have met twice now. They are working on all aspects of the new framework including the new Code of Conduct, recruitment of Independent Persons, an investigation procedure and other matters that arise.

This group is proving very useful. An investigation procedure is in its final stages of drafting and may be available for this meeting.

The Group will meet again at the start of May.

### **The replacement Code of Conduct**

Various drafts have been made available – from the DCLG, the LGA, Acses. The Group has considered these with a view to recommending one model throughout Derbyshire. At present there are 2 models which are being put forward for further consideration by the Group. One is a very simple 2 page one drafted by the LGA. The other would be a modified version of the existing Code. Many of the Monitoring Officers present at the last meeting believe that the simple form would be preferable. There were concerns from others that there should be more guidance than is contained in the 2 page LGA draft. Members' views are sought on this. I will then consult the party Leaders for their views.

The LGA version is attached to this report.

### **Disclosable Pecuniary Interests**

No guidance has yet been produced as to what will be covered by this interest.

There will continue to be a responsibility on the Monitoring Officer to maintain the Register and to publish it. It will also have to be on the Council's website. This is the same for the Parish and Town Councils Registers as well, meaning that for the first time the Monitoring Officer will be required to put the Parish and Town Council Registers on the District's website.

It should also be remembered that registration requirement now applies to a member's spouse or partner.



There will be no requirement for a Councillor with a Disclosable Pecuniary Interest to leave the Chamber following declaration. It is recommended that this requirement be placed in the Council's Standing Orders. It is expected that most Councils will be doing this.

### **Independent Persons recruitment**

No Regulations or guidance have been produced by the Government.

In view of the Strategic Alliance partnership between Bolsover and North East Derbyshire District Council it seems logical to do some joint advertising. Chesterfield Borough Council is interested in joining in with the process. Members' views are sought on this.

It is recommended that there are 2 Independent Persons appointed. This is to ensure that the Authority is never left in a position where through illness or retirement there is no Independent Person. In addition because the Independent Person will be dealing with both the Monitoring Officer and the Councillor complained of, it seems advisable to have 2.

Current Co-optees on the Standards Committee will be able to apply to become Independent Persons for other Councils, but not Bolsover.

In terms of remuneration, the Independent Person is not a member, so is not covered by the Independent Remuneration Panel which reports on Members' Allowances. It has been suggested that this panel should, nevertheless, offer a view on remuneration.

### **Constitution of Standards Committee form 1<sup>st</sup> July**

The Council has already determined that it wishes to continue with a Standards Committee and in practical terms for dealing with complaints, training etc. it seems sensible to continue this through the experienced members of this Committee.

However its membership and constitution will change as follows:-

- The new Standards Committee will be politically balanced. In practice it always has been at Bolsover.
- There will be no requirement for there to be co-optees or Parish Council representatives on the Committee.

Members' views are sought so that a recommendation can be made to Council at the June meeting of the Council.

### **Parish and Town Councils**

As members are aware there is no obligation on Parish and Town Councils to adopt the same code of conduct as the District. They do have to adopt a code. They do not have to apply any sanctions arising from a hearing. This latter may well lead to conflict.

I will propose to the 15 Parish and Town Councils that they adopt the same as Bolsover.

The Parish Council Liaison meeting would be the best place to take this to seek the views of the Parish and Town Councils. If there is no suitable meeting, I will write to all the Parish and Town Councils.

### **Transition arrangements for existing complaints**

It is likely that Bolsover will have outstanding complaints at the 1<sup>st</sup> July. It is not yet known how these cases will be dealt with.

### **Timetable**

This is attached at pages 26 and 27. As can be seen it does include a requirement for a special meeting of this Committee in May.

### **ISSUES FOR CONSIDERATION**

The set up of the new ethical framework as described in the report.

### **IMPLICATIONS**

Financial : None

Legal : As in the report

Human Resources : None.

### **RECOMMENDATION(S)**

- 1. That Members consider the LGA code and the current code and offer views as to which would be preferable**
- 2. That Members give opinions to Council as to joint advertising and recruitment for the appointment of Independent Persons with the Council's Strategic Alliance partner North East Derbyshire District Council and Chesterfield Borough Council.**
- 3. That Members offer comments to Council on how the remuneration of the Independent Persons should be determined.**
- 4. Members' views are sought on the size and make up of the new Standards Committee from the 1<sup>st</sup> July 2012.**
- 5. That it is recommended that the Monitoring Officer is given delegated power to do anything necessary to bring the ethical framework into being for the 1<sup>st</sup> July or any subsequent deadline.**

ATTACHMENT:           **Y**  
FILE REFERENCE:       **None**  
SOURCE DOCUMENT:   **Localism Act 2011**

### **Attachments**

LGA draft code and Acses comments **(from MO meetings agenda)**  
Timetable

## Timetable for new ethical framework.

April		May		June	
<p>24<sup>th</sup> April 2012 Standards Committee</p>	<p>Considers initial proposals and makes recommendations to Council on:-</p> <p>The process for the recruitment of the Independent Persons.</p> <p>The approval of the draft procedure for considering complaints</p> <p>The process for determining the remuneration of Independent Persons.</p>	<p>Date to be determined – a special Council meeting to approve:-</p>	<p>The process for the recruitment of the Independent Persons.</p> <p>The approval of the draft procedure for considering complaints</p> <p>Determine the remuneration of Independent Persons.</p>	<p>June Council meeting</p>	<p>Chairman of Standards Committee Annual Report.</p> <p>To approve:-</p> <p>Appointment of Independent Persons as from 1<sup>st</sup> July.</p> <p>To approve the adoption of a new code of conduct for members</p> <p>To establish the new Standards Committee.</p> <p>To approve the change to Standing Orders requiring members to leave the Chamber where a Disclosable Pecuniary Interest is declared.</p> <p>To approve</p>

## Timetable for new ethical framework.

					training for all District Councillors on the new code.
30 <sup>th</sup> April 2012 Parish Council Liaison meeting	Seek the views of Parish and Town Councils as to the code of conduct they will adopt	Date to be determined – a special Standards Committee meeting to :-	???? Recommend to Council a version of the code?	28 <sup>th</sup> June 2012 – Parish Council Liaison meeting.	Follow up session and seeking views on training required.
		During month – right to Parish and Town Councils about the adoption of a code.			