

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Wednesday 15th August 2012 at 1400 hours.

PRESENT:-

Members:-

Councillors M.G. Crane, M.J. Dooley, H.J. Gilmour, A.M. Syrett and G.O. Webster.

Officers:- S.E.A. Sternberg, (Solicitor and Monitoring Officer), A. Turner (Deputy Monitoring Officer), K. Shillitto (Principal Solicitor) and A. Bluff (Democratic Services Officer).

Also in attendance at the meeting was Mr M. Wood (Independent Person) observing.

319. ELECTION OF CHAIR FOR MEETING

Moved by Councillor M.G. Crane, seconded by Councillor G.O. Webster
RESOLVED that Councillor H.J. Gilmour be elected Chair for the meeting.

Councillor H.J. Gilmour in the Chair

The Chair introduced and welcomed Mr M Wood to the meeting who had been recently appointed by Council as one of the 2 Independent Persons in accordance with the Localism Act 2011.

Mr Wood introduced himself to the Committee.

320. ELECTION OF CHAIR

It was noted that at Council on 25th July 2012, Mr John Yates (Cooptee), had been elected as Chair of Standards Committee for the ensuing year.

321. APPOINTMENT OF VICE CHAIR

It was noted that at Council on 25th July 2012, Mrs Jean Ruth Jaffray (Cooptee), had been appointed as Vice Chair of Standards Committee for the ensuing year.

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322. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor D.S. Watson, J. Yates and R.J. Jaffray.

323. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

324. ADDITIONAL ITEM OF BUSINESS

The Solicitor informed the meeting of an additional item of business to be considered in relation to the Review of the Council's Constitution. This would be discussed as the last item on the agenda.

325. DECLARATIONS OF INTEREST

There were no declarations of interest made.

326. TERMS OF REFERENCE

Moved by Councillor M.G. Crane, seconded by Councillor M. J. Dooley
RESOLVED that the Terms of Reference be accepted.

327. MINUTES – 19TH JUNE 2012

Minute 134 – Gifts and Hospitality Advice Review

The Solicitor to the Council advised the meeting that an Annual Review report on the employee Gifts and Hospitality Register would be presented to the next meeting. She further advised the meeting that the Authority now kept a Members Register for Gifts and Hospitality.

Moved by Councillor A.M. Syrett, seconded by Councillor H.J. Gilmour
RESOLVED that the minutes of a Standards Committee held on 19th June 2012 be accepted as a correct record.

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328. MINUTES – 29TH JUNE 2012

Councillor Gilmour noted that her submitted apologies for the special meeting held on 29th June had been omitted from the minutes.

Councillor Crane raised concern that he had received only one day's notice for the special meeting held on 29th June and had been unable to attend as he was already committed to a previous engagement on the same day. He felt that the short notice for the meeting was unconstitutional. Councillor Gilmour raised that she had been in the same position as Councillor Crane and had been unable to attend the meeting.

The Solicitor to the Council advised Members that special Standards Committee on 29th June had been called at short notice, and legally, because Standards Committees under the previous regime would no longer exist after 30th June 2012; this meant the meeting could not have been called the following week.

Moved by Councillor M.J. Dooley, seconded by Councillor A.M. Syrett

RESOLVED that subject to the inclusion of Councillor Gilmour's apologies, the minutes of a special Standards Committee held on 29th June 2012 be accepted as a correct record.

(Head of Democratic Services)

329. RECOMMENDED ITEM FROM IMPROVEMENT SCRUTINY COMMITTEE HELD ON 9TH JULY 2012 – REVIEW OF TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Improvement Scrutiny Committee held on 9th July 2012 with regard to a review of the Terms of Reference for Improvement Scrutiny Committee.

In relation to item 6 in the Terms of Reference, it had been agreed that the Committee's 4 year Work Plan be changed to the Committee's *annual* Work Plan.

Moved by Councillor H.J. Gilmour, seconded by M.G. Crane

RECOMMENDED that Council be recommended to approve that the wording at item 6 in the Terms of Reference for Improvement Scrutiny Committee be changed as follows;

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

(Monitoring Officer / Head of Democratic Services)

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330. RECOMMENDED ITEM FROM SAFE AND INCLUSIVE SCRUTINY COMMITTEE HELD ON 10TH JULY 2012 – REVIEW OF TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Safe and Inclusive Scrutiny Committee held on 10th July 2012 with regard to a review of the Terms of Reference for Safe and Inclusive Scrutiny Committee.

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.

Moved by Councillor M.J. Dooley, seconded by Councillor H.J. Gilmour
RECOMMENDED that Council be recommended to approve that the wording at item 6 in the Terms of Reference for Safe and Inclusive Scrutiny Committee be changed as follows;

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

(Monitoring Officer / Head of Democratic Services)

331. RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE HELD ON 11TH JULY 2012 – REVIEW OF TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Sustainable Communities Scrutiny Committee held on 11th July 2012 with regard to a review of the Terms of Reference for Sustainable Communities Scrutiny Committee.

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.

In relation to item 7 in the Terms of Reference, it was agreed that the words, “to carry out the Scrutiny Review of Health”, be removed as the responsibility for scrutiny of Health had passed to the Scrutiny Management Board in 2011 due to the capacity of Sustainable Communities Scrutiny Committee already covering the Corporate Plan Aims of Regeneration and Environment.

Moved by Councillor H.J. Gilmour, Seconded by Councillor G.O. Webster
RECOMMENDED that (1) Council be recommended to approve that the wording at Item 6 in the Terms of Reference for Sustainable Communities Scrutiny Committee be changed as follows;

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

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(2) Council be recommended to approve that the wording, 'To carry out the Scrutiny Review of Health', at Item 7 in the Terms of Reference for Sustainable Communities Scrutiny Committee be removed as the responsibility for scrutiny of Health had passed to the Scrutiny Management Board in 2011 due to the capacity of Sustainable Communities Scrutiny Committee already covering the Corporate Plan Aims of Regeneration and Environment.

(Monitoring Officer / Head of Democratic Services)

332. RECOMMENDED ITEM FROM COUNCIL HELD ON 25TH JULY 2012 – ETHICAL FRAMEWORK

The Deputy Monitoring Officer presented the report to and minutes from Council held on 25th July 2012 in relation to the Council's Ethical Framework under the Localism Act 2011.

The Localism Act 2011 had made substantial changes to the Ethical Framework which governed Members behaviour when acting as Councillors. At Council held on 20th June 2012, authority had been delegated to the Monitoring Officer to recommend a Code of Conduct for Members, the procedures and the necessary appointments.

Further to discussions at meetings of the Derbyshire Monitoring Officers Group and also with Members via Cabinet, the Monitoring Officer had produced a proposed Code of Conduct for Members, which was based on the LGA draft with some modifications. The Code was intended to be user friendly but would require back up in the form of guidance on some aspects and also training for Members.

The proposed Code referred to the statutory list of Disclosable Pecuniary Interests from the Regulations and included other interests that the Council may decide to apply.

Further information regarding Member Interests under the new regime was circulated to the meeting by the Deputy Monitoring Officer and included a flow chart in relation to the Standards Complaints procedure.

The Deputy Monitoring Officer referred to Minute 260 from Council held on 25th July which had been sent to Members as a separate item to the agenda. He took the meeting through the resolutions in the Minute that Members had passed.

Members raised concerns at still being required to make declarations in respect of bodies to which they had been appointed or nominated to by the Council.

The Monitoring Officer advised the meeting that she had spoken to the Leader and Deputy Leader about this and that the provisions of the Code had subsequently been approved at Cabinet and at Council.

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The Monitoring Officer advised the meeting that she would speak to the Leader and Deputy Leader regarding Members concerns.

The Monitoring Officer also advised the meeting that as recommendations 7 and 11 of Council Minute 260 were changes to the Constitution these would need recommending back to Council;

- *Recommendation 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.*
- *Recommendation 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.*

Moved by Councillor A.M. Syrett, seconded by Councillor M.J. Dooley

RECOMMENDED that (1) Council be recommended to include in the Council's Constitution, the Monitoring Officer's delegated 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.

(2) Council be recommended to include in the Council's Constitution the Monitoring Officer's delegated authority, 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.

(Head of Democratic Services)

333. PERSONAL INTERESTS GUIDANCE FROM THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

The Monitoring Officer presented a copy of guidance for Councillors produced by the Department for Communities and Local Government on openness and transparency on personal interests under the new standards arrangements.

Members asked questions.

A discussion took place.

The Monitoring Officer advised the meeting that subject to modifications, Register of Interest forms would be sent out to all Members in the following weeks.

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Members agreed that the Monitoring Officer's version of the guidance would be clearer for Members to understand.

Moved and seconded

RESOLVED that the guidance received from the Department for Communities and Local Government be noted.

334. DRAFT STANDARDS COMMITTEE WEB PAGES

The Monitoring Officer presented draft Standards Committee Web Pages to the meeting for Members consideration.

Members were asked to provide their comments on the draft Web Pages, if any, to the Monitoring Officer within two weeks of the date of this meeting.

A short discussion took place.

Members approved the web pages and agreed that they were ready to go on the Council's internet.

Moved and seconded

RESOLVED that the Standards Committee Web Pages be approved and be put on the Council's Internet pages.

(Monitoring Officer / Communications Officer)

335. MEMBERS JOB DESCRIPTIONS

The Principal Solicitor presented a report regarding revisions made to Members roles and responsibilities which were attached to the agenda for Committee's consideration.

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

The revisions had been aimed at creating greater consistency between the differing Member roles, accounting for changes to officer titles following the implementation of the Strategic Alliance, and reflecting the recent changes to the Standards regime.

The roles which had been reviewed were;

- Leader of the Council
- Members of the Executive
- Members of Scrutiny Committees
- Chair of the Council
- All District Councillors

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- 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 descriptions of Members' roles had also been reviewed to create a more comprehensive description.

Standards Committee approval was sought on the draft roles and responsibilities together with a recommendation for inclusion in the Council's Constitution.

A discussion took place.

Members welcomed the revisions and sought clarification that the term 'roles and responsibilities' would be used and not 'job descriptions' as Member's were not employed by the Council. The Principal Solicitor replied that the term 'job description' would not be used in the Constitution. He also added that other authorities had been looked at for comparison purposes when the review was carried out.

Moved by Councillor M.J. Dooley, seconded by Councillor A.M. Syrett
RESOLVED that the revised roles and responsibilities be approved as drafted,

RECOMMENDED that Council be recommended to approve the amended roles and responsibilities for Members and these be included in the Council's Constitution.

(Monitoring Officer / Head of Democratic Services)

336. MEMBER COMPLAINTS NUMBERS FINAL REPORT UNDER THE PREVIOUS REGIME

The Monitoring Officer presented a report in relation to complaints made against Members. It was noted that this would be the final report in this format under the previous regime.

A revised format of the report under the new regime was circulated at the meeting for Members consideration.

A short discussion took place.

Members made suggestions as to information to be included in the new format.

Moved and seconded.

RESOLVED that the revised format of the report for complaints made against Members under the new Standards regime be accepted.

(Monitoring Officer)

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337. ADDITIONAL ITEM OF BUSINESS - REVIEW OF CONSTITUTION

The Monitoring Officer reported that an review of the Constitution was being carried out. As part of the review it would be helpful to have a Member working group, to meet on an ad hoc basis, to discuss proposed amendments to the Council's Constitution, prior to their referral for approval.

A short discussion took place.

The Monitoring Officer would raise this issue with the Leader of the Council in terms of the majority group representation.

The Monitoring Officer suggested that an Independent Member also be invited to sit on the working party. Councillor Webster nominated Councillor Watson to sit on the working party as the Independent Member.

The Deputy Monitoring Officer advised the meeting that training sessions on the new Standards regime would be arranged for Standards Committee Members and would then be rolled out to other Members of the Council.

The meeting concluded at 1500 hours.