

## 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 12<sup>th</sup> 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 – 4<sup>TH</sup> 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 4<sup>th</sup>  
December 2012 be approved as a correct record.

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

The Deputy Monitoring Officer presented a recommended item from Union / Employee Consultation Committee (UECC), held on 7<sup>th</sup> 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 24<sup>th</sup> 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 7<sup>th</sup> 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)

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### **865. 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’**

The Deputy Monitoring Officer presented a recommended item from Council held on 23<sup>rd</sup> 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'. <i>Note: with Members consent, length of speech may be varied at a meeting.</i>
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.

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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.