

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Chamber Suites 1 & 2, The Arc, Clowne on Tuesday 11th February 2014 at 1400 hours.

PRESENT:-

Cooptees: J. Yates and R. Jaffray.

Members:-

Councillors, H.J. Gilmour, A.M. Syrett and G.O. Webster and E. Watts.

Officers:-

S.E.A. Sternberg (Assistant Director Governance & Monitoring Officer), M. Kane (Governance Manager) and A. Bluff (Democratic Services Officer).

J. Yates in the Chair

0819. APOLOGIES

Apologies for absence were received from Councillors M.J. Dooley and D.S. Watson.

0820. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0821. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0822. MINUTES – 13th AUGUST 2013

Moved by Councillor A M. Syrett, seconded by Councillor H.J. Gilmour

RESOLVED that the minutes of the Standards Committee meeting held on 13th August 2013 be approved as a correct record.

0823. INTERNAL AUDIT REVIEW OF GIFTS AND HOSPITALITY REGISTERS

Internal Audit had reviewed the new arrangements for the Gifts and Hospitality Registers and produced a report which had been given a 'satisfactory' rating. The report was attached to the agenda for Members consideration.

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There were two recommendations which had been agreed; the first related to the checks made as new forms were sent through to Legal Services in that the 'authorising signatory **was** authorised to sign for acceptance. The report provided examples of where a signatory was not the correct person to authorise. This has now been actioned.

The second recommendation related to Members and the financial level at which Members had to make a formal declaration of the offer of gifts and hospitality. Currently the level stood at £100. The Internal Audit recommendation was:-

In this sensitive economic climate and to avoid the risk of adverse publicity, consideration should be given to aligning Members gifts and hospitality minimum values in line with employees. (Priority: Medium).

Officers currently declared the offer of any gifts or hospitality without limit; meaning that the receipt of everything including pencils and calendars, mugs etc. was declared in the Register.

In relation to Members, there had been no declarations for several years which may reflect the level at which Members are required to make a declaration.

A review of the levels for nine neighbouring Councils was that most had a level of £25 or £50.

If Members were minded to review the limit and make a recommendation for change to the Council, there were a number of considerations in setting the appropriate level.

The problem with a zero level was that so many small tokens were given which would require registration. This would particularly be the case in relation to the Chairman and Vice Chairman of the Council who would regularly be provided with small tokens whilst on official business. With a zero level of recording, all of these would need to be put in the Gifts and Hospitality Register and formally accepted by an authorised signatory. It also ran the risk that receipt of such small items could be considered not important, registration could be forgotten and the system undermined.

Many authorities also had their gifts and hospitality register on their website so that the public could view entries without the need to come to the Council's offices. Members were asked if they considered this to be appropriate for Bolsover.

A lengthy discussion took place.

Members agreed that the financial level at which Members make a formal declaration of the offer of gifts and hospitality be set at £50. Didn't they say they would send both issues to Council without a formal recommendation?

Moved by Councillor G.O. Webster, seconded by Councillor A.M. Syrett
RESOLVED that the findings of the Internal Audit report be noted,

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RECOMMENDED that (1) Council be recommend to approve that the financial level at which Members make a formal declaration of the offer of gifts and hospitality be set at £50,

Moved by Councillor E. Watts, seconded by Councillor G.O. Webster
(2) Council be recommended to consider whether the Gifts and Hospitality Registers be placed on the Council's website.

(Monitoring Officer/Governance Manager)

0824. COMPLAINTS AGAINST MEMBERS UPDATE

Committee considered a report of the Monitoring Officer in relation to complaints made against Members.

The meeting was advised that one complaint against a Member had been received in the current year but as there was no investigation, the complaint was no longer outstanding.

Moved by Councillor E. Watts, seconded by Councillor A.M. Syrett#
RESOLVED that the report be received.

0825. CONSTITUTION UPDATE

The Monitoring Officer advised the meeting that the revised Officer Delegation Scheme in the Council's Constitution would be presented to the April meeting of Standards Committee for Member's consideration.

Moved by Councillor E. Watts, seconded by Councillor H.J. Gilmour
RESOLVED that the verbal update be noted.

(Monitoring Officer/Governance)

0826. SECTION 106 PROSECUTION

The Monitoring Officer presented a copy of an article in relation to a Section 106 Local Government Finance Act 1992 prosecution regarding a former Kirklees Mayor who had been found not guilty of breaking the law when she had voted on a council tax ballot despite being in council tax arrears herself.

Councillor Jean Calvert had been found not guilty of two counts of breaking Section 106 of the Local Government Finance Act 1992 after a District Judge accepted Councillor Calvert's defence that she was not aware of Section 106.

A newspaper Freedom of Information request had brought the matter to light.

The Monitoring Officer commented that the article was an opportunity to remind Members of this provision.

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Moved and seconded

RESOLVED that the newspaper article be noted.

0827. RAISING THE STANDARDS

The Monitoring Officer presented a copy of an article to the meeting which she felt Members may find interesting. The article was titled 'Raising the Standards', which had been taken from a copy of a publication of 'Local Government Lawyer' dated December 2013, in relation to the revised Standards regime.

The new Standards arrangements had come into force on 1st July 2012 and saw the scrapping of the Standards Board and its replacement with a 'lighter touch' system including 'disclosable pecuniary interests' and independent persons.

The article provided results from a survey carried out by the Local Government Lawyer on how the revised standards regime had worked out in practice and if clarification of the law on predetermination and bias had made any difference?

Respondents of the survey felt that the current sanctions available under the revised regime were insufficient. 85% believed that the sanctions were 'too weak', compared with 13% who felt they were 'about right'. Just 2% said they were too tough.

The article stated that the role of the 'independent person' (IP) in the handling of conduct complaints had been well received. Exactly half of respondents said the role was working either very well or quite well, compared with 7% who considered it to be working either quite badly or very badly. Respondents had stated that they would also like to see greater clarity in relation to DPIs and personal interests.

Particular problems were also identified with parish councils. Calling for the introduction of a body to deal with general complaints at this tier, one lawyer wrote: "Parishes increasingly feel they are only accountable to themselves and the district can't really do anything, and therefore can get away with bad decisions that can't be pinned down to particular individuals."

Another senior governance officer argued that either responsibility for parish councils should be removed or standards committees should be given effective power over parish councillors, for example through an obligation to co-operate, the imposition of sanctions and so on.

A short discussion took place and it was noted that Councils had no power to suspend Members from Council.

Moved and seconded

RESOLVED that the article be received.

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0828. STANDARDS COMMITTEE WORKPLAN 2013/2014

Members considered a report of the Monitoring Officer in relation to the Committee's Work Plan.

It was noted that development of the Annual Work Plan for 2014 to 2015 would need to be discussed and agreed.

Moved and seconded

RESOLVED that the Work Plan be noted.

The meeting concluded at 1422 hours.