

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 21st 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.

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896. MINUTES – 4TH JANUARY 2012

Moved by A. Gascoyne, seconded by J. Jaffray

RESOLVED that the minutes of a meeting held on 4th January 2012 be accepted as a correct record.

897. MATTERS ARISING

- (1) Minute no. 751 Recommended Item from Council – 19th 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.

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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.

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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 15th January 2012.

The Briefing note was noted.

The meeting closed at 1445 hours.