

# STANDARDS COMMITTEE

## AGENDA

**Monday 15<sup>th</sup> June 2015 at 1400 hours in Chamber Suites 1 & 2, 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.       | To approve the minutes of a meeting held on 10 <sup>th</sup> March 2015.   | 3 to 6      |
| 5.       | To approve the minutes of a special meeting held on 27 <sup>th</sup> March 2015.   | 7 to 9      |
| 6.       | Recommendations arising from Report of the Inspection of Rotherham Metropolitan Borough Council.   | 10 to 12    |
| 7.       | Case Update – Disclosable Pecuniary Interests under the Localism Act 2011.   | 13 to 15    |
| 8.       | Hansard Society's Audit of Political Engagement.   | 16 to 17    |
|          | <i>The Hansard Society's Audit of Political Engagement Report 2015 document is attached separately to the agenda.</i>  |             |
| 9.       | A Consultation on a Public Service Ombudsman.  | 18 to 19    |
| 10.      | Standards Committee Work Plan 2015/16.   | 20 to 21    |

## **STANDARDS COMMITTEE**

Minutes of a meeting of a Standards Committee of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne on Tuesday 10<sup>th</sup> March 2015 at 1000 hours.

### **PRESENT:-**

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

Cooptee Members: - J. Yates and R. J. Jaffray.

Officers: S.E.A. Sternberg (Assistant Director of Governance and Monitoring Officer), M. Kane (Governance Manager) and A. Bluff (Governance Officer).

J. Yates in the Chair.

### **0906a. APOLOGIES**

Apologies for absence were received from Councillors J.E. Bennett and S. Wallis.

### **0906b. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0906c. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0906d. MINUTES – 8<sup>TH</sup> SEPTEMBER 2014**

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

**RESOLVED** that the minutes of a Standards Committee meeting held on 8<sup>th</sup> September 2014 be agreed as a true record.

### **0906e. COMMITTEE ON STANDARDS IN PUBLIC LIFE ANNUAL REPORT 2013/14**

Members considered the latest Annual Report from the Committee on Standards in Public Life (CSPL).

CSPL was an independent advisory body which monitored, reported and made recommendations to the government on all issues relating to standards in public life,

## STANDARDS COMMITTEE

promoting high ethical standards and that the seven Nolan Principles underpinned all aspects of public life.

The Annual Report emphasised the endurance of the seven principles of public life despite the changing democratic landscape with devolution and new models of governance coming to the fore.

At local government level, CSPL had found that the role of the independent person had been well received and that the number of vexatious complaints was falling. However, CSPL expressed concerns over the effectiveness of sanctions which currently provided only for censure or removal from a committee. CSPL believed that the absence of appropriate robust sanctions presented a serious risk to public confidence in local government.

A particular aspect of CSPL's work relating to provision of standards training within induction, (which was presented to a previous meeting of Standards Committee), found that 90% of respondents had adequate arrangements in place. The Committee nevertheless intended to monitor induction programmes and the profile of standards in light of ongoing cuts to local authority funding.

Members were reminded that Bolsover had also introduced a framework so that third party providers/contractors, had policies and procedures in line with the Council's ethical code of conduct.

In response to a Member's query, the Governance Manager noted that Bolsover had seen a major reduction of complaints since the changes resulting from The Localism Act 2011 implemented in 2013.

A discussion took place.

Moved by Councillor H.J. Gilmour, seconded by Councillor G.O. Webster  
**RESOLVED** that the report be noted.

### **0906f. REPORT OF INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

Members considered the Report of Inspection of Rotherham Metropolitan Borough Council which was provided for Members' information.

Of particular concern for Standards Committee would be the failures highlighted in relation to high standards of conduct and governance arrangements.

In particular the report highlighted:

- A pervading culture of bullying, sexism and misplaced political correctness.
- A failure by members to hold officers to account through scrutiny and to represent the interests of local people.
- Serious weaknesses in the council's taxi licensing procedures.

## STANDARDS COMMITTEE

The Casey report concluded that the council was failing in its statutory duty to provide best value. It had culminated in the resignation of Rotherham's cabinet, a move to all out elections in 2016 and the probable appointment of Government commissioners to exercise the council's executive and licensing functions as well as senior officer level appointments.

Whilst Bolsover showed no signs of the sorts of issues identified in Rotherham, the report highlighted lessons from which all councils could learn.

A discussion took place.

A Member noted that Rotherham's scrutiny arrangements seemed very weak but felt that Scrutiny at Bolsover was very strong.

Another Member felt that some detailed work should be carried out on the report by Members so that Bolsover could challenge itself and consider what action should be taken about learning lessons from the report.

A lengthy discussion took place.

It was suggested that a special meeting of Standards Committee be arranged as soon as possible so Members could extract the relevant issues from the Rotherham Inspection Report and present the outcomes to the three Scrutiny Committees and also Licensing Committee.

Moved by Councillor M. G. Crane, seconded by Councillor D.S. Watson

**RESOLVED** that (1) the Report of Inspection of Rotherham Metropolitan Borough Council be noted,

(2) a special meeting of Standards Committee be arranged as soon as possible.

(Monitoring Officer/Governance Manager)

### 0906g. ANNUAL GIFTS AND HOSPITALITY REVIEW

Members considered the Annual Review of Gifts and Hospitality.

The Monitoring Officer noted that a reminder would be sent to all departments of the Authority to complete the Gifts and Hospitality Register when required to do so.

Moved by Councillor H.J. Gilmour, seconded by Councillor D.S. Watson

**RESOLVED** that (1) the report be noted,

(2) a reminder be sent to all departments of the Authority to complete the Gifts and Hospitality Register when required to do so.

(Monitoring Officer)

## STANDARDS COMMITTEE

### 0906h. DRAFT WORK PLAN

Members considered the draft Work Plan for 2014 / 2015.

In relation to the yearly number of complaints against Councillors, the Monitoring Officer advised the meeting that a complaint against a Parish Councillor had been received.

The Governance Manager advised the meeting that the codes for covert and intelligence information gathering in relation to RIPA had been revised – one of the codes was still currently in draft and policies would be updated at a future date. The Monitoring Officer added that a meeting was being held with Magistrates also.

In response to a Member's question, the Monitoring Officer advised the meeting that currently there were no plans to carry out training at parish councils although a work plan would be developed for next year.

Moved by Councillor H.J. Gilmour, seconded by Councillor G.O. Webster  
**RESOLVED** that the Work Plan for 2014/15 be noted.

The meeting concluded at 1045 hours.

## **SPECIAL STANDARDS COMMITTEE**

Minutes of a meeting of a Special Standards Committee of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne on Friday 27<sup>th</sup> March 2015 at 1000 hours.

### **PRESENT:-**

Members: - Councillors H.J. Gilmour and D.S. Watson.

Cooptee Members: - J. Yates and R. J. Jaffray.

Officers: - S.E.A. Sternberg (Assistant Director of Governance and Monitoring Officer), M. Kane (Governance Manager) and A. Bluff (Governance Officer).

J. Yates in the Chair.

### **0948. APOLOGY**

An apology for absence was received from Councillor S. Wallis.

### **0949. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0950. REPORT OF INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

At its meeting held on 2<sup>nd</sup> March 2015, Members had agreed that a special meeting of Standards Committee be arranged as soon as possible so Members could extract the relevant issues for Bolsover from the Rotherham Inspection Report and present the outcomes to the three Scrutiny Committees and also Licensing Committee.

A Member felt that to enable Licensing Committee Members to make balanced decisions regarding Licensing applications, an additional heading, 'Risk to the Public', should be included on all Licensing Committee reports. Licensing Committee Members should also receive training on what constituted a 'fit and proper person' to hold a hackney carriage/private hire vehicle drivers licence and the training include advice for Members where a Licensing applicant had a court case pending.

It was further suggested that all Members of the Council receive awareness training in relation to Child Sexual Exploitation.

In relation to Scrutiny Committees, it was suggested that an item for discussion be included on the Annual Scrutiny Conference agenda that scrutiny processes at Bolsover were reviewed annually to ensure that Scrutiny stayed strong.

## SPECIAL STANDARDS COMMITTEE

A Member felt that it was also good practice to allow opposition Members to chair/lead on committees which currently did not happen at Bolsover and in her view this encouraged complacency.

Referring to the Rotherham Report in relation to Members being overly reliant on officers, a Member raised if that could be the case at Bolsover and also, should Bolsover Members have CRB checks carried out if there were elements of their role of Councillor that may require it.

The Monitoring Officer replied that at Rotherham Council, CRB checks had been carried out in relation to Members who were in fostering and adoption roles though this could be a recommendation to consider at Bolsover.

A lengthy discussion took place.

Members felt strongly that Bolsover should ensure that its taxi licensing procedure was robust.

Moved by Councillor D.S. Watson, seconded by Councillor H.J. Gilmour

**RECOMMENDED** that (1) reports to Licensing Committee include reference to the likely risks to the public,

(2) Licensing Committee Members receive training on what constitutes a 'fit and proper person' to hold a hackney carriage/private hire vehicle drivers licence and the training include advice for Members where a Licensing applicant has a court case pending,

(3) all Members of the Council receive awareness training on Child Sexual Exploitation,

(4) the Annual Scrutiny Conference agenda includes an item for discussion that Scrutiny Members annually review their scrutiny processes at Bolsover to ensure that Scrutiny stayed strong.

(Assistant Director of Governance and Monitoring Officer/Governance Manager)

### 0951. REVIEW OF THE COUNCIL'S CONSTITUTION

Committee's approval was sought that a recommendation be made to Council for delegated authority to be given to the Monitoring Officer to amend the following items in the Council's Constitution;

- Terms of Reference for the three new Scrutiny Committees:-
  - ❖ Growth Scrutiny Committee (covering the Growth Corporate Plan Aim),
  - ❖ Customer Services and Transformation Scrutiny Committee (covering the Customer Service and Transformation Corporate Plan Aims) and

## SPECIAL STANDARDS COMMITTEE

- ❖ Healthy, Safe, Clean and Green Communities Scrutiny Committee (covering the Healthy, Safe, Clean and Green Communities Corporate Plan Aim).
- New Public Contract Regulations regarding public sector procurement (legal aspects),
- Draft Functions and Responsibilities (what is a Cabinet function and what is a Council function),
- Electronic Communications Orders (regarding information which Members receive electronically etc).
- Local Government (Standing Orders) (England) (Amendment) Regulations 2015

Moved by Councillor H.J. Gilmour, seconded by Councillor D.S. Watson

**RECOMMENDED** that (1) Council approve delegated authority to the Monitoring Officer to amend/include the following items in the Council's Constitution;

(2) Terms of Reference for the three new Scrutiny Committees:-

- Growth Scrutiny Committee (covering the Growth Corporate Plan Aim),
- Customer Services and Transformation Scrutiny Committee (covering the Customer Service and Transformation Corporate Plan Aims) and
- Healthy, Safe, Clean and Green Communities Scrutiny Committee (covering the Healthy, Safe, Clean and Green Communities Corporate Plan Aim).

(3) new Public Contract Regulations regarding public sector procurement (legal aspects),

(4) draft Functions and Responsibilities (what is a Cabinet function and what is a Council function),

(5) electronic Communications Orders (regarding information which Members receive electronically etc).

(6) Local Government (Standing Orders) (England) (Amendment) Regulations 2015.

(Monitoring Officer/Governance Manager)

The Chair stated that he wished to thank the Leader and Deputy Leader for all their support and also Members of the Standards Committee over the previous 12 months.

The meeting concluded at 1115 hours.



**Bolsover District Council**

**Standards Committee**

**15th June 2015**

|   |
|---|
| <p><b>Recommendations arising from Report of the Inspection of<br/>Rotherham Metropolitan Borough Council</b></p> |
|---|

**Report of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To consider the actions taken as a result of the Committee's consideration of the Casey report into Rotherham MBC.

**1 Report Details**

- 1.1 At a special meeting of this Committee on 27 March 2015, members considered the best value inspection report carried out by Louise Casey into Rotherham Metropolitan Borough Council.
- 1.2 The report highlighted serious failures by the Council to address child sexual exploitation (CSE) in the town. A number of factors were to blame including a pervading culture of bullying, sexism and misplaced political correctness at the Council, a failure by members to hold officers to account through scrutiny and to represent the interests of local people and serious weaknesses in the Council's taxi licensing procedures.
- 1.3 The Committee made the following recommendations arising from the report:
  - (1) That reports to Licensing Committee include reference to the likely risks to the public;
  - (2) That Licensing Committee Members receive training on what constitutes a 'fit and proper person' to hold a hackney carriage/private hire vehicle drivers licence and the training include advice for Members where a Licensing applicant has a court case pending;
  - (3) That all Members of the Council receive awareness training on Child Sexual Exploitation;
  - (4) That the Annual Scrutiny Conference agenda includes an item for discussion that Scrutiny Members annually review their scrutiny processes at Bolsover to ensure that Scrutiny stayed strong.

- 1.4 Since the meeting on 27 March, a number of the recommendations have been progressed. The aim of this report is to apprise members of the action taken to address each of the recommendations.
- 1.5 Induction for all Licensing Committee members is scheduled for 11 June and included within that will be a discussion on what constitutes 'fit and proper' and advice for members on cases where the applicant has a court case pending. One of the issues with the existing legislation is that no such definition of fit and proper exists. Instead, members will be asked to apply a number of tests to determine whether an applicant is fit and proper. Although it is not intended to alter the Council's corporate report format, all reports to Licensing Committee on taxi licensing cases will include details of likely risk to the public.
- 1.6 It is proposed that an upcoming Council meeting contain an item for briefing members on child sexual exploitation. A more general half-day session on safeguarding is planned for the end of summer/early autumn to which all members are encouraged to attend.
- 1.7 Finally, members considered the Scrutiny Procedure Rules at the Annual Scrutiny Conference prior to the Constitution being approved at the Annual Council Meeting. In addition, the Assistant Director – Governance and Monitoring Officer gave an overview of some of the issues raised in the Rotherham report.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To advise the Committee on action taken in respect of the recommendations arising from consideration of the recent inspection report into Rotherham Borough Council.

## **3 Consultation and Equality Impact**

- 3.1 None.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## **5 Implications**

None.

## **6 Recommendations**

- 6.1 To note the report and action taken in respect of the recommendations made by the Special Standards Committee on 27 March 2015.

**7 Decision Information**

|  |    |
|--|----|
| <b>Is the decision a Key Decision?</b><br>(A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards) | No |
| <b>District Wards Affected</b>   |    |
| <b>Links to Corporate Plan priorities or Policy Framework</b>  |    |

**8 Document Information**

| <b>Appendix No</b>   | <b>Title</b>          |
|--|-----------------------|
|  |                       |
| <b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers) |                       |
| N/A  |                       |
| <b>Report Author</b>   | <b>Contact Number</b> |
| M Kane   | 7753                  |

**Bolsover District Council**

**Standards Committee**

**15th June 2015**

**Case Update – Disclosable Pecuniary Interests under the Localism Act 2011**

**Report of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To advise members of the first case of a member being found guilty of breaching the Disclosable Pecuniary Interest (DPI) provisions set out in the Localism Act.

**1 Report Details**

- 1.1 The Localism Act 2011 fundamentally overhauled the ethical standards framework that regulates local authorities. As part of that overhaul, a new interest regime was introduced whereby participation in a matter where a member had a DPI became a criminal offence.
- 1.2 DPIs are the financial interests of the member or their spouse relating to their:
- Employment, office, trade, profession or vocation carried on for profit or gain;
  - Sponsorship;
  - Contracts;
  - Land;
  - Licences;
  - Corporate tenancies;
  - Securities.
- 1.3 On 1 April 2015 local government press reported the first case of a member being convicted for participating and voting in a meeting where he had a DPI. The details of the case are that in February 2013 the member, who was also the Leader of Dorset County Council, participated and voted in a meeting about the East Dorset District Council's Core Strategy whilst also being a non-executive director of Synergy House, a charity that serves to provide housing for those in need. Although not paid a salary, he did receive remuneration of almost £30,000 from Synergy over the period 2010 to 2013. The interest in Synergy Housing was registered on his register of interests form.
- 1.4 The member argued that the issues under consideration were of a broader nature and did not concern detailed issues of planning and ownership. However, the purpose of the meeting was to consider consultation on the Core Strategy, to which Synergy had responded. A parcel of land owned by Synergy was also subject of consideration within the Core Strategy work.

- 1.5 The judge said that whilst the member's participation in the 25 February 2013 meeting could not on the evidence lead to any direct benefit to him, the 2011 Act made it clear he should not take part or vote at that meeting having declared his interest. The defendant had failed to satisfy the court that what he did amounted to a reasonable excuse.
- 1.6 The member was found guilty of breaching the DPI requirements of the Act and granted a six month conditional discharge and asked to pay costs of £930. Although the member stepped down from his position as Leader, he remains a member of Dorset CC and was re-elected (uncontested) at East Dorset DC in May 2015.
- 1.7 The case, which is believed to be the first of its kind, reaffirms the importance of obtaining advice from the Monitoring Officer before taking part in a meeting where an interest may be evident. The case also highlights that it is incumbent upon the member to take action where an interest may exist.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To advise members of a recent case where a DPI has led to a member being convicted.

## **3 Consultation and Equality Impact**

- 3.1 None.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## **5 Implications**

None.

## **6 Recommendations**

- 6.1 To note the report.

## **7 Decision Information**

|  |    |
|--|----|
| <b>Is the decision a Key Decision?</b><br>(A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards) | No |
| <b>District Wards Affected</b>   |    |
| <b>Links to Corporate Plan priorities or Policy Framework</b>  |    |

**8 Document Information**

| Appendix No   | Title          |
|---|----------------|
|   |                |
| <p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p> |                |
| N/A   |                |
| Report Author   | Contact Number |
| M Kane  | 7753           |

**Bolsover District Council**

**Standards Committee**

**15th June 2015**

**A Consultation on a Public Service Ombudsman**

**Report of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To consider the Government consultation document on creating a Public Service Ombudsman to replace the existing arrangements.

**1 Report Details**

- 1.1 On 25 March, the Government launched a consultation on whether to reform the current ombudsman sector. In particular, it recommends the creation of a new Public Service Ombudsman (PSO) to replace the existing jurisdictions of the Parliamentary and Health Service Ombudsman (PHSO), Local Government Ombudsman (LGO) and Housing Ombudsman (HO).
- 1.2 It is believed that the main benefits to this change would be an improved customer experience and the opportunity to improve systems and processes arising from having one integrated service. Should the Government confirm its intention to create a new PSO, detailed further work will be required to look at the precise powers of, and structures within, such an organisation. There are currently a number of differences between ombudsman services which need to be taken into account when looking at any modernisation.
- 1.3 The consultation closes on 16 June 2015. Standards Committee are invited to consider the consultation which may be found at <https://www.gov.uk/government/consultations/public-service-ombudsman>.

**2 Conclusions and Reasons for Recommendation**

- 2.1 To advise the Committee of the consultation.

**3 Consultation and Equality Impact**

- 3.1 None.

**4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## 5 **Implications**

None.

## 6 **Recommendations**

- 6.1 To note the consultation into creating a new Public Service Ombudsman and to make any comments.

## 7 **Decision Information**

|  |    |
|--|----|
| <b>Is the decision a Key Decision?</b><br>(A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards) | No |
| <b>District Wards Affected</b>   |    |
| <b>Links to Corporate Plan priorities or Policy Framework</b>  |    |

## 8 **Document Information**

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| N/A  |                       |
| <b>Report Author</b>   | <b>Contact Number</b> |
| M Kane   | 7753                  |



**STANDARDS COMMITTEE WORK PLAN 2015/16**

**Agenda Item 10**

| <b>ITEM</b>  | <b>MILESTONES</b>   | <b>DATES OF MEETINGS</b>  | <b>COMMENTS</b>   | <b>STATUS</b>                                       |
|--|---|---|---|---|
| 1. Annual report to Council by Chairman of Standards Committee |   | <ul style="list-style-type: none"> <li>•</li> </ul>   | <ul style="list-style-type: none"> <li>• Suggested date - July or August 2016 Council</li> </ul>  |   |
| 2. Review of training needs – District and Parish Councillors  | <ul style="list-style-type: none"> <li>• District Councillors</li> <li>• Parish Councillors</li> <li>• Monitoring of attendance</li> </ul>  | <ul style="list-style-type: none"> <li>• Progress reports at each meeting</li> </ul>                            | <ul style="list-style-type: none"> <li>• District Cllrs – Through Member Development Working Group</li> <li>• Parish Cllrs –</li> </ul>   |   |
| 3. Annual Reports -  | <ul style="list-style-type: none"> <li>• Year end number of complaints against District and Parish Councillors.</li> <li>• Gifts and hospitality Registers</li> <li>• RIPA</li> </ul> | <ul style="list-style-type: none"> <li>• Progress reports at each meeting.</li> <li>• .</li> <li>• .</li> </ul> | <ul style="list-style-type: none"> <li>• The figures, including the previous years figures, are reported at each meeting</li> <li>• April 2016</li> <li>• April 2016</li> </ul> | <ul style="list-style-type: none"> <li>•</li> </ul> |

| ITEM  | MILESTONES                           | DATES OF MEETINGS | COMMENTS             | STATUS |
|---|--------------------------------------|-------------------|----------------------|--------|
| 4. Review of standards framework  | •                                    | •                 | • Annual review      | •      |
| 5. Review of RIPA Policy  | •                                    | •                 | • Annual review      | •      |
| 6. Review of whistle blowing policy   | •                                    | •                 | • Annual review      | •      |
| 7. Review of Constitution   | • Through Constitution Working Group |                   | • Light touch review | •      |
| 8. Update on consideration of Rotherham report.                             | •                                    |                   | •                    | •      |
| 9. Development of the Annual Standards Committee work plan for 2016 to 2017 | •                                    | •                 | •                    |        |

June 2015