

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 7th August 2012

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Standards Committee of Bolsover District Council to be held in Committee Room 1, Sherwood Lodge, Bolsover, on Wednesday 15th August 2012 at 1400 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 and 3.

Yours faithfully,




Chief Executive Officer

To: Chairman & Members of the Standards Committee

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 **01246 242528**
Minicom: 01246 242450

Democratic Services
Fax: 01246 242423



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Email enquiries@bolsover.gov.uk Web www.bolsover.gov.uk
Chief Executive Officer: Wes Lumley, B.Sc., F.C.C.A.



The Government Standard

STANDARDS COMMITTEE AGENDA

Wednesday 15th August 2012 at 1400 hours
Committee Room 1

Item No.		Page No.(s)
1.	<u>Election of Chair</u>	
2.	<u>Appointment of Vice Chair</u>	
3.	<u>Apologies for Absence</u>	
4.	<u>Urgent Items of Business</u>	
	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	
5.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional urgent items to be considered	
	c) any matters arising out of the business of those items	
	and withdraw from the meeting at the relevant time, if appropriate.	
6.	Terms of Reference.	4
	<u>Minutes</u>	
7.	To approve the Minutes of a meeting held on 19 th June 2012.	5 to 11
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10.	Recommended Item from Safe and Inclusive Scrutiny Committee held on 10 th July 2012 – Review of Terms of Reference.	15
11.	Recommended Item from Sustainable Communities Scrutiny Committee held on 11 th July 2012 – Review of Terms of Reference.	16
12.	Recommended Item from Council 25 th July 2012 – Ethical Framework	
	Minutes from the Council Meeting held on 25 th July 2012 will be circulated at the meeting. The recommended items for consideration are attached.	17 to 30
13.	Personal Interests Guidance from the Department for Communities and Local Government.	31 to 42
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16.	Member Complaints Numbers final report under the previous regime	55

STANDARDS COMMITTEE TERMS OF REFERENCE

1. Promoting and maintaining high standards of conduct by Members and co-opted Members of the Council.
2. Assisting Members and co-opted Members of the Council to observe the Bolsover Members' Code of Conduct.
3. Advising the Council on the adoption or revision of a Code of Conduct.
4. Monitoring the operation of the Bolsover Members' Code of Conduct.
5. Advising, giving training and arranging to train Members and co-opted Members of the Council on matters relating to the Bolsover Members' Code of Conduct.
6. Member Training (including the attendance of Members at courses) in relation to matters affecting their conduct and probity.
7. All matters relating to dispensations for Members to speak and vote where the Members concerned have interests.
8. To conduct determination hearings into complaints against Members.
9. To promote and maintain high standards of conduct within Town/Parish Councils and to assist them in following their own Codes of Conduct.
10. To deal with complaints against Town and Parish Councillors in accordance with 8 above.
11. To grant exemptions for politically restricted posts.
12. Responsibility for the Regulation of Investigatory Powers Act 2000 (RIPA) policy and procedures, to include monitoring, revisions and approval.

TO RECOMMEND TO COUNCIL WITH REGARD TO:-

15. Overseeing the Council's "whistle blowing" policy and arrangements and to amend them as appropriate.
16. Changes required to the Constitution as a result of the monitoring and reviewing undertaken by the 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 19th June 2012 at 1400 hours.

PRESENT:-

Independent Members: -

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

Members: -

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

Officers:-

S.E.A Sternberg (Solicitor and Monitoring Officer), A. Turner (Deputy Monitoring Officer) (from Minute No.133), N. Etches (Projects Officer (Policy and Research)) (to Minute No.133) and A. Bluff (Democratic Services Officer).

122. CHANGE OF AGENDA

The Monitoring Officer advised the meeting that agenda item 2; 'Election of Chair' would be heard before agenda item 1; 'Apologies for Absence'.

The Monitoring Officer reminded the meeting that due to the imminent changes for Standards arrangements, the election of a Chair would only be until the 30th June 2012.

123. ELECTION OF CHAIR

Moved by Councillor M.G. Crane, seconded by R. Lilley

RESOLVED that J. Yates be elected Chair of Standards Committee until 30th June 2012.

Mr. J. Yates in the Chair

STANDARDS COMMITTEE

124. APOLOGIES

Apologies for absence were submitted on behalf of J. M. Hill and Councillor M. J. Dooley.

125. APPOINTMENT OF VICE CHAIR

It was agreed that due to the imminent changes for Standards arrangements the appointment of Vice Chair be deferred.

Moved and seconded

RESOLVED that the appointment of Vice Chair be deferred.

126. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

127. DECLARATIONS OF INTEREST

There were no declarations of interest made.

128. TERMS OF REFERENCE

Moved by Councillor A. M. Syrett, seconded by A. Gascoyne

RESOLVED that the Terms of Reference be accepted.

129. MINUTES – 24TH APRIL 2012

Moved by Councillor A. M. Syrett, seconded by A. Gascoyne

RESOLVED that the minutes of a Standards Committee meeting held on 24th April 2012 be accepted as a true record.

STANDARDS COMMITTEE

130. MINUTES OF A STANDARDS HEARING HELD ON 1ST MAY 2012

Members were advised that the minutes of a Standards Hearing held on 1st May 2012 were unavailable for this meeting.

Councillor Crane raised concern that the minutes were unavailable for Members and also that he had been made aware that the Chair of Standards Committee had not been informed that the Hearing was taking place.

Councillor Syrett agreed with Councillor Crane and added her concerns also.

Members asked questions.

The Monitoring Officer answered the questions.

A lengthy discussion took place.

131. RECOMMENDED ITEM FROM EXECUTIVE HELD ON 28TH MAY 2012 – AMENDMENT TO EXECUTIVE FUNCTIONS

The Monitoring Officer presented a recommended item from Executive held on 28th May 2012, in relation to an amendment to point 16 of the Executive Functions in the Council's Constitution, that the Council's Policy and Race Equality Scheme be replaced with the 'Council's Single Equality Scheme'.

Moved by Councillor A. M. Syrett, seconded by Councillor D. S. Watson
RECOMMENDED that the amendment to point 16 of the Executive Functions in the Council's Constitution be accepted.

(Monitoring Officer/Head of Democratic Services)

132. RECOMMENDED ITEM FROM EXECUTIVE HELD ON 28TH MAY 2012 – COMMERCIAL PROPERTY LEASE AGREEMENTS – DELEGATION

The Projects Officer (Policy and Research) presented a recommended item from Executive held on 28th May 2012, in relation to a change to the Assistant Director of Regeneration's delegated powers, that he be given delegated authority to agree future commercial property lease agreements.

STANDARDS COMMITTEE

The Projects Officer (Policy and Research) explained that in recent weeks, the Council had finalised and agreed terms with tenants for a number of its available commercial properties across the District.

It was proposed to change the delegation scheme so that in future the Assistant Director of Regeneration, in consultation with Strategic Alliance Management Team and the Leader and Deputy Leader, would have authority to agree to commercial leases, which would ensure that they could be agreed and completed quickly and that rental income could be received at the earliest opportunity.

Moved by Councillor H. J. Gilmour, seconded by R. Jaffray

RECOMMENDED that Council be recommended to approve the amendment to the delegation scheme to include delegated authority for the Assistant Director of Regeneration to agree commercial property lease agreements relating to the Council's commercial property portfolio and for leases relating to electricity sub-stations and gas governor sites in consultation with the Strategic Alliance Management Team and the Leader and Deputy Leader.

(Monitoring Officer/Head of Democratic Services)

The Projects Officer (Policy and Research) left the meeting.

The Deputy Monitoring Officer entered the meeting.

133. REVISION OF THE RIPA POLICY AND PROCEDURE

The Monitoring Officer presented a report in respect of a review of the RIPA Policy and Procedure.

Members were advised that the Office of the Surveillance Commissioners (OSC) would be carrying out an inspection on the 12th July 2012. This was done periodically and the last inspection was carried out in 2009.

In addition, under the Protection of Freedoms Act 2012, the requirements for authorisations would change to include a requirement for a Magistrate to approve authorisations. The date for this change has yet to be announced.

Local authorities will no longer be able to authorise their own applications but will have to seek the consent of a Magistrate. This is in addition to obtaining the Authorising Officer's approval. The Magistrate would need to consider whether

STANDARDS COMMITTEE

the application crosses the “seriousness” threshold which is to be prescribed in Regulations. If it does not, the application would be refused.

The criteria for assessing the “seriousness” of the matter would restrict applications to those relating to an offence which attracts a maximum custodial sentence of six months or more. This is a change the Coalition Government promised when they came into power.

The Monitoring Officer advised the meeting of a necessary additional recommendation to the one contained in the report; that the Monitoring Officer be given delegated powers to amend the RIPA Policy and Procedure when these provisions come into force.

A short discussion took place.

Moved by Councillor A. M. Syrett, seconded by R. Jaffray

RECOMMENDED that (1) the revised RIPA Policy and Procedure be approved,

(2) the Monitoring Officer be given delegated powers to amend the RIPA Policy and Procedure when the new provisions come into force.

(Monitoring Officer/Head of Democratic Services)

The Monitoring Officer stated that she wished to thank all Members of the Standards Committee for their hard work and help over the previous years.

The Monitoring Officer left the meeting.

134. GIFTS AND HOSPITALITY ADVICE REVIEW

The Deputy Monitoring Officer presented a report in respect of a review of the Gifts and Hospitality guidelines carried out by the Internal Audit Consortium.

Appendix 1 of the Employee Code of Conduct in the Council’s Constitution set out the guidelines on acceptance of gifts/hospitality with a copy attached to the report for Members information.

Following the review it was proposed that paragraph 6(b) of the Guidelines be deleted.

Paragraph 6(b) reads: - *“A social event, e.g. a society’s golf day or an open day organised by a company where other organisations are guests.”*

STANDARDS COMMITTEE

Moved by R. Jaffray, seconded by Councillor D. S. Watson

RECOMMENDED that Council be recommended that Paragraph 6(b) be deleted from the Council's Guidelines on Acceptance of Gifts/Hospitality.

(Monitoring Officer/Head of Democratic Services)

135. ETHICAL FRAMEWORK UPDATE – VERBAL REPORT

Changes to the ethical framework in the Localism Act 2011 introduce the role of an Independent Person whilst removing the role and powers of co-optees on Standards Committee.

Further information had now been received on the transitional provisions for the new Standards arrangements.

The Deputy Monitoring Officer advised the meeting that if a Member was on Standards Committee at 30th June 2012, he/she cannot be an independent person under the new arrangements. If any current Member wished to apply for the independent persons posts, they would need to resign from Standards Committee by 30th June 2012. The Deputy Monitoring Officer further advised the meeting that there was no guarantee of a new Standards Committee and reminded Members that they could apply to be independent persons at other authorities without having to resign from Bolsover's Standards Committee.

Members asked questions.

A lengthy discussion took place.

136. STANDARDS COMMITTEE WORK PLAN

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

It was noted that due to the imminent changes for Standards arrangements, a number of items on the Work Plan had been put in abeyance.

Moved and seconded

RESOLVED that the Work Plan be noted.

STANDARDS COMMITTEE

137. COMPLAINTS TO THE STANDARDS COMMITTEE

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

It was noted that any complaints received from 1st July 2012 would be dealt with under the new arrangements for Standards.

Moved and seconded

RESOLVED that the report be noted.

Councillor Crane stated that he wished to thank the Chair and all Independent persons on the Standards Committee for their help over the years.

The Chair thanked Councillor Crane and the rest of Standards Committee Members and stated that he had enjoyed his years on the Committee.

The meeting concluded at 1455pm.

STANDARDS COMMITTEE

Minutes of a special meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Friday 29th June 2012 at 1400 hours.

PRESENT:-

Independent Members: -

A. Gascoyne, R. Jaffray, R. Lilley and D. Wright.

Parish Representative:-

Councillor T. Munro

Members: -

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

Officers:-

S.E.A Sternberg (Solicitor and Monitoring Officer) and A. Bluff (Democratic Services Officer).

189. ELECTION OF CHAIR FOR MEETING

Moved by R. Lilley, seconded by T. Munro

RESOLVED that R. Jaffray be elected Chair for the meeting.

R. Jaffray in the Chair

Councillor Dooley queried when this meeting had been asked for. The Monitoring Officer replied that the Chief Executive Officer had received a letter from the Chair of Standards Committee on Friday 22nd June 2012 requesting a special meeting be arranged.

STANDARDS COMMITTEE

190. APOLOGIES

Apologies for absence were submitted on behalf of J. M. Hill.

191. DECLARATIONS OF INTEREST

There were no declarations of interest made.

192. MINUTES OF A STANDARDS COMMITTEE HEARING HELD ON 1ST MAY 2012

Councillor Watson confirmed the accuracy of the minutes of the Hearing held on 1st May 2012.

The minutes were received.

A discussion took place as to the decision at the Hearing and the sanction that was imposed.

Councillor Syrett said that there was a whole body of people affected by the Subject Member's accusations that seemed to have no further means of redress. She asked that her comment be minuted.

Councillor Dooley expressed her thanks to John Yates for the superb way he has conducted the Standards Committee meetings.

The meeting concluded at 1435pm.

**RECOMMENDED ITEM FROM IMPROVEMENT SCRUTINY COMMITTEE
HELD ON 9TH JULY 2012**

212. REVIEW OF TERMS OF REFERENCE

The Scrutiny Officer advised Members that at its meeting on 25th June 2012, Scrutiny Management Board had reviewed the Scrutiny Procedure Rules and Terms of Reference and made minor changes. They had also agreed that Scrutiny Committees could look at their Terms of Reference with a view to making any changes felt necessary.

A short discussion took place.

In relation to item 6 in the Terms of Reference, it was agreed that the Committee's 4 year Work Plan be changed to the Committee's *annual* Work Plan, as below;

*'To carry out the reviews in the Committee's **annual** Work Plan in a timely and efficient manner'.*

Moved by Councillor R. Heffer, seconded by Councillor R. Brooks

RESOLVED that in relation to the Work Plan, in the Terms of Reference for Improvement Scrutiny Committee, the words 'four yearly' be replaced with 'annual'.

RECOMMENDED that Standards Committee is recommended to include the above change to the Terms of Reference for Improvement Scrutiny Committee.

(Monitoring Officer / Head of Democratic Services)

AGENDA ITEM 10
STANDARDS COMMITTEE 15TH AUGUST 2012

**RECOMMENDED ITEM FROM SAFE AND INCLUSIVE SCRUTINY
COMMITTEE HELD ON 10TH JULY 2012**

222. REVIEW OF TERMS OF REFERENCE

The Scrutiny Officer advised Members that at its meeting on 25th June 2012, Scrutiny Management Board had reviewed the Scrutiny Procedure Rules and the Terms of Reference and made minor changes. They had also agreed that Scrutiny Committees could look at their Terms of Reference with a view to making any changes felt necessary.

In relation to item 6 in the Terms of Reference, it was agreed that the words “the Committee’s 4 year Work Plan” be changed to the Committee’s *annual* Work Plan. It was also suggested that the words “timely and efficient manner” be replaced with, “to carry out reviews in an efficient manner”.

A discussion took place.

Moved by Councillor K. F. Walker, seconded by Councillor M. J. Dooley
RESOLVED that (1) the words “the Committee’s 4 year Work Plan” be changed
to the Committee’s *annual* Work Plan,

(2) the words “timely and efficient manner” be unchanged.

(Head of Democratic Services/Monitoring Officer)

Councillors Connerton and Anderson asked for their vote against the second resolution to be recorded.

**RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY
COMMITTEE HELD ON 11TH JULY 2012**

230. REVIEW OF TERMS OF REFERENCE

Following discussions, it was suggested that at point six, the 4 year work plan be changed to an Annual Plan and point 7, to carry out the Scrutiny Review of Health, be removed as the responsibility for scrutiny of Health was passed to the Scrutiny Management Board last year due to the capacity of the Sustainable Communities Scrutiny Committee already covering the Corporate Plan Aims of Regeneration and Environment.

Moved by Councillor G. O. Webster, seconded by Councillor G. Parkin
RECOMMENDED that the Sustainable Communities Scrutiny Committee Terms of Reference be changed as follows:

- (1) No. 6 – ‘To carry out the reviews in the Committee’s *4 year Work Plan* in a timely and efficient manner’ be changed to an *Annual Work Plan*.
- (2) No. 7 to be deleted - ‘To carry out the Scrutiny Review of Health’.

(Head of Democratic Services/Constitution)

AGENDA ITEM 12
STANDARDS COMMITTEE – 15TH JULY 2012
RECOMMENDED ITEM FROM COUNCIL HELD ON 25TH JULY 2012

Council	Council	Agenda Item No.:	11
Date:	25 th July 2012	Category	*
Subject:	The Council's Ethical Framework under the Localism Act 2011.	Status	Open
Report by:	Solicitor to the Council and Monitoring Officer		
Other Officers involved:	Deputy Monitoring Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	N/A		

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 relates to all the aims as it relates to the ethical framework under which all members operate.

TARGETS

N/A

VALUE FOR MONEY

The expenditure of money is not directly involved.

THE REPORT

Background

The Localism Act 2011 has made substantial changes to the ethical framework which governing members' behaviour when acting as councillors. At Council on 20th June, Council delegated to me the authority to take all steps necessary to be in a position to present to you this report making recommendations as to the Code, the procedures and the necessary appointments.

The Report

1. Code of Conduct

There is no statutory model Code.

Following discussions at meetings of the Derbyshire Monitoring Officers and discussion with members through Cabinet, the attached has been produced. This is based on the LGA draft with some modifications. It is simple in format and intended to be user friendly. It will need back up in the form of guidance on some aspects and training both of which will be organised following this meeting.

It refers to the statutory list of Disclosable Pecuniary Interests from the Regulations and includes the other Interests that the Council may decide to apply (see below).

The proposed Code of conduct is attached and recommendation one is that you approve this as your Code. Once approved, the Code will have to be advertised.

2. Interests

These are split into 2 groups under section 28 (2) of the Localism Act 2011. The first of these, Disclosable Pecuniary Interests, have been proscribed by Regulations. These are the ones around which there are criminal offences for failure to comply. They are the interests of you and your spouse or partner.

Section 28(2) also provides for the Council to add to the Code interests other than pecuniary interests where the Council considers this appropriate. Failure to comply with these would be a breach of the Code for which action could be taken by the Council, but would not be a criminal offence. The draft Code contains suggestions for these. They are based on what members have been working to for the last 12 years and so should be familiar.

In relation to Disclosable Pecuniary Interests I have already written to members requesting a registration from them within the 28 days allowed by the law. I will

be writing further to members after today to request registration of the interests other than Disclosable Pecuniary Interests if the Council decides to add these to the Code.

It remains an obligation for you to register changes within 28 days. Should you have a Disclosable Pecuniary Interest in a matter before a meeting, but not yet have registered it, you must in those circumstances declare that Interest at the meeting.

3. The Register of Interests

Under section 29 of the Act, I am required to keep a Register of your interests and to place it on the web site. I have no choice in this. I am also required to do the same with Parish/Town Council Registers. The Registers must also be available for inspection by the public.

This is in addition to the Gifts and Hospitality Register. Once again members must record separately any gift or hospitality received. However now this relates to anything with a value of £100 or more. This Register is kept by the CEO's Personal Assistants.

4. Disclosing Interests

The obligation is to register the interest within 28 days of it arising. The Act does not require the disclosure of registered DPI's in meetings, in the interests of openness and transparency I have included a requirement to do so in the proposed Code of Conduct.

The legislation, section 31 of the Localism act 2011 prevents the member from participating or voting. It does not require the member to leave the Chamber at this point in time. The legislation (at Section 31(10) Localism Act 2011) recognises that authorities may wish to include standing orders requiring members to leave in such circumstance. This is what I am proposing. I suggest the following is added to Council Procedure Rules:-

4.1.4A.1 Where a Member has a Disclosable Pecuniary Interest in any business of the Authority; the Member must withdraw from the meeting room whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.

4.1.4A.2 Where a Member has a non statutory interest (as defined in the Bolsover Members' Code of Conduct) in any business of the Authority, and that interest is significant, the Member must withdraw from the meeting room whenever it becomes apparent that the business is being considered.

5. Criminal Offences

These are:-

- Failure to disclose a Disclosable Pecuniary Interest to a meeting where that interest is not registered.
- Failure to notify the Monitoring officer of the Disclosable Pecuniary Interest within 28 days
- Participating in any discussion or vote when the Member has a Disclosable Pecuniary Interest.
- As an Executive Member, taking action under delegated powers where the Member has a Disclosable Pecuniary Interest.
- Providing false or misleading information in relation to the registration or disclosure of a Disclosable Pecuniary Interest where the Member knows the information is false or misleading or is reckless as to whether the information is true or misleading.

These are meant to be for the most serious breaches. The penalties on conviction are:-

- A fine at Level 5 of the standard scale (£5000)
- Disqualification of the Member for up to 5 years from being elected or co-opted.

Prosecutions may only be brought by the DPP within 12 months of there being sufficient evidence of the alleged offence but with an absolute limit of 3 years.

6. Complaints procedure

Section 28(6)(b) of the Localism Act 2011 requires the Council to have arrangements in place for dealing with complaints. There is no requirement to have a Standards Committee. However it is considered, following informal discussions with Members, that the easiest way to have the appropriate procedures in place for hearing complaints is by way of a Standards Committee.

A Standards Committee would have to be politically balanced. There may be co-optees, but co-optees may not vote on any matter before the Committee. A co-optee could be Chair of the Committee but would not be able to exercise a casting vote on any issue.

Current co-optees seem very keen to continue on the Committee. Most haven't applied to be Independent Persons (see below).

The recommendation suggests that a Standards Committee of 6 elected members be established, that there be 4 Labour Councillors and 1 from each of the Opposition Groups. In addition there should be co-opted onto the Committee 2 non elected persons formally co-opted to the previous Standards Committee. I have recommended that the previous Chair and Vice Chair, John Yates and Ruth Jaffray be appointed as the co-optees.

There is also the possibility that the Committee could have Parish Council representation on it and Members should consider if this is what they wish to do.

The Independent Remuneration Panel will need to consider allowances in relation to the co-optees and the Chair and Vice Chair of this Committee.

7. Audit Committee

The changes to Standards Committee listed above also have an affect on Audit Committee. Currently Audit Committee consists of 3 elected members and 3 co-optees. The recommendation is that Audit Committee consists of 6 elected Members and 2 co-optees. It would have to be politically balanced, resulting in there being 4 Labour Councillors, 1 Independent Councillor and 1 Residents Association.

As with the Standards Committee, the Independent Remuneration Panel will need to consider allowances in relation to the co-optees and the Chair and Vice Chair of this Committee.

8. Complaints process

The new system does not require the setting up of assessment sub committees to consider complaints, as under the previous system. Instead it is left for the Council to set up its own procedure.

Attached is a flow chart setting out responsibilities for dealing with complaints. Under this system the assessment of complaints will be carried out by the Monitoring Officer. It is proposed that the Council approve the principles in the flow chart and delegate power to me to put in place a suitable procedure to go with this and to be put on the web. Any Hearing Panel would consist of 3 elected members and no co-optees.

9. Independent Persons

This new role is to give a check and a balance on the consideration of allegations against members at various stages of the process. Both the Monitoring Officer and the Member the subject of the complaint can seek the views of these Independent Persons during the course of considering allegations. The Monitoring Officer **must** consult the Independent Persons in certain circumstances including where a Hearing Panel wishes to impose a sanction. The Independent Persons are not Members of the Standards Committee.

Section 28 of the Localism Act 2011 requires the Council to appoint at least one of these persons. It is recommended that 2 are appointed to give some resilience in this role.

In accordance with my delegated power and the requirements of the legislation these roles were advertised on the basis that the successful 2 candidates would be paid £800 per year. £800 was chosen as this seemed to be the amount chosen by neighbouring and many other councils. There were 24 applications.

Interviews took place on the 9th July. The Interview Panel consisted of the Deputy Leader, Councillor Clifton, the Chief Executive Officer and the Deputy Monitoring Officer. Their recommendation is to appoint Mr S. Wainwright and Mr S. M. Wood to this role.

10. Parish Councils

In relation to Parish Councils, I have written to all the Parish and Town Councils explaining what the District is doing and sending a draft of the proposed Bolsover Members' Code of conduct. Parish and Town Councils have a choice as to which Code they adopt. Some have expressed a desire to adopt the same Code as the District.

My Deputy and I will be attending the Parish Liaison Meeting at the end of July to talk to the Parishes about these issues.

ISSUES FOR CONSIDERATION

The recommendations listed in relation to the new ethical framework.

IMPLICATIONS

Financial: None

Legal: As in the report. Under the Localism Act 2011 only Council can approve a Code of Conduct for members.

Human Resources: None

RECOMMENDATIONS that

- 1. in accordance with section 27(2) of the Localism act 2011, Members adopt the Code of Conduct attached to this report as the Bolsover District Council Members' Code of Conduct.**
- 2. the following is approved for inclusion in the Council Procedure Rules in the Constitution:-**

4.1.4A.1 Where a Member has a Disclosable Pecuniary Interest in any business of the Authority, the Member must withdraw from the meeting room whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.

4.1.4A.2 Where a Member has a non statutory interest (as defined in the Bolsover Members' Code of Conduct) in any business of the Authority, and that interest is significant, the Member must withdraw from the meeting room whenever it becomes apparent that the business is being considered.

3. (1) a Standards Committee is established,
(2) there be 4 Labour Councillors, 1 Independent Councillor and 1 Residents Association Councillor,
(3) John Yates and Jean Ruth Jaffray be co-opted onto the Committee,
(4) Members determine whether one of the Co-optees should Chair the Committee.
(5) Members determine whether there should be Parish/Town Council representation.
(6) the terms of reference be as attached.
4. (1) a new Audit Committee is established,
(2) there be 4 Labour Councillors, 1 Independent Councillor and 1 Residents Association Councillor,
(3) the Council appoint 2 co-optees onto the Committee,
(4) Members determine whether one of the Co-optees should Chair the Committee,
(5) the terms of reference remain the same as for the previous Audit Committee.
5. Members approve the attached flow chart showing the outcomes for consideration of complaints.
6. Members delegate to the Monitoring Officer authority to develop and approve a complaints process based on this flow chart but with the proviso that the Monitoring Officer can refer assessment of a complaint to the Standards Committee in appropriate circumstances.
7. Members delegate to the Monitoring Officer the authority to select three Members of Standards Committee to sit on a Hearing Panel with power to determine allegations that a Councillor has breached the relevant Code of conduct.
8. an Independent Remuneration Panel be set up to consider the allowances for the co-optees and Chairs and Vice Chairs of both Audit and Standards Committees.

9. In accordance with the recommendations of the Interview Panel that Mr S. Wainwright and Mr S. M. Wood be appointed as Independent Persons and receive an annual payment of £800.
10. Members delegate to the Monitoring Officer, in consultation with the Leader and Deputy Leader, authority to do anything necessary to bring the new system into operation or subsequently to improve the operation of the system.
11. Members delegate to the Monitoring Officer, in consultation with the Independent Person, authority to grant dispensations to Members to allow them, in accordance with the legislative requirements, to participate in and vote upon items in which they have a Disclosable Pecuniary Interest or other Interest.

ATTACHMENT: Y
The Bolsover Members' Code of Conduct
Flow chart showing the outcomes for consideration of complaints
Draft Standards Committee Terms of Reference

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

Members' Code of Conduct

As a member or co-opted member of the Bolsover District Council I have a statutory responsibility to have regard to the following principles when representing the community and working constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

The Seven Statutory Principles

In accordance with the Localism Act provisions, when acting or appearing to act in my capacity as a councillor I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

General Conduct

As a Member of the Council, I will ensure my conduct is in accordance with the statutory principles of the code of conduct by:

- Dealing with people fairly, appropriately and impartially.
- Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council or the good governance of the Authority in a proper manner.
- Complying with the requirements of the Council's Protocol on Gifts and Hospitality by registering with the Monitoring Officer any item of hospitality that I receive.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of my Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account.
- Restricting access to information when the wider public interest or the law requires it.

- Behaving in accordance with the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.

I also agree to abide by the following rules:

Where you have a Disclosable Pecuniary Interest (under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012) in any business of the Authority you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place

In addition the following Non Statutory Interests (other interests) will apply:

Non Statutory Interests (other interests)

You must, within 28 days of this Code being adopted by the Council; or within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other interests, where they fall within the following descriptions, for inclusion in the register of interests.

You have an interest in any business of your authority where either it relates to or is likely to affect:

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or,
- (b) any body:
 - (1) exercising functions of a public nature;
 - (2) directed to charitable purposes; or
 - (3) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;

You also have an interest in any business of your authority:

- (i) where a decision in relation to that business might reasonably be regarded as affecting your financial position or the financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (ii) it relates to or is likely to affect any of the interests you have registered as an interest.

(A relevant person is a member of your family or any person with whom you have a close association; or any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or any body of a type described in paragraphs (a) or (b)(1)(2)(3) above).

You must, within 28 days of becoming aware of any new interest or change to any interest notify the Monitoring Officer of the details of that new interest or change.

Disclosure of interests

Where you have an interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, where it is not on your register of interests.

Where you have an interest but sensitive information (as defined below) relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have an other interest, but need not disclose the sensitive information to the meeting.

(Sensitive interests: Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld)

Non participation in case of significant other interest:

Where you have an interest in any business of your authority you also have a significant other interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably

regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- affects your financial position or the financial position of a person or body described in paragraphs (a) or (b)(1)(2)(3) (i) or (ii) above.

Where you have a significant other interest in any business of the Council you may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting. If the interest is not registered, you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place (subject to the following paragraph).

Where you have a significant other interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of your authority in respect of:

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

Signed.....
Dare.....



Department for
Communities and
Local Government

Bob Neill MP

Parliamentary Under Secretary of State

**Department for Communities and Local
Government**

Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3430

Fax: 0303 444 3986

E-Mail: bob.neill@communities.gsi.gov.uk

www.communities.gov.uk

To all Local Authority Leaders

Dear Colleague,

I wrote to you on 28 June about the new standards arrangements for council members. I am now writing to let you know that we have today published a guide for councillors on openness and transparency on personal interests.

This is a practical guide which will help all to properly understand the new arrangements and shows clearly how these arrangements strike a common sense balance between accountability of elected representatives and personal privacy. I would hope that you and all members of your council will want to carefully look through the guide – I am sure that you will find it helpful as you go about your day-to-day business as elected members serving your local communities.

The guide gives straightforward information about how councillors should be open and transparent about their personal interests. It makes clear to monitoring officers that any heavy bureaucratic, 'gold plated' approach has no place in the new localist standards arrangements.

The guide equally makes clear that every councillor should be giving their monitoring officer all the information they need to get and keep their register of members' interests up to date. The legal requirements mean that sitting councillors, just like newly elected councillors, should be registering their disclosable pecuniary interests.

Moreover, a member's disclosable pecuniary interests, as the guide explains, include certain interests of their spouse or civil partner. But as the guide also explains, there is no requirement that in the register a member's interest should be differentiated from those of his or her spouse or civil partner or that the names of the spouse or civil partner should be disclosed.

Copies of the guide are available on my Department's web-site. We are confident that this will help all those who have chosen to serve their communities as councillors to ensure that there is openness and transparency about their affairs whilst their legitimate privacy is properly respected.

BOB NEILL MP



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of honesty - that **'holders of public office have a duty to declare any private interests**

³ <http://www.communities.gov.uk/publications/localgovernment/localcodeconduct>

relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are

⁴ http://www.public-standards.gov.uk/Library/Seven_principles.doc

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a

criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex

Description of disclosable pecuniary interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

AGENDA ITEM 14
STANDARDS COMMITTEE – 15TH AUGUST 2012
DRAFT STANDARDS COMMITTEE WEB PAGES

Standards Committee

Following the changes made by the Localism Act 2011, the Council has decided to establish a Standards Committee. There is no statutory obligation to have a Standards Committee. The Standards Committee comprises of six elected members and two non elected co-opted members. The co-optees are non voting members of the Committee. The Committee is chaired by one of the co-optees. In relation to the elected members, the Committee is politically balanced.

The Standards Committee comprises the following members:

- John Yates (Chairman) (non elected co-optee) 🗳️ Register of Interests **(new one needed)**
- Jean Jaffray (non elected co-optee) 🗳️ Register of Interests **(new one needed)**
- 4 Labour Councillors
- 1 Independent Councillor
- 1 Residents Association member

Its Terms of Reference **the new ones approved at Council on 25th July 2012 need including**, Rules and Procedures and the Conduct of its meetings are contained in Chapter 3 of the Council's Constitution. The Terms of Reference include functions in addition to the ethical framework.

The Committee is involved in achieving and promoting high standards of conduct by councillors through training and monitoring complaints. A Sub Committee of Standards Committee will hold a hearing to consider the outcome of the investigation into any allegation of misconduct or breaches of Codes and Protocols. It will also hold hearings to consider the outcome of the investigation into any allegations that town and parish councillors have breached their Code of Conduct.

Ultimately any hearings into alleged breaches of the code of conduct for District or parish or town councils can be dealt with by a sub Committee of the Standards Committee. Not all cases result in hearings. Not all hearings result in a finding that a breach has occurred.

A Sub Committee which decides that the code has been breached may decide that the member should be censured, should receive training or should give an

apology. In the case of a Parish or Town Council Councillor, the relevant Parish or Town Councillor may decide not to administer the result.

If you have a complaint or a concern about the conduct of one of the District's councillors or a parish or town councillor and you think they may have breached the code, you may be able to make a complaint to the Standards Committee. This should be done in writing on a complaint form and sent to the Monitoring Officer (details below).

The way complaints will be dealt with.

Your complaint will be considered by the Monitoring Officer in consultation with one of the Independent Persons ([link](#)). The outcome will be one of the following

- That the complaint does not disclose a potential breach of the code of conduct and that no action will be taken.
- That the complaint discloses a breach, but that the breach is better dealt with by way of mediation, training or discussion with a party group Leader.
- That the complaint should be investigated.

This is shown on the flow chart ([link](#)) approved by Council.

Once a decision has been made, the complainant and the member the subject of the complaint will receive the decision in writing.

The complaint has to be that the Councillor has breached the Code of Conduct whilst the Councillor is carrying out his or her duties as a Councillor. It cannot be about a Council decision or a service delivery issue. Potential complainants should ensure that they have clearly identified the breaches of the Code of Conduct they are alleging against the Councillor. A failure to do so could result in the complaint being rejected.

To discuss your concern or to obtain a hard copy complaint form direct, please contact Sarah Sternberg, Solicitor to the Council and Monitoring Officer 01246 242414 or email sarah.sternberg@bolsover.gov.uk; or Alan Turner, the Deputy Monitoring Officer 01246 242418 alan.turner@bolsover.gov.uk

Other members of Legal Services may be able to help in the absence of both the Monitoring Officer and the Deputy Monitoring Officer.

Last Updated on xxx, xx xxx 2011

Code of conduct

District Councillors are subject to the code of conduct adopted by the District Council on the 25th July 2012. Parish and Town Councils have adopted their own Codes. These Codes govern the behaviour of councillors when carrying out official duties or acting in the role of a councillor. The District's code forms part of our Constitution. We fully endorse the Code of Conduct and the high standards of behaviour it encourages.

The Code has to include the 7 Nolan principles:-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.


ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Code of Conduct and the General Principles provide a basis for members to conduct themselves properly when acting in their official capacity. The Code of Conduct can be found in the Constitution through the following **link**

If you have a complaint or a concern about the conduct of one of our District councillors or a parish or town councillor and you think they may have breached this code, you may be able to make a complaint to our Standards Committee. This should be done in writing on a  **new form** and sent to the Monitoring Officer, Bolsover District Council, Sherwood Lodge, Bolsover, Derbyshire S44 6NF.

Your complaint will be considered as described **link**

The Localism Act 2011 and the code adopted by the District Council on 25th July 2012 require Councillors to disclose Disclosable and Other Interests in a Register (**link**) and in appropriate circumstances at meetings. Failures to follow these rules may result in a breach of the code of conduct or in very serious cases, a criminal prosecution.

To discuss your concerns, please contact Sarah Sternberg, Solicitor to the Council and Monitoring Officer 01246 242414, email sarah.sternberg@bolsover.gov.uk or Alan Turner, the Deputy Monitoring Officer 01246 242418 alan.turner@bolsover.gov.uk Other members of our Legal Services may be able to help in the absence of both the Monitoring Officer and the Deputy Monitoring Officer.

COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	
First Name:	
Last Name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The member(s) you are complaining about
- The Monitoring Officer of the Authority
- The parish or town clerk (if applicable)

We will tell them your name and give them details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

Making your complaint

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer and Independent Person when considering whether to take any action on your complaint. For example:

You should be specific, wherever possible; about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.

- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential.

5. In the interest of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with details of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have given good reason to believe that it is necessary.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The monitoring Officer will consider the request alongside the substance of your complaint. We will then

contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstance where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the **Disability Discrimination Act 2000**, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your language.

If you need any support in completing this form, please let us know as soon as possible.

All personal information provided to Bolsover District Council will be held and treated in confidence in accordance with the Data Protection Act 1998. It will only be used for the purpose for which it was given.

PROVIDING ACCESS FOR ALL

If you need help understanding any of our documents or require a larger print, audio tape copy or a translator to help you, we can arrange this for you. Please contact us on the telephone numbers at the bottom of the page:

POLISH

Jeżeli potrzebuje Pan/i pomocy w rozumieniu tych dokumentów lub chciałby je Pan/i otrzymać większym drukiem, na kasecie audio lub skorzystać w tym celu z pomocy tłumacza, jesteśmy to Państwu w stanie zapewnić. Prosimy o kontakt pod numerami telefonów na dole strony.

ITALIAN

Se avete bisogno di aiuto per capire qualsivoglia dei nostri documenti o se li richiedete a caratteri grandi, o volete copie registrate, o necessitate di un traduttore per aiutarvi, noi possiamo organizzare tutto ciò. Per favore contattateci ai numeri di telefono che troverete in fondo a questa pagina.

CHINESE

對於我們的文件，如果你需要幫助使能明白文件的內容，或者需要大字體印刷、錄音帶的格式，又或者需要傳譯員的幫助，我們都能夠為你安排。請用頁下的電話號碼與我們聯絡。

URDU

ہمارے کسی بھی ڈاکیومنٹ کے سمجھنے میں اگر آپ کو مدد درکار ہو، یا آپ کو اس کا بڑا پرنٹ، آڈیو ٹیپ کی شکل میں اس کی کاپی، یا ترجمے میں مدد کے لیے آپ کو کسی مترجم کی ضرورت ہو تو ہم اس سلسلے میں آپ کی مدد کر سکتے ہیں۔ براہ کرم اس صفحے کے نیچے دیئے گئے فون نمبر پر رابطہ کریں۔



01246 242407 or 01246 242353.



Other Equalities information is available on our web site.

www.bolsover.gov.uk or by e-mail from equalities.officer@bolsover.gov.uk

Minicom: 01246 242450 Fax: 01246 242423

Independent Persons

The Localism act 2011 requires the District council to appoint at least one Independent Person following an advertisement and recruitment process. These persons are not members of the Council. The District council has appointed **Stephen Wainwright** and **Mike Wood** to this role.

This new role is to give a check and a balance on the consideration of allegations against members at various stages of the process. Both the Monitoring Officer and the Member the subject of the complaint can seek the views of these Independent Persons during the course of considering allegations. The Monitoring Officer **must** consult the Independent Persons in certain circumstances including where a Hearing Panel wishes to impose a sanction. The Independent Persons are not Members of the Standards Committee.

Clearly this is a new role that will become clearer with time.

Register of Interests

Disclosable Pecuniary Interests

The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduce new arrangements for the Registration of Interests. The new rules came into effect on 1st July 2012. The rules relate to Disclosable Pecuniary Interests. There are other interests which require disclosure and these are dealt with below – Local Choice Disclosures.

All District and Town/Parish Councillors are required to complete and submit a new register of interests form covering the new requirements within 28 days of the new code coming into effect.

The Regulations require that:

- The Monitoring Officer has to keep a register of interests and make it available at all reasonable times, and must also publish it on the Authority's website. This must include all Disclosable Pecuniary Interests.
- If a member or co-opted member:
 - is present at a meeting of the Authority, or any Executive meeting, or any Committee, sub-committee, joint committee or joint sub-committee of the Authority or the Executive, and
 - has a "Disclosable Pecuniary Interest" in any matter to be considered, or that is being considered, at the meeting; and
 - is aware of the interest in question

then the Council's Code of Conduct and Council Standing Orders require that the Councillor must disclose the interest to the meeting and leave the Chamber.

- Likewise, if a member discharging a function alone (as an Executive member or as a ward member) has a "Disclosable Pecuniary Interest" in a matter to be, or being, dealt with in the discharge of the function, and is aware of the interest, he or she must not take any steps in relation to that matter.
- In both these cases the member must notify the monitoring officer of the interest within 28 days, if he or she has not done so previously. The interest will then be registered by the Monitoring Officer.
- There are provisions to prevent the disclosure of "sensitive" interests, where the member and the Monitoring Officer agree that disclosure would give rise to a risk of violence or intimidation, and for the Authority to grant a dispensation to allow participation in a meeting on certain specified grounds.
- It is a criminal offence without reasonable excuse:
 - not to notify the monitoring officer of a "Disclosable Pecuniary Interest" within the relevant 28 day period

- to participate in discussion or to vote despite such an interest
- to take steps to discharge a function alone (as an Executive member) despite such an interest.
- It is also a criminal offence to provide information which is false or misleading, if you know this to be the case or are reckless as to whether it is the case.

The Act says that a “Disclosable Pecuniary Interest” is:

- an interest of the member in question, of his or her spouse or civil partner, or of someone with whom the member is living as husband and wife or as if they were civil partners – these are all called “relevant persons” in the Regulations
- it must be an interest of which the member is aware, and
- it must be of a kind specified in the Regulations.

The Regulations specify:

- The relevant person’s employment, office, trade, profession or vocation, carried on for profit or gain
- Sponsorship – any payment of expenses as a member, or your election expenses
- Any contract between the relevant person, or a body in which the relevant person has a beneficial interest, and the authority, for the provision of goods or services or the execution of works, which has not been fully discharged
- Any beneficial interest in land in the authority’s area
- Any licence to occupy land in the area for a month or longer
- Any tenancy where the authority is the landlord and the relevant person has a beneficial interest in the body that is the tenant
- Any beneficial interest in securities in a body over a prescribed value where the body has a place of business or land in the authority’s area.

Local choice disclosures.

The Code of Conduct adopted by the District council on the 25th July 2012 requires members to register and disclose other interests, pecuniary or non-pecuniary, or the interests of other people with whom they are connected other than just their partner or spouse. In addition the Council’s Standing Orders require Councillors in this situation to disclose the interest to the meeting and leave the Chamber. The main sanction for a breach of the Code is censure.

The interests listed in the District Council’s Code of Conduct are:-

AGENDA ITEM 16
STANDARDS COMMITTEE – 15TH JULY 2012
MEMBER COMPLAINTS NUMBERS FINAL REPORT UNDER THE PREVIOUS REGIME

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	1	0
2012	5	2	3	0		1		1

Complaints to the Standards Board

* 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

14th June 2012.

RECOMMENDED ITEM FROM COUNCIL HELD ON 25TH JULY, 2012

260. THE COUNCIL'S ETHICAL FRAMEWORK UNDER THE LOCALISM ACT 2011

The Solicitor to the Council and the Monitoring Officer submitted the report on the Council's Ethical Framework following the adoption of the Localism Act 2011.

The Localism Act 2011 had made substantial changes to the ethical framework which governs members' behaviour when acting as councillors. In June 2012 Council granted delegated authority to the Solicitor to the Council to take all steps necessary to be in a position to present this report making recommendations as to the Code, the procedures and the necessary appointments.

There is no statutory model Code, however, following discussions at meetings of the Derbyshire Monitoring Officers and members through Cabinet, a copy of the proposed Code of Conduct was attached to the report. This is based on the Local Government Association draft with some modifications. It is simple in format and intended to be user friendly. Both written guidance and training will be provided. Once approved the Council must advertise the Code.

Interests are split into two groups. The first is Disclosable Pecuniary Interests (DPI). These have been proscribed by Regulations. These are the ones around which there are criminal offences for failure to comply.

Section 28(2) of the Localism Act 2011 also provides for the Council to add to the Code interests other than pecuniary interest where the Council considers this appropriate. Failure to comply with these would be a breach of the Code, but not a criminal offence.

Under Section 29 of the same Act, the Monitoring Officer is required to keep a Register of members' interests and to place these details on the website. The Monitoring Officer is also required to do the same with the Parish/Town Council Registers. These Registers must also be available for inspection by the public.

A Gifts and Hospitality Register must also be maintained, this relates to anything with a value of £100 or more and this Register is kept by the Chief Executive Officer's Personal Assistants.

Disclosing Interests - the obligation is to register interests within 28 days of them arising. The Act does not require the disclosure of registered DPIs in meetings or the withdrawal of the Councillor from the meeting. However, in the interest of openness and transparency this requirement has been included in the proposed Code of Conduct. The legislation recognises that authorities may wish to include standing orders requiring members to leave in such circumstances and this is what is proposed. Details of these proposals and amendments are included in the recommendations.

Members were advised of the new section on Criminal Offences and that these would only be used in the most serious cases. The penalties for these more serious breaches were detailed in the report.

Section 28 (6)(b) of the Act requires that the Council has arrangements in place for dealing with complaints. However, there is no requirement to have a Standards Committee. Following informal discussions with Members, it was established that the easiest way for hearing complaints was by way of a Standards Committee.

The Standards Committee would have to be politically balanced, there may be co-optees on the committee. However, the co-optees may not vote. A co-optee could be Chair of the Committee, but would not be able to exercise a casting vote on any issue. It was suggested that a Standards Committee be established which consists of six elected members, four Labour Councillors and one from each of the Opposition Groups in addition there should be two non elected persons formally co-opted to the previous Standards Committee. It was suggested that the previous Chair and Vice Chair, John Yates and Ruth Jaffray be appointed as the co-optees. there was also the possibility that the Committee could have Parish Council representatives.

Changes to Standards Committee would have an affect on Audit Committee. Audit Committee currently consists of three elected members and three co-optees. It was recommended that Audit Committee should consist of six elected members and two co-optees, it would have to be politically balanced resulting in there being four Labour Councillors, one Independent Councillor and one Residents Association. Again there could be co-optees on the Committee.

It was suggested that the Independent Remuneration Panel consider allowances in relation to co-optees and the Chair and Vice Chair for both Standards and Audit Committees.

The new system does not require the setting up of an assessment sub committee to consider complaints. Instead it is left for the Council to set up its own procedure. A flow chart setting out responsibilities for dealing with complaints was attached to the report and under this system the assessment of complaints would be carried out by the Monitoring Officer. Any hearing panel would consist of three elected members and no co-optees.

Section 28 of the Act requires the Council to appoint at least one independent person; it was recommended that two are appointed to give some resilience in this role. The new role gives a check and balance on the consideration of allegations against members at various states of the process. The Independent Persons are not members of the Standards Committee.

Members were advised that there were 24 applicants for the position of Independent Persons and the interviews were held on 9th July. The Interview Panel consisted of the Deputy Leader, Councillor Clifton the Chief Executive Officer and the Deputy Monitoring Officer. The Panel recommended the appointment of Mr. S. Wainwright and Mr. S.M. Wood.

The Monitoring Officer has written to all the Parish/Town Councils explaining what the District is doing and sending a draft of the proposed Bolsover Members' Code of Conduct. The Parish/Town Councils have a choice as to which Code they adopt, some have expressed a desire to adopt the same Code as the District Council.

The Monitoring Officer and her deputy will be attending the Parish Liaison Meetings at the end of July to talk to the Parishes about these issues.

Moved by Councillor A.F. Tomlinson, seconded by Councillor M. Dooley
RESOLVED that (1) Members adopt the Code of Conduct as attached to the report as the Bolsover District Council Members' Code of Conduct, in accordance with Section 27(2),

(2) the following be approved for inclusion in the Council Procedure Rules of the Constitution:-

4.1.4A1. Where a Member has a Disclosable Pecuniary Interest in any business of the Authority; the Member must withdraw from the meeting room whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.

4.1.4.A.2. Where a Member has a non statutory interest (as defined in the Bolsover Members' Code of Conduct) in any business of the Authority, and that interest is significant, the Member must withdraw from the meeting room whenever it becomes apparent that the business is being considered.

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

RESOLVED that 3 (1) a Standards Committee be established,
(2) there be four Labour Councillors, one Independent Councillor and one Residents Association Councillor,
(3) John Yates and Jean Ruth Jaffray be co-opted onto the Standards Committee, with no voting rights,
(4) John Yates to be the Chair and Jean Ruth Jaffray to be the Vice Chair of Standards Committee,
(5) there should be no Parish/Town Council representative on Standards Committee,
(6) the Terms of Reference as submitted be accepted,

RESOLVED that 4 (1) a new Audit Committee be established,
(2) there be four Labour Councillors, one Independent Councillor and one Residents Association Councillor,
(3) the Council appoint John Yates and Joanne Hill as co-optees onto the Committee, with no voting rights,
(4) John Yates to be the Chair and Joanne Hill as Vice Chair of Audit Committee,
(5) the Terms of Reference remain the same as for the previous Audit Committee.

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor

RESOLVED that (5) the attached flow chart showing the outcomes for consideration of complaints be approved,

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor

RESOLVED that (6) authority be delegated to the Monitoring Officer to develop and approve a complaints process based on the flow chart but with the proviso that the Monitoring Officer can refer assessments of a complaint to the Standards Committee in appropriate circumstances,

(7) authority be delegated to the Monitoring Officer to select three Members of Standards Committee to sit on a Hearing Panel with power to determine allegations that a Councillor has breached the relevant Code of Conduct,

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor

RESOLVED that (8) an Independent Remuneration Panel be set up to consider the allowances for the co-optees and Chairs and Vice Chairs of both Audit and Standards Committee,

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that (9) in accordance with the recommendations of the Interview Panel that Mr. S. Wainwright and Mr. S.M. Wood be appointed an Independent Persons and receive an annual payment of £800,

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that (10) authority be granted to the Monitoring Officer to do anything necessary to bring the system into operation or subsequently to improve the operation of the system in consultation with the Leader and Deputy Leader,

that (11) authority be granted to the Monitoring Officer, in consultation with the Independent Person, to grant dispensations to Members to allow them, in accordance with the legislative requirements, to participate in and vote upon items in which they have a Disclosable Pecuniary Interest or other Interest.

(Solicitor to the Council/Head of Democratic Services)

Committee:	Standards Committee	Agenda Item No.:	15
Date:	15 th August 2012	Category	
Subject:	Review of Members' Roles & Responsibilities	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:			
Director	Chief Executive Officer		
Relevant Portfolio Holder			

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

Ensuring provisions within the Constitution are fit for purpose giving clearer guidance to Members on their roles within the organisation.

TARGETS

N/A

VALUE FOR MONEY

N/A

THE REPORT

Recent Developments

The draft descriptions went to Council last year where the decision was deferred pending revisions to the roles and responsibilities. Those revisions have now been completed, aimed at creating greater consistency between the differing roles, accounting for changes to officer titles following the implementation of the Strategic Alliance and reflecting the recent changes to the Standards regime.

Queries were raised last year in relation to use of subjective terms in the roles and responsibilities. Following discussion with the Leader and Deputy Leader it was agreed that inclusion of such terms was appropriate, as it mirrors the use of such terms in job descriptions of officers.

The revised roles and responsibilities are attached for consideration by the committee for inclusion in the Constitution.

The Review

It was decided to carry out a review of the members' job descriptions in Part 5 of the Constitution and to create a more comprehensive description of members' roles and responsibilities. The purpose of the review is to ensure that descriptions of roles and responsibilities are accurate, adequate and fit for purpose. This is also a key requirement for obtaining the Member Development Charter.

A critical examination of the job descriptions has taken place, using similar provisions of other councils nationwide to provide useful comparisons.

As a result the job descriptions currently included in the Constitution have been reviewed and updated to provide a more comprehensive and relevant indication of what those roles entail. This will give the relevant members greater clarification of their roles, and will provide further information allowing those members to be held to account as part of the democratic process.

The existing roles which have been reviewed are:

- Leader of the Council
- Members of the Executive
- Members of Scrutiny Committees
- Chair of the Council

It is also proposed that the list of job descriptions be expanded. This will provide clearer guidance to councillors who have important roles to play within the organisation, including the Chairs of Planning and Licensing Committees, the Leader of the Opposition and Vice-Chairs of all committees.

New job descriptions have been included for the following roles:

- All District Councillors
- Deputy Leader of the Council
- Opposition Leader
- Chair of the Scrutiny Management Board
- Chairs of Planning / Licensing Committees
- Chair of Standards Committee
- Vice-Chairs of all Committees

The attached draft roles and responsibilities have been prepared following consultation with the Solicitor to the Council and Member Development Working Group.

The final approval of the Standards Committee is now sought on the draft roles and responsibilities attached to this report together with recommendation for inclusion in the Constitution by Council.

ISSUES FOR CONSIDERATION

The approval for recommendation to Council of the attached Job Descriptions.

IMPLICATIONS

Financial : None
Legal : None
Human Resources : None

RECOMMENDATIONS

- (1) That the revised draft roles and responsibilities attached are approved as drafted;**
- (2) That a recommendation be made to Council that the Constitution be amended to include the new roles and responsibilities as drafted**

ATTACHMENT: **Y – Members Roles and Responsibilities**
FILE REFERENCE:
SOURCE DOCUMENT:

BOLSOVER DISTRICT COUNCIL

MEMBERS' ROLES AND RESPONSIBILITIES

DISTRICT COUNCILLOR

Role Purpose

1. To participate constructively in the good governance of the District.
2. To contribute actively to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery
3. To represent effectively the interests of the Ward for which the Councillor was elected, and deal with constituents' enquiries and representations
4. To champion the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the Council effectively, when appointed to an outside body, such as a charitable trust or association, etc.
6. To act at all times with probity and propriety in the best interest of the Council

Duties and Responsibilities

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the Authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities and strategy)
2. To participate effectively as a member of any committee or Panel or Working Party to which the Councillor is appointed, including related responsibilities for the services falling within the Committee's (or Panel's) terms of reference, and its liaison with other public bodies to promote better understanding and partnership working
3. To participate in the activities of any outside body to which the Councillor is appointed, reporting back to the Council and providing two-way communication between the organisations. Also, for this purpose, to develop and maintain a working knowledge of the Authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
4. To participate in the scrutiny or performance review of the services of the Authority including, where the Authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council
5. To maintain satisfactory attendance at meetings in accordance with local requirements
6. To participate, as appointed, in consultative processes with the community and with other organisations
7. To provide a link between the Authority and the community, through the various forums available
8. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Authority

9. To develop and maintain a working knowledge of the other organisations and services which serve the District
10. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the democratic process
11. To conduct the business of the Council within the Council and not to make inappropriate use of the written or broadcast media
12. To maintain confidentiality in all relevant Council business
13. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.
14. Not individually to seek to instruct officers and to act in accordance with the Protocol on Member/Officer Relations and the Elected Member/Officer Communications Protocol at all times when dealing with officers
15. Be responsible for continuous personal development, engaging in available opportunities for training and development to build on understanding and knowledge, and to develop relevant skills.

Skills Required

1. Good communication and Interpersonal skills
2. Ability to relate and deal with the public in a professional and timely manner
3. Ability to work effectively with Council officers and outside organisations
4. Community Leadership skills

EXECUTIVE MEMBERS

Purpose

1. To provide collective and individual leadership as part of the Executive
2. To undertake lead responsibility for allocated portfolios
3. To contribute effectively towards the strategic direction of the Council

Duties and Responsibilities

1. Participate effectively as a Member of the Executive – take joint responsibility with colleague Executive Members for all actions and be accountable collectively. Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
2. To take joint responsibility for proposing the budget and policy framework to the full Council, and for discharging executive functions in accordance with the budget and policy framework
3. Shape and develop the Strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
4. Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Executive and the Council's corporate policy objectives. Champion the portfolio concerned within that strategic context.
5. Recognise the differing roles of members and officers in the Council's Constitution.
6. In connection with the portfolio:
 - a) Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
 - b) Keep abreast of related developments and policies at national, regional and local level
 - c) Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
 - d) Aim for Bolsover to be at the forefront of service development and provision where possible; take an active interest in related performance indicators and rankings, including visiting other Councils to observe examples of good practice
 - e) Represent the Executive at the Scrutiny Committee in connection with any related matter that may be requisitioned (called in) or otherwise scrutinised.
 - f) Be aware of issues of importance to the community and other stakeholders concerning portfolio services
 - g) Be aware of key budgetary issues by regular monitoring of all income and expenditure affecting the portfolio of the Executive Member

7. Represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
8. Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships.
9. Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
10. Along with colleague Executive Members and the Strategic Alliance Management Team, be available as appropriate for other Members to discuss any queries or matters of concern.
11. To develop and maintain a positive and constructive relationship with the Chief Executive Officer and the Directors.
12. To positively promote the portfolio and where appropriate to act as the spokesperson with the media for that portfolio area only.

Skills Required

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Bolsover
5. The ability to understand the Council's budget especially in respect of the relevant portfolio
6. Leadership skills
7. Political knowledge and awareness
8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team

NOTE: The above duties and responsibilities are in addition to the Member's role as a District Councillor

LEADER OF THE COUNCIL

Purpose

1. To provide effective political leadership and strategic direction for the Council.
2. To ensure effective Corporate Governance
3. To provide effective stewardship of the Council
4. To chair the Executive and ensure that it achieves its terms of reference
5. To ensure that the Council delivers high quality, value for money services

Duties and Responsibilities

1. To provide the political leadership to the Council, including proposing the policy framework within which the Council will operate and to take such executive action as may be delegated by the Authority
2. To ensure effective Corporate Governance including working with opposition groups to seek to achieve where possible cross party co-operation
3. To lead the Executive and be responsible for the Council's corporate and resource strategy
4. To ensure that the Executive achieves its terms of reference both collectively and as individual portfolio holders
5. To ensure the effective integration of roles, responsibilities and functions within the Executive membership
6. As Leader of the Council, to be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and the Council's Strategic Alliance Management Team
7. To be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations and to positively promote the Council as a whole in the media.
8. To act as the political spokesperson for the Council
9. To promote the long term financial, business and economic stability of the Council
10. To encourage the highest standards of probity and corporate governance for the well being of the District.
11. To communicate the Administration's policies and priorities to the Strategic Alliance Management Team and to receive their advice.
12. To exercise delegated powers in accordance with the Council Constitution.

Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover

5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor and as an Executive Member

DEPUTY LEADER OF THE COUNCIL

Purpose

1. To assist and work with the Leader of the Council to provide effective political leadership and strategic direction for the Council.
2. To assist the Leader of the Council with their other responsibilities such as ensuring effective Corporate Governance and Stewardship of the Council and to ensure the Council delivers high quality, value for money services
3. Where appropriate and where permissible under the Council's Constitution to act in the absence of the Leader of the Council.

Duties and Responsibilities

1. To assist and work with the Leader of the Council in delivering his responsibilities to the Council within his job profile
2. To deputise for the Leader of the Council in his absence from Council meetings and, if a member of Executive, to deputise in the Leader's absence at Executive meetings
3. In the Leader of the Council's absence to carry out the requirements of his job profile so far as legally possible and permissible.
4. To carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council

Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor and as an Executive Member with portfolio

LEADER OF AN OPPOSITON GROUP

Purpose

1. To provide effective leadership and strategic direction for an opposition party.

Duties and Responsibilities

1. To provide the leadership of an opposition party including scrutiny of the majority group's administration of the Council.
2. To act as spokesperson for the Opposition Group of which he/she is leader
3. To promote the long term financial, business and economic stability of the Council
4. To encourage the highest standards of probity and corporate governance.
5. To represent the Council's best interests on all organisations to which he/she is nominated by the Council.
6. To lead their Group in a positive, pro-active manner with a view to securing meaningful engagement for the Group in the political processes of the Council and that the Group and its individual members contribute fully to the good governance of the district.
7. To work to secure effective cross-party dialogue and co-operative working with other political Groups so far as this is consistent with the agreed political objectives of the Group.
8. To ensure that members of the Group are aware of the need to secure efficient and effective working relationships based on mutual co-operation and respect, with any officer with whom such member may need to deal, either individually or on Group business.
9. To participate in the appointment and/or performance appraisal procedures for the posts of Joint Chief Executive and Joint Directors.

Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand the Council's budget
6. Leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIR OF SCRUTINY MANAGEMENT BOARD

Purpose

1. To Chair the meetings of the Scrutiny Management Board.
2. To maintain effective liaison with the Leader of the Council and the Chief Executive to ensure that scrutiny committees contribute to effective decision-making.
3. To represent Scrutiny Management Board and be accountable to Council for the actions of the scrutiny committees.
4. To ensure that overview and scrutiny is publicised and communicated to build understanding of its role both within and outside the Council.
5. To represent the Council at regional and national forums concerned with overview and scrutiny.

Duties and responsibilities

1. To ensure that scrutiny work is properly co-ordinated between the scrutiny committees.
2. To maintain an overview of the work of all the committees in order to ensure effective co-ordination and progress of all work.
3. To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
4. To support and advise the chairs of the scrutiny committees
5. To receive all requests for scrutiny and ensure initial investigation to inform consideration at the Management Board.
6. To monitor the use of 'call-in' procedures to advise on whether the procedure is being used appropriately.
7. To maintain an overview of scrutiny in Bolsover and to learn from practice elsewhere.
8. To ensure the continuing development of scrutiny in Bolsover through improving both practice and how it is organised.
9. To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in scrutiny matters.

Skills Required

1. Good communication and interpersonal skills
2. Leadership skills
3. The ability to chair meetings and facilitate open discussion
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public and outside organisations
6. Ability to work as part of a team

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIRS OF SCRUTINY COMMITTEES

Purpose

1. To provide leadership of, and direction to, their particular Committee
2. To ensure that adequate resources (financial & officer support) are identified and sought from the Council
3. To chair Committee meetings and ensure the Committee achieves its terms of reference

Duties and responsibilities

1. To ensure that Committee members lead on developing an effective work programme
2. To encourage Committee members to obtain necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary
3. To endeavour to engage all members of the Committee within the scrutiny process
4. To lead the Committee in prioritising its work so as to ensure effective scrutiny
5. To co-ordinate work with other scrutiny Committees & Chairmen and to share learning
6. To develop a constructive relationship with the Executive, especially with relevant portfolio holders
7. To develop a constructive relationship with the Joint Directors and Assistant Directors in the areas that the Committee scrutinises
8. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

Skills Required

1. Good communication and interpersonal skills
2. The ability to chair meetings and facilitate open discussion
3. Leadership skills
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public and outside organisations
6. Ability to work as part of a team

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIRS OF PLANNING/LICENSING COMMITTEES

Purpose

1. To chair and manage Committee meetings and ensure the Committee achieves its terms of reference
2. To provide leadership of and direction to the Committee
3. To demonstrate to the public, applicants, objectors etc., fair and open decision making by or on behalf of the Committee
4. To ensure that adequate resources (financial and officer support) are identified and sought from the Council

Duties and responsibilities

1. To ensure Committee members obtain the necessary skills and training to contribute to the work of the Committee and to work with officers to provide training if necessary
2. To endeavour to engage all members of the Committee in its activities
3. To lead the Committee, in consultation with officers, in prioritising its work
4. To develop a constructive relationship with the relevant Director and their staff and where appropriate, with relevant portfolio holders
5. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
6. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible
7. To Chair the Committee in a fair and open manner in accordance with the procedures of the Committee, applicants and objectors to put their arguments to the Committee
8. To ensure the Committee fully considers the merits of any applications taking account of national and local policies and guidance and any other material considerations
9. To guide, with the assistance of officers, the Committee to reach decisions based on the information presented to it
10. Where necessary, to act as witness for the Council at any court hearing, tribunal or other appeal against a decision made by that Committee

Skills Required

1. Good communication and interpersonal skills
2. The ability to chair meetings and facilitate open discussion
3. Leadership skills
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor

CHAIR OF THE COUNCIL

Role Purpose

1. To chair meetings of the Council
2. To act as the civic representative of the Council
3. To provide civic leadership to the Council and local communities; and
4. To fulfil all other requirements of the Constitution relative to the role of Chairman.

Duties and Responsibilities

1. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Executive or hold Committee Chairs are able to hold the Executive and Committee Chairs to account
2. To represent the Council to the local community for example the local business community, local partnerships, opening schools, presenting awards, and attending meetings and events of local societies and clubs.
3. To represent the interests of the Council locally, regionally and nationally and undertaking such representative duties as may be required and acting as an advocate for the Council and local communities.
4. To lead the work of the Council and encouraging Members to work together as a team for the benefit of the Council, its communities and stakeholders.
5. To liaise with the Joint Chief Executive Officer and other officers on a regular basis through Strategic Alliance Management Team and otherwise and the Customer Service Department in its acceptance or otherwise of invitations, transport and other arrangements.
6. To lead by example and achieve the highest standards of probity in public life and in all matters relating to the Council's Code of Conduct, other Protocols and Codes and Ethics rules generally.

Skills Required

1. Good communication and interpersonal skills
2. The ability to chair meetings and facilitate open discussion
3. Leadership skills
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations

VICE-CHAIRS OF ALL COMMITTEES

Role Purpose:

1. To deputise for the Chair of the relevant Committee in his/her absence;
2. To provide support to the Chair of the relevant Committee

Duties and Responsibilities

1. To provide leadership of and direction to the Committee in the absence of the Chair
2. To undertake such tasks and responsibilities as are allocated to him/her by the Chair of the relevant Committee and in keeping with the Terms of Reference of the relevant Committee;
3. To otherwise assist the Chair-in his/her role and attend relevant meetings with Officers, Elected Members, organisations and members of the public (as necessary) so as to further the Terms of Reference of the relevant Committee.

Skills Required

1. Good communication and interpersonal skills
2. Leadership skills
3. The ability to chair meetings and facilitate open discussion
4. Project and time management skills
5. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
6. Ability to work as part of a team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor

CHAIR OF STANDARDS COMMITTEE

Role Purpose

1. To chair the Standards Committee in accordance with its terms of reference

Duties and responsibilities

1. To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on Bolsover District Council and on parish and town councils in the area
2. To advise officers on the content of the agenda for Committee meetings
3. To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee
4. To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance.
5. To act as a spokesperson for the Standards Committee
6. To establish and maintain the necessary knowledge and understanding of the Council's structures and processes to facilitate this role
7. To ensure that Members and co-opted Members of the Council receive the continuous development and training they require on matters relating to the Council's Code of Conduct

Skills Required

1. Good communication and interpersonal skills
2. Leadership skills
3. The ability to chair meetings and facilitate open discussion
4. Project and time management skills
5. Assimilating and analysing complex and contradictory information
6. Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations
7. Ability to work as part of a team