

STANDARDS COMMITTEE

AGENDA

Wednesday 9th September 2015, at 1200 hours or on the rise of The Council
whichever is the later, in Chamber Suite 3, 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.	To approve the minutes of a meeting held on 15 th June 2015.	3 to 7
5.	The Ethical Framework.	Presentation slides attached
5.	Consultation on CIPFA's document; 'Delivering Good Governance in Local Government: A Framework'.	To Follow
6.	Weightmans, Local Government Lawyer; Weightmans Survey reveals uncertainty around protection for statutory officers.	To Follow
7.	RIPA Policy.	To Follow
8.	Complaints against Members.	8
9.	Standards Committee Work Plan.	9 to 10

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne, on Monday 15th June 2015 at 1400 hours.

PRESENT:-

Members:- Councillors T. Alexander, M. Crane, H.J. Gilmour, C. Moesby, T. Munro and D.S. Watson.

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

J. Yates in the Chair

0105. APOLOGY

An apology for absence was received from R.J. Jaffray.

0106. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0107. DECLARATIONS OF INTEREST

There were no declarations of interest.

0108. MINUTES – 10th MARCH 2015-06-15

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

RESOLVED that the minutes of a Standards Committee meeting held on 10th March 2015 be approved as a correct record.

0109. SPECIAL MINUTES – 27TH MARCH 2015

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

RESOLVED that the minutes of a special meeting of Standards Committee held on 27th March 2015 be approved as a correct record.

STANDARDS COMMITTEE

0110. RECOMMENDATIONS ARISING FROM REPORT OF THE INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL

The Committee considered a report which set out the actions taken as a result of the Committee's consideration of the Casey report into Rotherham Metropolitan Borough Council at a special Standards Committee held on 27th March 2015.

The Casey report highlighted serious failures by Rotherham Council to address child sexual exploitation (CSE) in the town including a failure by members to hold officers to account through scrutiny, failure to represent the interests of local people and serious weaknesses in the Council's taxi licensing procedures.

At its meeting on 27th March, Standards Committee had made the following recommendations arising from the report:-

- Reports to Licensing Committee include reference to the likely risks to the public;
- 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;
- All Members of the Council receive awareness training on Child Sexual Exploitation;
- 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.

Since the meeting was held a number of the recommendations had been progressed:-

- Induction for all Licensing Committee Members took place on 11th June and included a discussion on what constituted 'fit and proper' and also advice for Members on cases where the applicant had a court case pending. One of the issues with the existing legislation is that no definition of fit and proper exists. Instead, Members were asked to apply a number of tests to determine whether an applicant is fit and proper. Although it was not intended to alter the Council's corporate report format, all reports to Licensing Committee on taxi licensing cases would include details of likely risk to the public.
- It was proposed that a future Council meeting contain an item for briefing Members on child sexual exploitation. A more general half-day session on safeguarding was planned for the end of summer/early autumn to which all Members would be encouraged to attend.
- Finally, Members considered the Scrutiny Procedure Rules at the Annual Scrutiny Conference prior to the Constitution being approved at the Annual

STANDARDS COMMITTEE

Council Meeting. In addition, the Monitoring Officer gave an overview of some of the issues raised in the Rotherham report.

A discussion took place around there being no definition of 'fit and proper' and Members noted that this would be based on the Members' own judgement of the facts. The Monitoring Officer added that any applicant who was refused a hackney carriage/private hire vehicle drivers licence could be appeal to the magistrates court.

Moved by Councillor C.R. Moesby, seconded by Councillor D.S. Watson
RESOLVED that the report be noted.

0111. CASE UPDATE – DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011

Members considered a report of the Monitoring Officer in relation to the first case of a member being convicted for participating and voting in a meeting where he had a DPI (Disclosable Pecuniary Interest).

DPIs were 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.

The details of the case, which were provided in the report, reaffirmed the importance of obtaining advice from the Monitoring Officer before taking part in a meeting where an interest may be evident. The case also highlighted that it was incumbent upon the member to take action where an interest may exist.

Lengthy discussion took place.

Members asked that consideration be given to guidance on what constitutes a Disclosable Pecuniary Interest.

Moved by Councillor H.J. Gilmour, seconded by Councillor C.R. Moesby
RESOLVED that the report be noted.

STANDARDS COMMITTEE

0112. HANSARD SOCIETY'S AUDIT OF POLITICAL ENGAGEMENT

Members considered a report of the Monitoring Officer which advised Committee of the findings of the Hansard Society's 12th Audit of Political Engagement. A copy of the Hansard document was attached to the report for Members' information. The Audit questioned members of the public on their levels of interest and engagement with politics, their perceptions of their elected officials and their attitudes towards issues ranging from the European Parliament elections to ethical training for MPs in the UK. The Audit also incorporated questions relating specifically to ethical conduct prepared by the Committee with the assistance of its Research Advisory Board.

The research showed that the downward trajectory of public perceptions of ethical standards continued. The survey suggested that the public continued to have a very poor view of the current standards in public life. In particular:-

- More respondents thought overall standards of conduct were low than thought they were high.
- More respondents said that standards had got worse compared to a few years ago than thought they had improved.
- The majority of respondents were not confident that the authorities were committed to upholding standards in public life, that the authorities would generally uncover wrongdoing by people in public office, or that the authorities would punish those caught doing wrong.
- A majority did think the media would generally uncover wrongdoing.

Opinion about standards of public life is more negative in this survey than in any of the previous surveys of public attitudes towards conduct in public life.

The Governance Manager drew Members attention to pages 44 to 47 of the Hansard document which provided a breakdown of the results in relation to ethical standards issues.

A short discussion took place.

Moved by Councillor C.R. Moesby, seconded by Councillor T. Alexander
RESOLVED that the report be noted.

0113. A CONSULTATION ON A PUBLIC SERVICE OMBUDSMAN

The Governance Manager presented a report in relation to a Government Consultation document on creating a Public Service Ombudsman to replace existing arrangements.

On 25th March 2015, the Government launched a consultation on whether to reform the current Ombudsman sector. In particular, it recommended the creation of a new Public Service Ombudsman (PSO) to replace the existing jurisdictions of the

STANDARDS COMMITTEE

Parliamentary and Health Service Ombudsman (PHSO), Local Government Ombudsman (LGO) and Housing Ombudsman (HO).

It was believed that the main benefits to the 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 would be required to look at the precise powers of and structures within such an organisation. There were currently a number of differences between Ombudsman services which needed to be taken into account when looking at any modernisation.

Standards Committee were invited to consider the consultation which could be found at <https://www.gov.uk/government/consultations/public-service-ombudsman>

Members were advised that the consultation would close on 16th June 2015.

The outcome of the consultation would be presented to a future meeting of the Committee.

Moved by Councillor C.R. Moesby, seconded by Councillor T. Alexander
RESOLVED that the report be noted.

(Governance Manager)

0114. STANDARDS COMMITTEE WORK PLAN 2015/16

The Monitoring Officer presented the Committee's Work Plan for 2015/16 for Members consideration.

The Monitoring Officer noted that it was possible that the Government could make changes to the rules for use of the Regulation of Investigatory Powers Act (RIPA) in the near future.

Members were advised that the Council had a duty to report on RIPA and inspections were also carried out every three years.

A short discussion took place.

Moved by Councillor C.R. Moesby, seconded by Councillor T. Alexander
RESOLVED that the Committee's Work Plan for 2015/16 be noted.

The meeting concluded at 1425 hours.

Complaints of Breach of the Code of Conduct – 2015

Year	Number Received	PC	DC	Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
MC 1/2015	1	√		NFA			
MC 2/2015	2		√	NFA			
MC 3/2015	3	√		NFA			
MC 4/2015	4	√		NFA			
MC 5/2015	5	√					
MC 6/2015	6	√					
MC 7/2015	7	√					

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

Year	Number of Complaints	Average time to decision

STANDARDS COMMITTEE WORK PLAN 2015/16

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee		•	• Suggested date - July or August 2016 Council	
2. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> • District Councillors • Parish Councillors • Monitoring of attendance 	• Progress reports at each meeting	<ul style="list-style-type: none"> • District Cllrs – Through Member Development Working Group • Parish Cllrs – 	
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"> • Progress reports at each meeting. • . • . 	<ul style="list-style-type: none"> • The figures, including the previous years figures, are reported at each meeting • April 2016 • April 2016 	•
4. Review of standards framework	•	•	• Annual review	•

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
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