



4<sup>th</sup> February 2013

Dear Sir or Madam

The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

**You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held in Chamber Suite 1, The Arc, Clowne, on Tuesday 12<sup>th</sup> February, 2013 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.

**ACCESS FOR ALL**

If you need help understanding this document or require a larger print on translation, please contact us on the following telephone number:-

 **01246 242528**      **Democratic Services**  
**Minicom: 01246 242450**      **Fax: 01246 242423**



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**Email** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)    **Web** [www.bolsover.gov.uk](http://www.bolsover.gov.uk)  
Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



# STANDARDS COMMITTEE

## AGENDA

Tuesday 12<sup>th</sup> February 2013 at 1400 hours in  
Chamber Suite 1, The Arc, Clowne

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1.	<b><u>Apologies for absence</u></b>	
2.	<b><u>Urgent Items of Business</u></b>  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.	
3.	<b><u>Declarations of Interest</u></b>  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 items to be considered c) any matters arising out of those items  and if appropriate, withdraw from the meeting at the relevant time.	
4.	<b><u>Minutes</u></b>  To approve the Minutes of a meeting of the Standards Committee held on 4 <sup>th</sup> December 2012.	4 to 7
5.	Recommended Item from Union/Employee Consultation Committee held on 7 <sup>th</sup> June 2012 – Minute No: 73: 'Terms of Reference'. <b>Recommendations on page 8</b>	8 to 9
6.	Recommended Item from Council held on 23 <sup>rd</sup> January 2013 – Minute No: 808; 'Local Government Finance Act 1972 – Calculation of Council Tax Base'. <b>Recommendation on page 10</b>	10
7.	Draft Council Procedure Rules referred from the Constitution Working Party.	11 to 34
8.	Complaints of Breach of the Code of Conduct – 2012.	35 to 36

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|-----|--|---------------|
| 9.  | Update on Parish and Town Councillors registration of Disclosable Pecuniary Interests. | To Follow     |
| 10. | District and Parish Councillor Training 2013.  | Verbal Report |

## **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 4<sup>th</sup> December 2012 at 1400 hours.

### **PRESENT:-**

J. Yates - Chair

Coopteers: - J. Jaffray

Members: - Councillors M.J. Dooley, H.J. Gilmour, D.S. Watson and G.O. Webster.

Independent Member: - S. Wainwright

Officers: - S.E.A Sternberg (Solicitor to the Council and Monitoring Officer), A. Turner (Deputy Monitoring Officer), and K. Rodda (Democratic Services Officer).

### **666. APOLOGIES**

Apologies were submitted from Councillors M. G. Crane and A. M. Syrett.

### **667. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **668. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **669. MINUTES –10<sup>TH</sup> OCTOBER 2012**

Moved by Councillor M. Dooley, seconded by Councillor H. J. Gilmour  
**RESOLVED** that the minutes of a meeting held on 10<sup>th</sup> October 2012 be accepted as a correct record.

## STANDARDS COMMITTEE

### 670. RECOMMENDED ITEM FROM EXECUTIVE, 22<sup>ND</sup> OCTOBER 2012 – MINUTE NO. 539 – COMMUNITY RIGHT TO CHALLENGE

The Solicitor to the Council and Monitoring Officer presented the recommended item and explained to the meeting about the provisions contained within the Localism Act, known as the Community Right to Challenge, and how this would enable relevant bodies to submit an expression of interest for the running of Council Services.

The meeting was requested to approve that delegated authority be granted to the Monitoring Officer as detailed in the Executive report, following consultation with the Leader.

Moved by Councillor H. J. Gilmour, seconded by Councillor M. Dooley  
**RECOMMENDED** that the Monitoring Officer be given delegated authority to vary the timescales, as detailed in the report, following consultation with the Leader.

(Monitoring Officer/Constitution)

### 671. COMPLAINTS OF BREACH OF THE CODE OF CONDUCT – 2012

The Monitoring Officer informed the meeting that twelve complaints had been received. The Deputy Monitoring Officer advised the meeting that the majority of the complaints were from a certain individual, and how it would be necessary to look at ways of resolving these complaints. This would be brought back to a future meeting.

The report was noted.

### 672. UPDATE ON DISTRICT AND PARISH COUNCILLORS REGISTRATION OF DECLARATION OF PECUNIARY INTERESTS AND OTHER INTERESTS

The report provided details on the number of Parish/Town Councils Register of Interests forms that had been completed and the Deputy Monitoring Officer informed the meeting that the Clerks to the Parish Councils would be chasing up any outstanding forms.

The report was noted.

## **STANDARDS COMMITTEE**

### **673. FLOW CHART FOR DISCLOSURE OF INTERESTS**

The flow chart for Disclosure of Interests was on the agenda as a guide for Members and an example of an Interest was given by the Deputy Monitoring Officer.

After a short discussion, it was suggested that a copy of the flow chart be sent out to all Members.

The flow chart was noted.

### **674. NALC GUIDANCE ON PARISH COUNCILS AND THE SETTING OF THE PRECEPT AND DISCLOSABLE PECUNIARY INTERESTS**

The Monitoring Officer presented the information from NALC on Members' conduct and the registration and disclosure of their interest to the meeting for Members' information.

The report was noted.

### **675. COUNSELS OPINION SOUGHT BY HAMPSHIRE COUNTY COUNCIL RELATING TO DISCLOSABLE PECUNIARY INTEREST**

The Monitoring Officer presented the report for Members' information and informed them of a potential gap in legislation.

The Deputy Monitoring Officer also informed the meeting that details of the Register of Interests were now on the website, including that of spouses although the Localism Act did not make it absolutely clear in what format, this should be published.

The report was noted.

## **STANDARDS COMMITTEE**

### **676. CONSTITUTION WORKING PARTY UPDATE**

The Monitoring Officer informed the meeting that the Working Party had met; Part 4.1 – Council Procedural Rules had been discussed and the proposed changes would be presented to Cabinet and Senior Management Team before taking back to Standards and Council for approval.

The Working Group would be looking at Part 2 – The Articles next.

The update was noted.

The meeting concluded at 1424 hours.

The Chair wished everyone well for Christmas and the New Year.

**RECOMMENDED ITEM FROM UECC – 7<sup>TH</sup> JUNE 2012**

**73. TERMS OF REFERENCE**

A Unison representative referred to points 3 and 4 under 'Consultation' in the Terms of Reference and requested that the ACAS definition of consultation be used instead. The ACAS definition describes that where there are issues and problems that require resolving, they are resolved jointly and resources are pooled to reach a solution. The Unison representative added that it was a more embracing definition of the word consultation.

In the absence of a copy of the ACAS definition of Consultation being circulated at the meeting, Members agreed that it be accepted, subject to their consideration outside of the meeting, and that it be submitted to the next meeting of UECC if there were any issues.

Moved by Councillor D. McGregor, seconded by Councillor A. F. Tomlinson  
**RESOLVED** that points 3 and 4 under 'Consultation' be replaced with the ACAS definition of Consultation, subject to Members consideration outside of the meeting, and that it be submitted to the next meeting of UECC if there were any issues.

The Unison representative further stated that at paragraph 5, under 'Membership', it should be clarified that the chairmanship of the committee is rotated annually between the Employees side and Union side.

Moved by Councillor D. McGregor, seconded by Councillor A. F. Tomlinson  
**RESOLVED** that at paragraph 5 under 'Membership', include the words "the chairmanship is rotated annually between the Employees side and the Union side".

The Unison representative raised a query regarding the composition of membership of the Committee and that it had been previously suggested that both sides reduce their number of members.

A discussion took place.

The Solicitor to the Council advised the meeting that changing the membership of the Committee now would require referral back to Council with the proportionality of political seats looked at first.



A further discussion took place.

Members decided that membership of the Committee remains as agreed at Annual Council in May but a discussion takes place at a future date in the year to further consider reducing the membership.

Moved by Councillor D. McGregor, seconded by A. Lowery

**RESOLVED** that the membership of the Committee remains as agreed at Annual Council in May but a discussion takes place at a future date in the year to further consider reducing the membership.

(Head of Democratic Services (Annual Council))

**COUNCIL – 23<sup>RD</sup> JANUARY 2013**

**808. LOCAL GOVERNMENT FINANCE ACT 1972 – CALCULATION OF COUNCIL TAX BASE**

The Director of Corporate Resources submitted the report which sets out the calculation of the Council Tax Base for the Authority for 2013/14.

The report also seeks approval for the Director of Corporate Resources (the Chief Financial Officer) under delegated powers to approve the NNDR 1 form on behalf of the Council. This form provides details to Central Government concerning the level of non domestic rates which the Council will collect from local business in respect of the next financial year. It is requested that this function is delegated to the Chief Financial Officer in respect of 2013/14 and for future financial years.

Moved by Councillor E. Watts, seconded by Councillor A.F. Tomlinson

**RESOLVED** that (1) Council approve the tax base for 2013/14 at 19,379.56 Band D equivalent properties and associated parish tax bases as set out within The report.

(2) Council approve the Chief Financial Officer submitting an NNDR1 form which indicates that income levels will be consistent with the Council achieving the £2.557m of baseline income as set out within the Government's Financial Settlement for Local Government in respect of 2013/14.

**RECOMMENDED** that (1) Council delegates to the Chief Financial Officer in respect of future financial years the decision regarding the Council Tax Base, together with the authority to complete and submit the NNDR1 on behalf of the Council and recommends this to Standards Committee for inclusion in the Constitution.

(Head of Democratic Services – Standards)

**Complaints of Breach of the Code of Conduct – 2012**

<b>Year</b>	<b>Number Received</b>	<b>PC</b>	<b>DC</b>	<b>Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.</b>	<b>Investigation</b>	<b>Hearing</b>	<b>Outstanding.</b>
<b>MC 1/2012</b>	1	1		No breach – file closed			0
<b>MC 2/2012 (formally LAC 4/2012)</b>	2	1		N/A	For further action see 15.		1
<b>MC 3/2012 (formally LAC 7/2011)</b>	3	1		N/A	Yes No breach – file closed.		1
<b>MC 4/2012</b>	4	1		IP contacted			2
<b>MC 5/2012</b>	5	1		IP contacted			3
<b>MC 6/2012</b>	6	1		IP contacted			4
<b>MC 7/2012</b>	7	1		For further action see 15.			5
<b>MC 8/2012</b>	8	1		IP contacted			6
<b>MC 9/2012</b>	9	1		For further action see 15.			7
<b>MC 10/2012</b>	10		1	IP contacted			8

**AGENDA ITEM 7**  
**STANDARDS COMMITTEE – 12<sup>th</sup> February**  
**2013**

<b>Year</b>	<b>Number Received</b>	<b>PC</b>	<b>DC</b>	<b>Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.</b>	<b>Investigation</b>	<b>Hearing</b>	<b>Outstanding.</b>
<b>MC 11/20012</b>	11	1		More details of complaint requested			9
<b>MC 12/2012</b>	12	1		More details of complaint requested			10
<b>MC 13/2012</b>	13		1				11
<b>MC 14/2012</b>	14		1	More details of complaint requested			12
<b>MV 15/2012</b>	15	1		2, 7, 9 and 15 are being dealt with together because they are related. At the moment what action should be taken is being considered.			13

Number (in addition to the above) rejected as being out of jurisdiction 2

<b>Year</b>	<b>Number of Complaints</b>	<b>Average time to decision</b>

Committee:	Standards Committee	Agenda Item No.:	7.
Date:	12 <sup>th</sup> February 2013	Category	*
Subject:	Council Procedure Rules	Status	Open
Report by:	Solicitor to the Council and Monitoring Officer		
Other Officers involved:	<b>Principle Solicitor</b> <b>Democratic Services Officer</b>		
Director	Chief Executive Officer		
Relevant Portfolio Holder	<b>N/A</b>		

### **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 report proposes changes to the Council Procedure Rules which are the rules the Council follows when it is carrying out its business. The rules do not apply to the Executive. These rules therefore affect all the Council's corporate aims.

### **TARGETS**

The subject matter does not contribute directly to any targets specified in the Corporate Plan.

### **VALUE FOR MONEY**

The rules are about how the Council governs itself and not about the expenditure of money.

### **THE REPORT**

Standards Committee set up a Working Group of members to consider the revision of the Constitution. The members of this Working Group are:-

Cllr Syrett

Cllr Gilmour

Cllr Webster

This Working Group has considered the Council Procedure Rules and is making recommendations for change. The amended version is attached for consideration.

One matter that requires consideration results from changes in the Localism Act 2011. This is in relation to the election of the Leader.

Under previous legislation, the Council amended its Constitution to provide for the Leader to be elected for a 4 year term. The Leader was duly elected for a 4 year term in 2011.

Under the Localism Act 2011, the position is as it was before this change, with the legislation requiring the Council to decide how long the Leader is elected for. (Schedule 2, paragraph 9(l) of the Localism Act 2011). The Council now needs to do this and then we can incorporate it within the Council Procedure Rules in the Constitution.

This is at paragraph 4.1.6 of the draft Rules.

### **ISSUES FOR CONSIDERATION**

The changes within the draft Council Procedure Rules. Officers will go through the changes with the Standards Committee at the meeting.

Training – once approved, training on the new Rules will be included in the Standards training being organised for District Councillors.

### **IMPLICATIONS**

Financial : None

Legal : As in the report.

Human Resources : None

### **RECOMMENDATION(S)**

**That Standards Committee recommend to Council**

**(1) The period of office for the Leader.**

**(2) The approval of the draft Council Procedure Rules for inclusion in the Constitution.**

ATTACHMENT: **Y – Draft Council Procedure Rules**

FILE REFERENCE: ***None***

SOURCE DOCUMENT: ***The Council's Constitution.***