

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 24th April 2012 at 1400 hours.

PRESENT:-

Independent Members: -

J. Yates - Chair

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

Members: -

District Councillors; M.G. Crane, M.J. Dooley, H.J. Gilmour, A. M. Syrett and D.S. Watson.

Officers:-

S. Sternberg (Solicitor and Monitoring Officer), A. Turner (Deputy Monitoring Officer) (from Minute No. 1072), and A. Bluff (Democratic Services Officer).

1063. APOLOGIES

There were no apologies for absence received.

1064. URGENT ITEMS

There were no urgent items of business to consider.

1065. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

STANDARDS COMMITTEE

1066. MINUTES – 21st FEBRUARY 2012

Moved by J. Jaffray, seconded by D. Wright

RESOLVED that the minutes of a meeting held on 21st February 2012 be accepted as a correct record.

1067. RECOMMENDED ITEM FROM SAFETY COMMITTEE HELD ON 2ND MARCH 2012 – AMENDMENT TO TERMS OF REFERENCE FOR SAFETY COMMITTEE

The Monitoring Officer presented a recommended item from Safety Committee held on 2nd March 2012 regarding amendments to the Terms of Reference for Safety Committee to be included in the Council's Constitution.

The amendments were to take into account the appointment of a Shared Health and Safety Manager with Bassetlaw District Council. It was also noted that the Shared Health and Safety Manager would attend Bolsover's Safety Committee meetings.

Moved by Councillor H. Gilmour, seconded by Councillor M. J. Dooley

RESOLVED that the amendments to the Terms of Reference for Safety Committee be approved for inclusion in the Council's Constitution.

(Head of Democratic Services)

1068. RECOMMENDED ITEM FROM SCRUTINY MANAGEMENT BOARD HELD ON 12TH MARCH 2012 – DRAFT BUDGET SCRUTINY TERMS OF REFERENCE

The Monitoring Officer presented a recommended item from Scrutiny Management Board held on 12th March 2012 regarding Terms of Reference for the Budget Scrutiny Committee.

Members were advised that the Budget Scrutiny Committee would meet four times per annum.

Councillor Syrett commented that this was an improvement on current arrangements and was a good saving for the Council. It would also work better and save officer time.

Councillor Crane agreed with Councillor Syrett and added that Members would have more access to budget information.

STANDARDS COMMITTEE

Moved by Councillor M.J. Dooley, seconded by J. Jaffray

RESOLVED that that the Budget Scrutiny Terms of Reference be approved for inclusion in the Council's Constitution.

(Head of Democratic Services)

1069. RECOMMENDED ITEM FROM COUNCIL HELD ON 28TH MARCH 2012 IN RELATION TO MINUTE NO. 900 OF STANDARDS COMMITTEE HELD ON 21ST FEBRUARY 2012

The Monitoring Officer reported that an item relating to arrangements for future Scrutiny Committees, which had been approved at Standards Committee on 21st February 2012, had been deferred by Council on 28th March 2012 for clarification. The Monitoring Officer advised the meeting that the item was now progressing and would be presented to a future Standards Committee.

Moved and seconded

RESOLVED that the report be noted.

(Head of Democratic Services)

1070. STANDARDS COMMITTEE WORK PLAN

The Monitoring Officer presented the Standards Committee Work Plan to the meeting

Members were advised that a number of items on the Work Plan had been put in abeyance due to guidance under the Localism Act 2011 being awaited on the new arrangements for Standards. It was hoped that the guidance would be received shortly so a special meeting of Standards Committee could be arranged for May 2012.

The report was noted.

(Head of Democratic Services)

STANDARDS COMMITTEE

1071. COMPLAINTS TO THE STANDARDS COMMITTEE

The Monitoring Officer presented a report in relation to complaints made against Members.

Members were reminded that complaints received after 1st July 2012 would be dealt with under the new arrangements for Standards brought in by the Localism Act.

Members asked questions.

A short discussion took place.

The Monitoring Officer advised the meeting that the current membership of Standards Committee would stay the same until it changed to a new structure after 1st July 2012.

The report was noted.

The Deputy Monitoring Officer entered the meeting at this point.

1072. ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSONS (LOCALISM ACT 2011)

The Monitoring Officer presented a report to seek Members views on the arrangements for the appointment of Independent persons under the new Standards regime. A template copy of the LGA Code of Conduct was also attached to the agenda.

The new regime for Standards would have to be in place by 1st July 2012, though no regulation or guidance had yet been produced by the Government on recruiting Independent Persons.

In the meantime the Council needed to put in place suitable arrangements so that the new system could be in place in time.

Derbyshire Monitoring Officers Group had now met twice and was working on all aspects of the new framework.

Presently, there are two models of the replacement Code of Conduct which were being put forward for consideration by the Derbyshire Monitoring Officers Group, one being a two page model drafted by the LGA and the other a modified version

STANDARDS COMMITTEE

of the current Code. The LGA model was the preferred model by the majority of the Group. Standards Committee Members' views were sought.

Recommendations are that two Independent persons be appointed to ensure that the Authority is never left in a position where, through illness or retirement, there is no Independent Person available. In addition, because the Independent Person would be dealing with both the Monitoring Officer and the Councillor complained of, it would seem advisable to have two.

It would also be logical, in view of the Strategic Alliance Partnership between Bolsover and North East Derbyshire District Council, to carry out joint advertising. Chesterfield Borough Council had also shown an interest in joining in with the process.

The Monitoring Officer advised the meeting that current Co-optees on the Standards Committee would be able to apply to become Independent Persons for other Councils, but not Bolsover.

The Independent Person is not a Member so is not covered by the Independent Remuneration Panel which reports on Members' Allowances. It was suggested, however, that Standards Committee Members should still offer their view on remuneration.

A discussion took place.

Members agreed that Independent Members remuneration arrangements should stay the same as current Cooptees Standards Members under the new structure.

Members also agreed that with regard to joint advertising, the Council's 'In Touch' magazine, and parish council notice boards were good options to use for advertising for the recruitment of Independent persons.

The Council had already agreed that it wished to continue with a Standards Committee for dealing with Member complaints and training etc, and also to keep the experienced Members of the current Committee, though the membership and constitution would change in that there will be no requirement for Co-optees or parish council representatives and the new Committee would have to be politically balanced. It was noted, however, that the Council did have power to put co-optees and parish council representatives, and any number of them, on the Standards Committee but they would have no voting powers.

A short discussion took place.

Councillors Syrett, Gilmour and Dooley agreed that they would like to see co-opted members on the Standards Committee.

STANDARDS COMMITTEE

Moved and seconded.

RESOLVED that (1) Members considered the LGA code and the current code and considered the pros and cons,

(2) Members considered the issues surrounding the new ethical framework with the details currently known,

(3) Members agreed that Independent Members remuneration arrangements should stay the same as current Cooptees Standards Members under the new structure,

(4) Members considered the size and make up of the new Standards Committee from the 1st July 2012,

RECOMMENDED TO COUNCIL that the Monitoring Officer is given delegated power to do anything necessary to bring the ethical framework into being for the 1st July or any subsequent deadline.

The meeting closed at 1510 hours.