

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

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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.

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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.

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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

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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.”*

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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.

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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.