



8th June 2013

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

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 18th June, 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.

Please Note: a one hour training session will follow the meeting.

Yours faithfully,

Chief Executive Officer

To: Chairman & Members of the Standards Committee.

ACCESS FOR ALL

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 **01246 242528** **Democratic Services**
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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



STANDARDS COMMITTEE

AGENDA

Tuesday 18th June 2013 at 1400 hours in Chamber Suite 1, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for absence</u>	
2.	<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.	
3.	<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 items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	<u>Minutes</u>	
	To approve the Minutes of a meeting of the Standards Committee held on 12 th February 2013.	4 to 9
5.	Recommended Item from Council held on 1 st March 2011; Minute Number 867; To include in the Chief Executive Officer's delegation provision relating to the Strategic Alliance. Recommendation on page 11.	10 to 11
6.	Recommended Item from Council held on 14 th November 2012; Minute Number 596; To include in the Chief Executive Officer's delegation provision relating to the Strategic Alliance. Recommendation on page 12.	12
7.	Recommended Item from Council held on 15 th February 2013; Minute Number 878; 'Members Allowance Scheme 2012/13', With regard to making a change to the scheme and to include in the Chief Executive Officer's delegation provision relating to the Regulations. Recommendation on pages 13 and 14.	13 to 14

8. Recommended Item from Executive held on 8th April 2013; Minute Number 1104; 'Community Right to Bid', To include in the Director of Development's delegation provision relating to the Community Right to Bid.
Recommendation on page 15. 15
9. Complaints against Members 2012/13. 16 to 18
10. Standards Committee Work Plan. 19 to 20
11. Department for Communities and Local Government Guidance on Members' Interests.
<https://www.gov.uk/government/publications/openness-and-transparency-on-personal-interests-guidance-for-councillors>
12. Local Government Association Planning Guidance.
<http://www.pas.gov.uk/pas/aio/3529687>
13. A one hour training session will follow the meeting.

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Chamber Suite 2, The Arc, Clowne on Tuesday 12th February 2013 at 1400 hours.

PRESENT:-

Coopteers: J. Yates and R. Jaffray

Members:-

Councillors A.M. Syrett, M.J. Dooley, H.J. Gilmour, D.S. Watson and G.O. Webster.

Officers:-

K. Shillitto (Principal Solicitor), A. Turner (Deputy Monitoring Officer), and A. Bluff (Democratic Services Officer).

J. Yates in the Chair

860. APOLOGY

An apology for absence was received from Councillor M.G. Crane.

861. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

862. DECLARATIONS OF INTEREST

There were no declarations of interest made.

863. MINUTES – 4TH DECEMBER 2012

Moved by Councillor G.O. Webster, seconded by Councillor H.J. Gilmour
RESOLVED that the minutes of a Standards Committee meeting held on 4th
December 2012 be approved as a correct record.

STANDARDS COMMITTEE

864. RECOMMENDED ITEM FROM UNION/EMPLOYEE CONSULTATION COMMITTEE HELD ON 7TH JUNE 2012 – MINUTE NO: 73; 'TERMS OF REFERENCE'

The Deputy Monitoring Officer presented a recommended item from Union / Employee Consultation Committee (UECC), held on 7th June 2012, in relation to changes to the Terms of Reference for UECC.

It had been requested by a Unison representative that points 3 and 4 under 'Consultation' in the Terms of Reference be replaced with the ACAS definition of 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 formal meeting of UECC if there were any issues.

An informal meeting of UECC had taken place on 24th January 2013 for Members to consider the ACAS definition of consultation, from the ACAS booklet 'Employee communications and consultation' (August 2009).

Members agreed at UECC held on 30th January 2013 that the ACAS definition of Consultation be adopted at part 3 (iv) in the Terms of Reference in the Council's Constitution.

The ACAS definition is:-

Consultation is the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information. Consultation does not remove the right of managers to manage – they must still make the final decision – but it does impose an obligation that the views of employees will be sought and considered before decisions are taken.

It had further been agreed at the UECC meeting held on 7th June 2013, 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 A.M. Syrett, seconded by Councillor G.O. Webster

RECOMMENDED that (1) Council be recommended to adopt the ACAS definition of Consultation in part 3 (iv) of the Terms of Reference for UECC in the Council's Constitution,

(2) at paragraph 5, under 'Membership', in the Terms of Reference, it be clarified that the chairmanship of the Committee is rotated annually between the Employees side and Union side.

(Head of Democratic Services / Council / Constitution)

STANDARDS COMMITTEE

865. RECOMMENDED ITEM FROM COUNCIL HELD ON 23RD JANUARY 2013 – MINUTE NO: 808; ‘LOCAL GOVERNMENT FINANCE ACT 1972 – CALCULATION OF COUNCIL TAX BASE’

The Deputy Monitoring Officer presented a recommended item from Council held on 23rd January 2013, in relation to a change to the Director of Corporate Resources’, (the Chief Financial Officer), delegated powers, that he be given delegated authority to complete and submit the NNDR 1 form to Central Government on behalf of the Council.

The NNDR 1 form provided details to Central Government concerning the level of non domestic rates which the Council would collect from local business in respect of the next financial year. It was also requested that this function be delegated to the Chief Financial Officer in respect of 2013/14 and for future financial years.

Moved by Councillor G. O. Webster, seconded by Councillor H.J. Gilmour
RECOMMENDED that the amendment to the delegation scheme in the Council’s Constitution to include delegated authority for the Chief Financial Officer to complete and submit the NNDR 1 form to Central Government on behalf of the Council be accepted.

(Head of Democratic Services / Constitution)

866. DRAFT COUNCIL PROCEDURE RULES REFERRED FROM THE CONSTITUTION WORKING PARTY

Standards Committee had set up a Constitution Working Party of Members to consider revision to the Council’s Constitution. The Group had considered the Council’s Procedure Rules and were recommending that some changes be made.

The Council Procedure Rules are the rules Council follows when carrying out its business – the rules do not apply to the Executive.

The Principal Solicitor presented a report with the proposed changes and took Committee through each change.

In 2011 the Constitution was amended to elect the Leader of the Council for a 4 year period. Under the Localism Act, the Council could now decide the length of time the Leader is in office.

Members stated that they had voted previously at a Council meeting that the Leader stays in office for the current 4 year term, until the next District and Parish elections in 2015. This procedure could then be changed after the elections if Members so wished.

Members were advised that a number of minor changes / tidying up of wording had been made key changes were as follows;

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Key Changes;

Item	Change
(3) Cancellation of Meetings	Clarification of the ruling.
4.1.3 Chairman and Vice Chairman	Removed 'Ex officio'.
4.1.10 Questions	Public and Members now abide by same procedure. Deadlines now to have questions submitted by to help devise a reply and put reports on the agenda.
(2) Questions by Members of the Council and by the Public	Now specifies how many questions can be asked. <i>Note: all neighbouring local authorities with exception to CBC restrict members to 1 question.</i>
(ix)	New amended set of criteria; Question not allowed if it is substantially a statement rather than a question, if it is frivolous or offensive.
<p>Councillor Watson noted that paragraph (viii) did not answer how a supplementary question would be answered. The First question had a subscribed way of response but the supplementary question did not.</p> <p>A short discussion took place.</p> <p>It was agreed that a line be added to paragraph viii of the Council Procedure Rules in respect of supplementary questions: "Answers to supplementary questions may take any of the forms set out in paragraph 4.1.10(v) above."</p>	
4.1.13 Motions and Amendments without Notice. (1) (i)	Added to end of (i) "where the Chair/Vice Chair is not present".
4.1.14 Council and Committee Minutes (9) : "No amendments whatsoever may be moved to a Committee Minute where a decision has been taken by that Committee in pursuance of delegated powers".	Clarified that delegated power to officers cannot be reversed by Council.
4.1.15 Rules of Debate (5) Speeches	No speeches may be made on a motion, after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

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(8) Length of Speech No change – stays at ‘5 minutes’. *Note: with Members consent, length of speech may be varied at a meeting.*

4.1.19 Motions Affecting Persons Employed by the Council This paragraph had been removed, as it duplicated provisions in the Access to Information rules regarding the discussion of matters affecting employees .

4.1.22 Application to Committees and Sub Committees Removed reference to Standards Committee - previously the quorum was governed by statute.

Moved by Councillor A. M Syrett, seconded by Councillor H.J. Gilmour
RECOMMENDED that (1) the period of office for the Leader remains as agreed until it is considered again following the next District Council elections.

(2) the draft Council Procedure Rules, as amended, be approved for inclusion in the Council's Constitution.

(Head of Democratic Services / Council / Constitution)

867. COMPLAINTS OF BREACH OF THE CODE OF CONDUCT – 2012

The Deputy Monitoring Officer presented a report in respect of complaints made against Members.

It was explained to the meeting that Member Complaints MC2, 7, 9 and 15 were being dealt with as one complaint as it was in relation to the same Member; this would also save on resources.

A clerical error was noted on the report being MV 15/2012 which should read MC 15/2012.

Members raised questions.

A short discussion took place.

Moved and seconded
RESOLVED that the report be noted.

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

The Deputy Monitoring Officer presented information to the meeting which provided an update on Parish and Town Councillors Registration of Disclosable Pecuniary interests.

STANDARDS COMMITTEE

Committee were asked to note that although the report stated 3 forms were outstanding from Shirebrook Town Council, two of these were now vacant posts. The Clerk was following up the outstanding form with the Member concerned.

Moved and seconded

RESOLVED that the report be noted.

869. DISTRICT AND PARISH COUNCILLOR TRAINING 2013

The Deputy Monitoring Officer advised Committee that training would be provided to District Councillors on the Council Procedure Rules as discussed above and also in declaring Disclosable Pecuniary Interests under the Localism Act.

A flow chart would be provided to Members as part of their training to help them understand when they need to declare interests at Council meetings.

The Deputy Monitoring Officer and the LSP, Parish Council Liaison, had previously met with parish and town council clerks to disseminate information on the changes to the ethical framework.

Committee were asked for their input on how the training should be delivered to Members.

A lengthy discussion took place.

It was agreed that a training session is provided for each of the following;

- Cabinet Members
- Standards Committee Members and the Independent Persons
- Improvement Scrutiny Committee
- Safe and Inclusive Scrutiny Committee
- Sustainable Communities Scrutiny Committee
- Cooptees

The Deputy Monitoring Officer thanked Committee for their input.

The meeting concluded at 1445 hours.

Recommended Item from Council held on 1st March 2011

**867. STRATEGIC ALLIANCE BOLSOVER AND NORTH EAST DERBYSHIRE
EXEMPT PARAGRAPH 1, 3 AND 4**

The Leader presented the report on the Bolsover and North East Derbyshire Strategic Alliance, informing colleagues that he had attended North East Derbyshire's Council meeting yesterday.

The Strategic Alliance initial phase would focus on the appointment of a joint Chief Executive, along with one set of Directors and Heads of Service. It was proposed that the new Chief Executive would be in place from 1st April, 2011, to drive the process down; this was a big step and would take some organisation and a lot of trust on both sides.

A copy of the existing management structures and the proposed joint structure were attached to the report.

The formation of the Strategic Alliance would enable both Councils to generate significant savings, it was estimated that the shared savings could amount to £1.5m per year once the Alliance was fully rolled out.

The two Councils border each other and provide similar services and collaborate across a range of areas including ICT, Internal Audit, Recycling, Procurement and Building Control.

The Leader informed Members that both authorities would continue to function in their own right and advised Members that this was not a take over of each other. The headlines in the Derbyshire Times didn't help by referring to a merger. Any press statements would be discussed and released at the same time, the Leader appreciated the concerns of the staff.

Members were advised that a board would be set up and operated by Members with an equal numbers from each authority which would also be politically balanced,

The Leader congratulated Councillor Baxter in becoming Leader of the Year.

Both Councillor Clifton and Webster supported the creation of the Strategic Alliance.

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

RESOLVED that (1) the formation of a Strategic Alliance with North East Derbyshire District Council, to come into effect from 1st April 2011,

(2a) the Senior Management of the Strategic Alliance be provided initially by way of a Joint Committee established under Sections 101 and 102 of the Local Government Act 1972 over-seen by a minimum of nine Elected Members from each authority, with consideration being given at the earliest opportunity to the formation of a separate company limited by guarantee to undertake the operational duties of the Alliance,

(2b) delegated authority be granted to the Chief Executive Officer in consultation with the 3 Party Leaders to appoint Members to the Joint Committee,

(3) the establishment of a Management Structure comprising a single Chief Executive (and shared Head of the Paid Service) from 1st April 2011, to be followed as soon as possible by the appointment of a joint Senior Management Team including shared Chief Finance Officer (Section 151 post),

(4) the formation of a recruitment panel for the post of Joint Chief Executive to comprise the Leaders and Deputy Leaders, plus one member from each Authority or substitutes, six Members in total to recommend the appointment to the relevant Council,

(5) further appointments to the joint Senior Management Team be made by a panel appointed from the Alliance Joint Committee and that necessary changes to the Council's Constitution be progressed through Standards Committee and Council to recognise this change,

(6) Appointees to the new Joint Senior Management Structure be paid on NEDDC Senior Management rates of pay with other terms and conditions being those of the successful employees original authority,

(7) delegated authority be granted to the Joint Chief Executive Officer authority to progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to redundancies which may result from the implementation.

(Chief Executive Officer)

Recommended Item from Council held on 14TH November 2012

596. RECOMMENDED ITEMS FROM STRATEGIC ALLIANCE JOINT COMMITTEE HELD ON 31ST OCTOBER, 2012 MIN. NO. SA*/* - JOINT WORKING PROPOSALS EXEMPT – PARAGRAPH 3

The Chief Executive Officer submitted a recommended item from the Strategic Alliance Joint Committee held on 31st October, 2012.

Members were advised that the Strategic Alliance was formed 20 months ago, with the clear intention of protecting frontline services by working together to explore every opportunity to find savings and efficiencies following the 2010 Comprehensive Spending Review. Joint working to-date has been achieved using a number of models: Joint Contracts – Senior Management, Hosted Services – Environmental Health and Administrative Arrangements – Street Scene.

The proposal will need to be represented in an agreement. This will ensure that any arrangements are properly governed in line with Members' wishes on things such as termination, initial period of agreement and indemnities.

There will also be occasions when arrangements need only be temporary. These could be dealt with under secondment as they are likely to be less than 12 months. For this to happen it would require that delegated powers be granted to the Joint Head of Paid Services in consultation with both Leaders, Deputy Leaders and Portfolio Holders to make secondments in and out of both Authorities.

Moved by Councillor E. Watts, seconded by Councillor A.F. Tomlinson
RESOLVED that (1) Council agrees the principles in respect of administrative arrangements and secondments,

(2) delegated powers be granted to the Joint Chief Executive Officer following consultation with both Leaders, Deputy Leaders and the relevant Portfolio Holders to make secondments in and out of both Authorities,

(3) a report on the progress of the Strategic Alliance be submitted on a quarterly basis.

(Standards Committee)

Recommended Item from Council held on 15th February 2013

878. THE MEMBERS' ALLOWANCE SCHEME 2012/2013

The Solicitor to the Council advised Members that this report was submitted in accordance with the provisions of the Local Authorities (Members' Allowances)(England) Regulations 2003. Regulations 10(1) and 10(2) require authorities to make their Members' Allowance Scheme before the beginning of the year to which it relates, in this case for the year 1st April 2012 to 31st March 2013.

This report incorporates the resolution of Council on 20th July, 2011 following the review of the Members' Allowance Scheme by the Independent Remuneration Panel.

A table showing the proposed level of allowances for the year 1st April 2012 to 31st March 2013 was submitted.

It was also proposed that a further amendment be included requesting that Members submit their expenses on a monthly basis. This would help to reduce administration costs and also ensure that any documents that officers need to refer to when processing claims are readily available. It is proposed that the additional point be added as follows:- "Members expense claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Director of Corporate Resources".

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

RESOLVED that (1) the Members' Allowance Scheme for the year 2012/13 be implemented with effect from 1st April, 2012 in accordance with the rates set out in the report,

(2) the level of Members' Allowances be updated to reflect any changes to the mileage allowance rates upon which Members' Allowances are based, subject to the effective date not being earlier than the beginning of the scheme year,

(3) the following additional point be added to the Financial Regulations section of Members' Allowance:-

"Members expense claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Director of Corporate Resources",

(4) the scheme be published in accordance with the Local

Authorities (Members' Allowances) (England) Regulations 2003,
**(5) the Members' Allowance Scheme contained within the
Council's Constitution be updated to reflect the changes
approved in this report,**

(6) the details of the Members' Allowance Scheme are updated
on the Council's Intranet and the relevant Council Web page.

(Constitution)

RECOMMENDED to Standards Committee

that the Chief Executive Officer be designated as the "proper officer" for the
purpose of the Members' Allowance Scheme Regulations and this be included
within the Chief Executive Officer's Delegation Scheme in the Constitution,

(Head of Democratic Services (Standards Committee))

Recommended Item from Executive held on 8th April 2013

1104. COMMUNITY RIGHT TO BID

The Assistant Director of Governance and Monitoring Officer and Solicitor to the Council presented the report to advise Members of statutory obligations imposed by the Localism Act 2011 relating to Assets of Community Involvement.

The purpose of the Community Right to Bid was to seek to ensure that important assets remained in public use, which covered not only municipal buildings but also facilities such as shops and public houses. Assets could be placed on a list that the Authority was required to maintain, following nomination by a parish council or community group.

It was proposed that the Director of Development, in consultation with the Leader and Deputy Leader of the Council, be given delegated powers to determine whether the property proposed for inclusion on the list met the criteria set out in legislation.

Moved by Councillor A. M Syrett, seconded by Councillor B.R. Murray-Carr
RESOLVED that (1) the statutory obligations imposed by the Localism Act 2011 relating to Assets of Community Involvement be noted.

(2) delegated powers be granted to the Director of Development in consultation with the Leader and Deputy Leader of the Council, to make decisions on any matter the Council is required to make a decision on in relation to Part 3 Chapter 3 (Assets of Community Involvement) of the Localism Act.

REASON FOR DECISION: In order that the Council has procedures in place to comply with the provisions of the Localism Act 2011.

(Director of Development/Constitution)

Complaints of Breach of the Code of Conduct – 2012

Year	Number Received	PC	DC	Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
MC 1/2012	1	1		File closed	No	No	0
MC 2/2012 (formally LAC 4/2012)	2	1		File Closed	No	No	0
MC 3/2012 (formally LAC 7/2011)	3	1		N/A	Yes No breach – file closed.	No	0
MC 4/2012	4	1		File closed	No	No	0
MC 5/2012	5	1		File closed	No	No	0
MC 6/2012	6	1		File closed	No	No	0
MC 7/2012	7	1		For further action see 15.			1
MC 8/2012	8	1		File closed	No	No	1
MC 9/2012	9	1		File closed	No	No	1
MC 10/2012	10		1	File closed	No	No	1
MC 11/20012	11	1		File closed	No	No	1

Year	Number Received	PC	DC	Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
MC 12/2012	12	1		File closed	No	No	1
MC 13/2012	13		1	File closed	No	No	1
MC 14/2012	14		1	File closed	No	No	1
MV 15/2012	15	1		7 and 15 of 2012 are being dealt with together 8/2013 because they are related.	Yes		2

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

Complaints of Breach of the Code of Conduct – 2013

Year	Number Received	PC	DC	Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
MC 1/2013	1		1	File closed	No	No	0
MC 2/2013	2		1	File closed	No	No	0
MC 3/2013	3		1	File closed	No	No	0
MC 4/2013	4		1	File closed	No	No	0
MC 5/2013	5		1	File closed	No	No	0
MC 6/2013	6	1		File closed	No	No	0
MC 7/2013	7	1		With IP			1
MC 8/2013	8	1		7 and 15 of 2012 are being dealt with together with 8/2013	Yes		2
MC 9/2013	9	1		File closed	No	No	2
MC 10/2013	10	1		File closed	No	No	2
MC 11/2013	11	1		File Closed	No	No	2

STANDARDS COMMITTEE WORK PLAN 2013/14

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee			<ul style="list-style-type: none"> Suggested date - July or August Council 	Not yet Started
2. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> District Councillors Parish Councillors Monitoring of attendance 	<ul style="list-style-type: none"> progress reports at each meeting 	<ul style="list-style-type: none"> District Cllrs – details of proposed training to be provided at the end of this meeting Parish Cllrs – needs addressing once District Councillors training is completed. Consider using the Parish Council Liaison Meeting as a vehicle. 	Ongoing
3. Annual Reports -	<ul style="list-style-type: none"> Year end number of complaints against District and Parish Councillors. Gifts and hospitality Registers RIPA 	<ul style="list-style-type: none"> 13th August 2013. 13th August 2013. 	<ul style="list-style-type: none"> The figures, including the previous years figures, are reported at each meeting 	<ul style="list-style-type: none"> Done Not yet started Not yet started
4. Review of RIPA Policy		<ul style="list-style-type: none"> 13th August 2013. 	<ul style="list-style-type: none"> This follows changed in legislation as to how authorisations can be obtained. 	<ul style="list-style-type: none"> Ongoing
5. Review of whistle blowing policy			<ul style="list-style-type: none"> This follows changes to legislation governing these arrangements.. 	<ul style="list-style-type: none"> Not yet started

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
6. Review of Constitution	<ul style="list-style-type: none"> Through Constitution Working Group 		<ul style="list-style-type: none"> The following areas have been reviewed and approved: - Council Procedure rules, Contracts Standing Orders, Members allowances section, Members Code of conduct. It is recommended that the remainder is dealt with in 2 halves: the Delegation Scheme and the rest and that these are dealt with swiftly and not section by section. Members will need to re-establish the Constitution Working Group. 	<ul style="list-style-type: none"> Ongoing
7. Development of the Annual Standards Committee work plan for 2014 to 2015				Not yet started

June 2013