

## **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 10<sup>th</sup> October 2012 at 1400 hours.

### **PRESENT:-**

J. Yates in the Chair

Cooptees: J Yates and R Jaffray

Members:-

Councillors M.G. Crane, A.M. Syrett, M.J. Dooley, H.J. Gilmour, D.S. Watson (entered during Minute No. 485) and G.O. Webster.

Officers:-

S.E.A Sternberg (Solicitor and Monitoring Officer), A. Turner (Deputy Monitoring Officer), L. Johnson (Payroll Manager) (for Minute No. 495 only) and A. Bluff (Democratic Services Officer).

### **482. APOLOGIES**

There were no apologies for absence submitted.

### **483. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **484. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **485. MINUTES – 15<sup>TH</sup> AUGUST 2012**

Councillor Syrett referred to the last meeting and the discussion where members are required to declare an interest because of a body to which they were nominated to by the Council. She stated that the recommendation in the minutes was not what was considered at the last meeting.

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The Monitoring Officer replied that the recommendation in the minutes was the same recommendation considered and Resolved by Members at Council on 25<sup>th</sup> July 2012 and had been presented to Standards Committee for approval to be included in the Council's Constitution.

Councillor Watson entered the meeting at this point.

Councillor Syrett replied that at the last Standards Committee meeting the Code of Conduct had been expanded on from the discussion held at Council in July and Members had considered two solutions to the problem but the recommendation in the minutes only stated one solution.

Councillor Syrett's proposed an amendment to the minutes as follows;

It was proposed by Members that this matter should be looked at with a view to the Code of Conduct being altered so that Members who represented various outside bodies could speak and vote on matters relating to those outside bodies.

Moved by Councillor A.M. Syrett, seconded by Councillor M.G. Crane

**RECOMMENDED** that Council be asked to consider this matter with a view to the Code of Conduct being altered so that Members who represent various outside bodies could speak and vote on matters relating to those outside bodies.

Moved by Councillor G. O. Webster, seconded by Councillor H.J. Gilmour

**RESOLVED** that subject to the above amendments, the minutes of a Standards Committee meeting held on 15<sup>th</sup> August 2012, be approved as a correct record.

(Head of Democratic Services)

### 486. **RECOMMENDED ITEM FROM LICENSING COMMITTEE HELD ON 1<sup>ST</sup> AUGUST 2012 – MINUTE NUMBER 281; AUTHORISATION OF OFFICERS**

The Deputy Monitoring Officer presented a recommended item from Licensing Committee held on 1<sup>st</sup> August 2012 regarding amendments to the Authorisation of Officers to be included in the Council's Constitution.

The changes to the authorisations were to include additional officers under the Local Government (Miscellaneous Provisions) Act 1976 due to the recent decision to test Private Hire and Hackney Carriage vehicles at the Riverside Depot. Administration staff had been included in order for them to be able to call in vehicles for testing when necessary.

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

**RECOMMENDED** that amendments to the Authorisation of Officers as detailed in Schedule 1 be approved for inclusion in the Council's Constitution.

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(Head of Democratic Services)

**487. RECOMMENDED ITEM FROM SCRUTINY MANAGEMENT BOARD HELD ON 20<sup>TH</sup> AUGUST 2012 – MINUTE NUMBER 342; AMENDED TERMS OF REFERENCE FOR THE SCRUTINY MANAGEMENT BOARD**

The Deputy Monitoring Officer presented a recommended item from Scrutiny Management Board held on 20<sup>th</sup> August 2012 regarding amendments to the Terms of Reference for Scrutiny Management Board to be included in the Council's Constitution.

Moved by Councillor H.J. Gilmour, seconded by Councillor M.J. Dooley  
**RECOMMENDED** that the amendments to the Terms of Reference for the Scrutiny Management Board as presented in the report be approved for inclusion in the Council's Constitution.

(Head of Democratic Services)

**488. RECOMMENDED ITEM FROM SCRUTINY MANAGEMENT BOARD HELD ON 20<sup>TH</sup> AUGUST 2012 – MINUTE NUMBER 343; AMENDED SCRUTINY PROCEDURE RULES**

The Deputy Monitoring Officer presented a recommended item from Scrutiny Management Board held on 20<sup>th</sup> August 2012 regarding amendments to the Scrutiny Procedure Rules to be included in the Council's Constitution.

Moved by Councillor H.J. Gilmour, seconded by Councillor M.J. Dooley  
**RECOMMENDED** that the amendments to the Scrutiny Procedure Rules as presented in the report be approved for inclusion in the Council's Constitution.

(Head of Democratic Services)

**489. UPDATE ON PARISH AND TOWN COUNCILLORS REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS**

The Deputy Monitoring Officer circulated information to the meeting in relation to Parish and Town Council Register of Interest Forms.

The report detailed which Parish/Town Councils had returned their forms to the Monitoring Officer and which ones were still outstanding.

Members noted the update and that relatively few were outstanding.

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### 490. OFFICE OF THE SURVEILLANCE COMMISSIONERS INSPECTION REPORT INTO THE COUNCIL'S USE OF RIPA

The Council was subject to three yearly inspections from the Office of the Surveillance Commissioner (OSC) into the Council's use of RIPA.

The Monitoring Officer presented a report in relation to an inspection carried out by the OSC on 10<sup>th</sup> July 2012.

The Regulation of Investigatory Powers Act 2000 (RIPA) enabled the Council to undertake covert surveillance for the purpose of detecting or preventing crime and preventing disorder. RIPA powers included directed surveillance, use of covert human intelligence sources and use of communications data.

In the three years under inspection, the Council had used RIPA on three occasions, most frequently in connection with suspected benefit fraud cases. There had been no applications for the use of the Covert Human Intelligence Sources.

A copy of the OSC report was attached as an appendix to the report for Members' consideration. The OSC report highlighted some issues and made a number of recommendations and officers had confirmed that the Council would implement the recommendations.

A report would be presented to the next meeting of Standards Committee recommending changes to the RIPA Policy and Procedure in line with the recommendations in the OSC report. An update would also be given on training.

Committee were reminded that from 1st November 2012 the Council would require RIPA authorisations to be signed off by a Magistrate and made subject to a seriousness threshold and that this had been previously delegated to the Monitoring Officer to introduce.

Moved by Councillor M.J. Dooley, seconded by Councillor H.J. Gilmour  
**RESOLVED** that the report be received.

(Solicitor and Monitoring Officer / Head of Democratic Services)

### 491. MEMBER COMPLAINTS LOG

The Monitoring Officer presented a report in relation to complaints made against Members. The report was presented in the revised format as agreed at the last meeting.

The Monitoring Officer sought Members views on including complaints out of jurisdiction on the complaints log; this would increase the number of complaints on the form but would look clearer.

A short discussion took place.

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Members agreed that complaints out of jurisdiction be recorded separately.

(Monitoring Officer)

### **492. UPDATE ON DISTRICT COUNCILLORS REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS**

The Deputy Monitoring Officer reported that there was one outstanding Registration of Disclosable Pecuniary Interest form to be returned by a Member.

Members noted the update.

### **493. UPDATE ON PARISH AND TOWN COUNCILS POSITION IN RELATION TO THE NEW ETHICAL FRAMEWORK**

The Deputy Monitoring Officer gave a verbal update to the meeting regarding Parish and Town Councils' position in relation to the new Ethical Framework.

It was noted that Parish and Town Clerks would be trained during October 2012 on the new Ethical Framework.

It was reported that the Monitoring and Deputy Monitoring Officers had met with the Derbyshire Police to see how they would deal with any criminal implications. It was noted that the Police would also be attending the training.

Members noted the update.

### **494. DISTRICT COUNCILLORS' TRAINING ON THE NEW ETHICAL FRAMEWORK**

The Deputy Monitoring Officer advised the meeting that training for District Councillors on the new Ethical Framework would start early in 2013 and conclude by April 2013.

Members noted the update.

The Payroll Manager entered the meeting at this point.

### **495. CHANGES TO PART 6 OF THE CONSTITUTION – MEMBERS ALLOWANCES**

The Monitoring Officer presented a report in relation to changes to Part 6 of the Council's Constitution with regard to Member Allowances.

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The content had been streamlined to make it more 'user' friendly; no substantive changes had been made as these would have to be subject to recommendations of an Independent Remuneration Panel and report to Council.

Members asked questions.

A discussion took place.

In response to a question raised by Councillor Crane in relation to payment of subsistence allowance to Members, the Payroll Manager informed the meeting that the two previous claim forms would now be condensed into one. It was noted that this form would still require authorisation from the Leader of the Council.

A short discussion took place.

Moved by Councillor G.O. Webster, seconded by Councillor H.J. Gilmour  
**RECOMMENDED** that the Council be recommended to approve the streamlining to Part 6 of the Members Allowances section in the Councils Constitution.

(Monitoring Officer / Head of Democratic Services)

The Payroll Manager left the meeting.

### 496. CONSTITUTION REVIEW AND MEMBERSHIP OF THE CONSTITUTION WORKING PARTY – UPDATE

Further to Members' concerns regarding issues in relation to the Ethical Framework as raised at Minute 485 above, the Monitoring Officer advised the meeting that this would need to be addressed.

The Monitoring Officer advised the meeting that the Council Procedure Rules at Part 4.1 of the Constitution would be addressed as the first item by the Working Party.

A discussion took place.

It was agreed that the membership of the Constitution Working Party be Councillors Gilmour, Syrett and Webster.

Moved by Councillor M.G. Crane, seconded by Councillor D. Watson  
**RESOLVED** that the Membership of the Constitution Working Party be Councillors Gilmour, Syrett and Webster.

(Monitoring Officer / Head of Democratic Services)

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### 497. ANNUAL REVIEW REPORT ON THE EMPLOYEE GIFTS AND HOSPITALITY REGISTER

The Monitoring Officer presented a report in relation to the Employee Gifts and Hospitality Register.

The Gifts and Hospitality Registers were checked annually by the Monitoring Officer and Legal Support Officer to ensure correct use of Registers and that the correct guidance was in place.

2012 would be the last year that Environmental Health Services Gifts and Hospitality Register would be examined by Bolsover as they were now a North East Derbyshire District Council (NEDDC) department and it would be NEDDC who would carry out their reviews in future.

Members had not in recent years had a Gifts and Hospitality Register but had included relevant declarations on their Register of Interests forms. With the changes to the Standards Regime on 1<sup>st</sup> July 2012, this had now gone and it had been necessary to establish a Register for Members, which was kept by the CEO's PA.

Members had been informed of the change at Council in July 2012 but the Committee was requested to consider whether any further briefing should be sent generally to Members.

The results of the review were contained on a spreadsheet attached to the report. Where appropriate the report included comment as to the future changes. It was noted that there had been no great use of the Registers.

A discussion took place and Members agreed that a further reminder be sent to all Members.

Moved by Councillor H.J. Gilmour, seconded by Councillor M.G. Crane  
**RESOLVED** that (1) the review on the Employee Gifts and Hospitality Register be accepted,

(2) a further reminder be sent to all Members.

(Monitoring Officer)

The Standards Committee meeting concluded at 1445 hours and Members of the Constitution Working Group then met to arrange a date and time for the first meeting of the Constitution Working Group.

**It was agreed that the first meeting of the Constitution Working Group would be held on Thursday 1<sup>st</sup> November 2012 at 1.30pm in the Executive Meeting Room.**