

# STANDARDS COMMITTEE

## AGENDA

*Monday 3<sup>rd</sup> October 2016 at 1400 hours in the Council Chamber, The Arc, Clowne*

<b>Item No.</b>	<b>PART 1 – OPEN ITEMS.</b>	<b>Page No.(s)</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 special meeting held on 19 <sup>th</sup> April 2016.	3 to 7
5.	Derby Public Interest Report.	8 to 15
6.	Annual Review of Gifts and Hospitality Registers.	16 to 20
7.	Complaints of Breach of the Code of Conduct – 2016.	21 to 22
8.	Work Plan.	23 to 24
9.	Recruitment of Independent Person.	To Follow

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Tuesday 19<sup>th</sup> April 2016 at 1400 hours.

### **PRESENT:-**

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

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

John Yates (Independent Member) in the Chair

### **0947a. APOLOGY**

An apology for absence was received from J. Jaffray (Independent Member).

### **0947b. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0947c. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0947d. MINUTES – 9<sup>TH</sup> SEPTEMBER 2015**

Moved by Councillor D.S. Watson and seconded by Councillor H.J. Gilmour  
**RESOLVED** that subject to the inclusion of Councillor C.R. Moesby's apologies, the Minutes of a meeting held on 9<sup>th</sup> September 2015, be approved as a correct record.

### **0947e. MINUTES – 7<sup>TH</sup> JANUARY 2016**

Moved by Councillor C.R. Moesby and seconded by Councillor D.S. Watson  
**RESOLVED** that the Minutes of a meeting held on 7<sup>th</sup> January 2016 be approved as a correct record.

## STANDARDS COMMITTEE

### 0947f. WHISTLEBLOWING POLICY

Committee considered a report of the Monitoring Officer in relation to the Councils' Joint Whistle Blowing Policy which had been recently updated. The amended policy was attached as an appendix to the report.

Both councils were committed to updating their policies on a regular basis to ensure that they were fit for purpose.

Whistle-blowing was a report from an employee, Member or other person about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 required employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they had made a protected disclosure.

Whistle-blowing policies should foster a climate of openness and transparency in which individuals in the workplace did not feel that they would be victimised, harassed or suffer any reprisals if they raised concerns about wrongdoing within the organisation. The Government expected all public bodies to have adequate whistle blowing procedures in place.

The main change to the existing Policy was the addition of a flowchart to ensure that the process for dealing with whistle blowing complaints were easy to follow. The amended policy also included minor changes which sought to add clarification to the process.

It was noted that the Monitoring Officer kept a Whistle Blowing Register.

In response to a Member's query regarding the criteria for an investigating officer, the Monitoring Officer advised the meeting that it would be one of the councils' solicitors who would carry out any investigations. The Governance Manager added that this did not rule out using an impartial external person which also provided flexibility.

Moved by Councillor M.G. Crane and seconded by Councillor C.R. Moesby  
**RECOMMENDED** that Council be recommended to approve the Councils' updated Joint Whistle Blowing Policy.

(Governance Manager)

### 0947g. POLICY UPDATES

Committee considered a report of the Monitoring Officer to advise Members of the latest policy announcements and developments affecting ethical standards.

#### **Review of disqualification rules**

Ministers had indicated that, later this year, they would consult on the law regarding disqualification of local authority members. This came after a parish councillor on Saddleworth Parish Council refused to resign after receiving a conviction for downloading child pornography but being given a non-custodial sentence.

## **STANDARDS COMMITTEE**

Currently members were disqualified for having a sentence of imprisonment passed on them (whether suspended or not) for a period of not less than three months, without the option of a fine. There was no provision under the Code of Conduct for disqualifying members.

### **Consultation on Misconduct in Public Office**

The Law Commission was consulting on the law of misconduct in public office, highlighting problems that arose through areas of uncertainty as well as gaps and overlaps with alternative offences.

The next phase of the consultation would begin in summer 2016 with the publication of a paper exploring options for reform. A final paper would be published in 2017.

### **Guidance for directors of companies fully or partly owned by the public sector**

The Government had issued a short guidance note for directors of companies owned by the public sector to help them understand their duties and responsibilities. It included information on:

- The duties of directors under the Companies Act 2006.
- Conflicts of interest.
- Liabilities and indemnity protection.
- Details of other resources.

It could be found online at the Government's gov.uk website.

### **Freedom of Information case on Councillors who have failed to pay Council Tax**

A newspaper had won an appeal to the Upper Tribunal over whether Bolton MBC should be required to reveal the name of a councillor who failed to pay Council Tax on time. The newspaper had unsuccessfully appealed to the authority, the Information Commissioner's Office and the First Tier Tribunal before Judge Kate Markus QC ruled in their favour, stating that "disclosure of the identity of the councillor was necessary to achieve the objectives of transparency and accountability."

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

## **0947h. OUTCOME OF RIPA INSPECTION**

Committee considered a report of the Monitoring Officer which advised Members of the outcome of the recent inspection of RIPA operations at Bolsover and North East Derbyshire District Councils.

The Office of the Surveillance Commissioner undertook a joint inspection of Bolsover and North East Derbyshire District Councils' operations under the Regulation of

## STANDARDS COMMITTEE

Investigatory Powers Act (RIPA) on 17 November 2015. A copy of the inspection report was attached as an appendix to the report.

The inspection report was largely positive with only minor recommendations for improvement of the new joint policy and procedures document. These had been accepted in full and were incorporated prior to the recent approval of the document by Members.

The Chair and Members endorsed the Inspector's commendation of the Monitoring Officer, Governance Manager and Chief Executive Officer in his report.

Moved by Councillor H.J. Gilmour and seconded by Councillor C.R. Moesby  
**RESOLVED** that the RIPA Inspection report from the Office of the Surveillance Commissioner be noted.

### 0947i. REVIEW OF THE COUNCIL'S CONSTITUTION

Committee considered a report of the Governance Manager in relation to proposed changes to the Council's Constitution.

A draft Constitution document was attached as an appendix to the report with proposed changes tracked. A table also included in the report summarised the main changes proposed.

The Governance Manager noted that changes to the Council's 'Call In' arrangements had been submitted to the political groups and may also be included in the Constitution.

Moved by Councillor H.J. Gilmour and seconded by Councillor C.R. Moesby  
**RECOMMENDED** that Council be recommended to approve the proposed changes to the Council's Constitution.

### 0947j. UPDATE ON COMPLAINTS AGAINST MEMBERS

Committee considered information presented by the Monitoring Officer in relation to complaints received against Members regarding a breach of the Code of Conduct.

A total of 12 complaints had been received up to the period ending December 2015 with no further action being taken after investigation.

Moved by Councillor M.G. Crane and seconded by Councillor C.R. Moesby  
**RESOLVED** that the report be noted.

### 0947k. WORK PLAN

Members considered the Committee's Work Plan for the 2015/2016 period.

## STANDARDS COMMITTEE

It was noted that a review of the Standards Framework would be carried out in 2016/17 and also an in-depth review of the Constitution.

It was further noted that a training package for parish councils would be devised and carried out.

Members' suggestions were sought for the development of the Work Plan for 2016/17.

Moved and seconded  
**RESOLVED** that the report be noted.

The meeting concluded at 1520 hours.

**Standards Committee**

**3<sup>rd</sup> October 2016**

**Derby Public Interest Report**

**Report of the Monitoring Officer**

This report is public

**Purpose of the Report**

- To inform Members of Standards Committee of the issues raised in the Derby Public Interest report by Grant Thornton.
- To the issues raised in the report and what they mean for the Council.

**1 Report Details**

1.1 This report, which was issued in June this year, raises some serious governance issues for Derby City Council. However they are historic issues, there being new political and management leadership in place.

1.2 The specific issues relate to the management of major projects and member conduct.

**Procurement of a Job Evaluation consultant**

From the report	Comment in relation to BDC and NEDDC
A signed copy of the delegation to the Director to procure a strategic partner could not be found.	The Councils have in place a system for approving and recording delegated decision notices for such decisions (DDs).
There was no senior involvement in the Procurement Team for the JE procurement.	A project of this size (for us the swimming pool at Clowne for instance) involves the AD, relevant Director and the statutory officers are kept informed of progress both through SAMT and through specific structures set up for the project.
The tender evaluation was flawed in that the selected company, which was too small for the contract, had assets of only £0.385m and working capital of £0.171m when the contract sum was circa £0.285m. In addition the selected company could not perform all the tendered work (unlike the other contractors) and a further consultant had to be engaged.	The Councils carry out rigorous tender evaluations which are reported to members for approval for contracts above £50k. These include financial considerations such as those listed here as well as checks on proposed methodology for performing the contract and the consideration of references.
Project management arrangements had blurred lines of responsibility and	See above. There are clear lines for the project management of the new swimming

proved to be ineffective.	pool as outlined above.
The project was poorly specified. As a result of an incoming new administration, there was a change of direction in how the project was to be structured. At this point the Council should have reconsidered its appointment of the consultant and whether that consultant could deliver the revised work programme.	This is not a situation that I am aware the Councils have encountered.
The officers failed to understand at the outset the selected consultant had not got the necessary intellectual property rights to use the Hay Scheme for JE. This was pointed out in a reference but wasn't acted upon.	This should have been sorted as part of the tender evaluation process.
Concerns on this point and its practical implications for the Council were raised by an HR advisor. These were however ignored.	Whoever raises concerns, their comments should be considered and investigated. If there is something amiss it is better to pick it up this way and do the best to put it right as soon as possible.
The Council failed to take account of concerns raised by the selected contractor and also failed to put in place adequate arrangements to manage the work.	Ditto
There was little direct contact between senior officers and the contractor which resulted in emerging concerns not filtering through to the top of the organisation. Decisions were generally taken too low in the organisation.	This is not the way contracts are run in the 2 Councils. Senior Officers are directly involved.
Senior officers did not share any of these concerns with the Chief officer Group or the Monitoring Officer.	Communication is vital to transparency. Details are shared through SAMT as a minimum.
The senior officers involved failed to relay to the Chief Officer Group or the Monitoring Officer that Hay was disputing that the consultant had any right to use the Hay system. Although this is fundamental to the contract with the consultant and Hay was likely to pursue actively, this was commented on but left. Advice should have been sort from the Monitoring Officer on the copyright issue.	The CEO, the Statutory Officers (including the Monitoring Officer), the senior officers and legal <b>must be engaged</b> in any similar situation.



When threatening legal letters were received from Hay's lawyers, the wider chief officer group should have been informed of the potential risk to a key project irrespective of the merits in the legal letter and advice sought from the Monitoring officer and Legal.	I don't think this is an issue at the Councils as officers seem to be very keen to let Legal have any legal letters!
These copyright issues were not actively pursued with the consultant and in fact the contract was not actively managed. Issues flowing from the copyright issue included difficulties of producing adequate data to validate job evaluations and the ability to conduct an appeals process.	This should have been pursued as part of the tender evaluation process and should not therefore have become an issue after the award of the contract.  An issue such as this arising after contract award needs to be reviewed by Legal to ensure the correct legal or other action is taken to protect the Councils.
The consultant was paid more than £60k more than the agreed contract value but without the matter being reported anywhere.	Extensions of contract in large projects must only be done with authority given by members (Cabinet/Executive) or through a DD.
Members weren't informed of the problems until very late in the day. The job evaluation project had to be recommenced from the beginning of the process with Hay.	Members should be informed at the relevant time and should be kept informed.
The failings have led to additional costs of £1.2m.	

Governance of the project and involvement of members in decision making

The governance of the project was overly complex. Monitoring activity was therefore confused and duplicated and was not monitoring the risks.	
Members' involvement was at too low a level. They were involved in the detailed discussions relating to the emerging pay model which was unusual according to external consultants. It would be more usual for officers to develop a model for approval by members at a strategic level. The Cabinet member had also insisted on day to day involvement even though the CEO had told the member this was not usual.	This is a repeated theme in the report, that members were involving themselves in too low a level in matters, that they were getting involved in operational matters which were the preserve of officers. This can only be tackled by making members aware of the limits of their responsibility in each situation. For example members are not involved in the appointment and dismissal process for employees (outside the appeal process). This is clearly stated in the Constitution and understood by members.

Minutes from the formal Negotiating Committee could not be found.	All minutes are kept by Governance and public minutes are on the website.
There were un-minuted meetings of Chief Officer Groups, the outcome of which was disputed by participants.	No decision making body should be un-minuted.
The pay option chosen by the Council appears to have been influenced by political considerations which were never explicitly articulated.	There is always a tension in this respect. It is for officers to make sure advice on the issue is recorded as having been given. A decision in opposition to such advice is still bad governance, but the decision making route is clear.
A major decision had been taken at informal un-minuted meeting rather than at a formally constituted one. No report was ever produced, the outcome being reported verbally to the Personnel Committee. This was outside the constitution, through a variety of shadow structures which senior officers dipped in and out of.	Lack of a clear decision making framework meant bad governance.  The Councils governance is set out in the Councils' Constitutions and is reviewed annually with members.

Webhelp – State Aid advice

Facts

The Council set up a fund for giving grants, loans, joint ventures, equity and debt finance. £2m was given from the fund without Legal advice being sought on its lawfulness.

An arrangement was made through Cabinet for the fund to be used in assisting a company to acquire a lease. This included the Council taking a variable and reducing lease on commercial terms of the same property. The Council's costs of this were stated to be capped at £2.25m in the Cabinet report.

Although the report stated external legal advice would be obtained on the proposal and particularly vires and state aid issues, this was not obtained. This was in spite of a firm of solicitors who were advising prior to the Cabinet report stating that state aid would be an issue and thus alerting the Council to the fact there could well be an issue.	Clearly the decisions of the Council's Cabinet, Committees or Council itself should be actioned. In this case the Council was also on notice of potential problems with State Aid. These issues should always be pursued and resolved.
Legal were not involved in any stage with the negotiations with the replacement company (Webhelp) in sorting out the surrender of their lease. Correspondence wasn't marked "subject to contract".	Which meant that no legal advice on what was proposed was obtained. This left the Council vulnerable in legal and financial and reputational terms.
The report notes that it is "concerning" that the CEO and Director of	

Regeneration were involved in negotiations without having legal involved.	
The Council did not follow its own procedure in relation to the negotiations and the fund. No further Cabinet approval was obtained for the surrender of the lease by the Council.	Again one to emphasise to officers.
When Legal (in June 2014) alerted the Monitoring Officer it was that there were substantial state aid issues with the lease arrangements.	This was already too late for the best protection to the Council to be given and financial costs to be avoided.
The lack of involvement of the legal department put the Council at risk in relation to a multi million pound contract. It was the duty of the CEO and the Director of Regeneration to ensure legal advice was obtained in line with the Cabinet report and resolution.	Decisions of the Executive and Council and Committees must be actioned and legal advice obtained.
One of the recommendations was that all legal advice should be commissioned by the Council's Legal Officer or her staff. Departments should not commission legal advice directly	Although it wouldn't go amiss to re emphasise this, generally the commissioning of external legal advice is done in coordination with Legal.

### Taxi licensing

There were a number of issues relating to taxi licensing. These are being considered by relevant officers in both Councils and will be reported if necessary. However there are some generally applicable points as follows:-

Some members had lobbied on behalf of applicants. There was member interference in general with the administrative processes around the licensing function.	This can happen in any area of activity of the Councils. It is imperative that where this occurs, the Monitoring Officer and CEO are made aware so that they can consider what appropriate action should be taken.
There was a lack of understanding by members on the Licensing Committee as to what their role is. They considered it appropriate that they knew applicants appearing in front of them and didn't declare the relationship. In addition members would consider applications in the light of their affect on applicants' livelihoods if no licence granted rather than on the proper grounds of public safety.	This is in contrast to Licensing Committees at the 2 Councils.  Regular training is given to the 2 Licensing Committees on the relevant issues including as part of the induction.

## HR Payroll Project

Again a poorly managed project	
Contract rules not followed. Additional works were ordered but not reported to Audit Committee in accordance with Contract Procedure Rules.	There have been times when there has been a problem with this. There was an audit report a few years ago after which the Executive Director Operations ensured a series of training sessions took place reminding people of the rules. It may be appropriate to repeat some of this training through the Service Managers Group.
Some documentation in relation to 2 of the 4 of these extensions was missing completely.	The Councils would deal with such extensions through the Delegated Decision notice process or a formal report to Members.
It was claimed that the extensions were urgent and should therefore be approved and endorsed via Audit Committee. In fact according to the report none of them was urgent as most were discussed a month before approval. These should therefore have been reported to Cabinet in accordance with the Constitution.	Officer failure to deal with something in a timely fashion does not make it urgent.

## Overall Governance: Member and Officer arrangements

Not all members are clear about the boundaries between officer and member roles.	This is something which we can remind members about through the Member Involvement half days.
The Council has an informal meeting of the Executive members called PCCM. The political agent attends many of these meetings. No notes are kept of the meetings and officers are confused about its role. The report states that it is unusual for officers to attend political meetings.	Whilst it is true that it is unusual for officers to attend political meetings, in BDC and NEDDC the equivalent meetings (Cabinet and Leadership respectively) are not political meetings but briefing meetings and an arena for the informal discussion of policy direction as is appropriate. Notes are taken/to be taken of these meetings. I am not aware of any confusion amongst officers in this regard.
Standards Committee and the member complaints system are being used for political point scoring by members of Derby City Council.	This happens from time to time but mostly with Parish and Town Councils.
The opposition members refused to sit on Standards Committee, alleging a fear of bias in the majority group.	Not an issue for the Councils.
The Leader, who was subject to a complaint, made a complaint against the Monitoring officer leading to the	Not an issue for the Councils.

exoneration of the Monitoring Officer following an expensive investigation.	
There was pressure to manage the information to members in an overly positive way. The report says this may have contributed to officers not reporting emerging risks and inhibited transparency of reporting and decision making.	Not an issue for the Councils.
The Management Team had an underlying dysfunctionality.	Not an issue for the Councils.
There were shadow officer structure groups which lacked transparency.	This does not occur in the 2 Councils, all structures for decision making being made public and having notes recording outcomes.
The officer structure has strengthened and has a greater emphasis on good governance, with the management team has been more assertive in insisting on good governance.	

1.5 Attached to this report are the recommendations from the report.

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

2.1 Whether further reminders by way of training sessions should be given in relation to the issues raised in this report.

## **3 Consultation and Equality Impact**

3.1 There are no consultation or equality issues directly involved in this report.

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

4.1 Not applicable

## **5 Implications**

### **5.1 Finance and Risk Implications**

The report demonstrates the potential significant financial costs to the Councils in not dealing with Procurement and Governance issues properly. The issues raised should be considered in relation to current work by the Councils.

### **5.2 Legal Implications including Data Protection**

The report shows that in dealing with Procurement and Governance issues, the CEO, Senior Officers and the Statutory Officers including the Monitoring Officer must be made aware of how major projects are to be managed. In addition, where

legal problems arise whether in a major project or other work, the same officers **must be kept informed and the Monitoring Officer and Legal's advice sought as soon as possible in order that the Council's position can be protected.**

### 5.3 Human Resources Implications

None

## 6 Recommendations

- 6.1 That the Committee consider the report and decide what (if any) issues should be pursued further with members

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (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>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	N/A

## 8 Document Information

Appendix No	Title
<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)	
<b>The Grant Thornton Derby Public Interest Report</b>	
<b>Report Author</b> Sarah Sternberg	<b>Contact Number</b> Ext 2414/7057

**Bolsover District Council**

**Standards Committee**

**Monday 3<sup>rd</sup> October 2016**

**Annual Review of Gifts and Hospitality Registers**

**Report of the Monitoring Officer**

This report is public

**Purpose of the Report**

- Once a year the Gifts and Hospitality Register for the Council is checked by the Monitoring Officer and the Legal Support Officer to ensure that it is being used correctly.
- This is the second Calendar Year that we are compiling this annual report by utilising the figures presented on the new central Gifts and Hospitalities register which the Legal Support Officer maintains for the entire Council. The results of the review are contained on the attached spreadsheet.

**1 Report Details**

- 1.1 The review shows all registered offers of gifts and hospitality were accepted for the Calendar year 2015.
- 1.2 Most of the gifts are relatively small but there are several declarations that state the amount as £80 - £85. These entries are the group of employees that attended an overnight invitation from the Developers for the new Clowne Swimming facility – Pulse Fitness. The attendees were invited primarily by the Developers to have the opportunity to show their previous development of Lowestoft Leisure facility. There were 7 gifts and hospitalities registered by members in the period, 4 of these were in relation to the Pulse Fitness invitation.
- 1.3 The following departments showed no registrations:- CEPT, Economic Growth, Planning & Environmental Health, Street Scene, ICT, Health& Wellbeing, Human Resources, Shirebrook Contact Centre and Bolsover Contact Centre.

**2 Conclusions and Reasons for Recommendation**

- 2.1 The outcome of the review as shown on the spreadsheet attached.
- 2.2 It is good governance to check this register once a year to ensure it is being used and that entries are appropriate. It is an appropriate time for a review.

### **3 Consultation and Equality Impact**

3.1 None

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

4.1 There is no alternative.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

There is no finance risk. However there is a reputational risk if the register is not used, is not used appropriately or if gifts and hospitality are accepted where they should not be, irrespective of whether or not they are registered.

#### **5.2 Legal Implications including Data Protection**

Individuals take responsibility for their own actions in respect of the receipt of gifts and hospitality. However advice is available in relation to any offer from the Monitoring Officer, Deputy Monitoring Officer and from Legal. Members and Officers are encouraged to seek this advice where they have an issue.

#### **5.3 Human Resources Implications**

It is a requirement of the Employee code of conduct that employees register the offer of gifts and hospitality and of the members' code of conduct that members register such offers.

### **6 Recommendations**

6.1 **Members consider the outcome of the review.**

### **7 Decision Information**

<b>Is the decision a Key Decision?</b> (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>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	N/A



## 8 Document Information

Appendix No	Title
<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)	
<b><i>Gifts and Hospitality Central Register.</i></b>	
Report Author	Contact Number
Rebecca Rowley/Sarah Sternberg	2428/2414

Report Reference –

**Gifts & Hospitality Inspection - January to December 2015**

Department	Total amount of declared gifts	Description of gifts/hospitalities	Electronic Declarations - total	Paper Declarations - total
<b>Members</b>	7	Ten White and Ten Pink Roses and a Thank you Card; Hotel Accommodation and evening meal (£85.00)(Pulse Leisure); Hotel Accommodation and evening meal (£84.00 Pulse Leisure); Hotel Accommodation and evening meal (£85); Hotel Accommodation and evening meal (£85); 1 Bottle of Wine & 1 Box Matchmakers (Donated to Chairman's Charity)	6	6
<b>GROWTH DIRECTORATE</b>				
<b>CEO</b>	3	(£50) Next Gift Card X2; Site visit to Lowestoft Leisure facility to fact find included over night accommodation and evening meal (£85);	3	3
<b>CEPT</b>	0		0	0
<b>Economic Growth</b>	0		0	0
<b>Planning &amp; Env. Health</b>	0		0	0
<b>Legal &amp; Governance</b>	12	Box of Ferrero Rocher Chocolates; Flowers and Bottle of Wine (£10); Flowers and Bottle of Wine (£10); Gousto Gift Voucher (£25); Tin of Biscuits (£5); Bottle of Wine (£5) ; 3 bottles of wine and a box of biscuits.	7	7
<b>OPERATIONS</b>				
<b>Finance</b>	5	Card and Chocolate; Chocolate; Box of Flowers (£25-£30); Selection of German Biscuits (Value less than £10.00); Starbucks Voucher (£10)	5	5
<b>Revenues</b>	1	Potted House Plant (£6).	1	
<b>Street Scene</b>	0		0	0

<b>Housing</b>	5	Box of Cadbury Roses Chocolates; 4 x Boxes of Chocolates.	2	2
<b>Community Safety</b>	1	Yankee Candle Sparking Cinnamon Reed Diffuser.	1	1
<b>Estates and Properties</b>	11	Site visit to Lowestoft Leisure Facility - 3x Accommodation and 3 x evening meal (£80 per person); Merry Christmas Chocolate bundle; Wall Calendar; Desk diary; Pens; keyrings (£10); Men's Dove Gift Set (Travel Size (£6)); Women's Dove Gift Set ( Travel Size (£6)) and 1No. Bottle of Tattinger Champagne.	5	5
<b>TRANSFORMATION</b>				
<b>ICT</b>	0		0	0
<b>Health &amp; Wellbeing</b>	0		0	0
<b>Leisure</b>	5	(x5) Site Visit to Lowestoft Leisure facility to fact find included overnight accommodation and a evening meal (£80 per person);	1	1
<b>Human Resources</b>	0		0	0
<b>Shirebrook Contact Centre</b>	0		0	0
<b>Bolsover Contact Centre</b>			0	0
<b>Clowne Contact Centre</b>	3	Tin of Chocolates; Tin of biscuits; Box of Chocolates.	3	3
<b>South Normanton Contact Centre</b>	1	Hospitality Pack from the Co-op £4 value.	1	1

Complaints of Breach of the Code of Conduct – 2016

Year	Number Received	PC	DC	Monitoring Officer's decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
<b>MC JAN 1/2016</b>	1	✓		<b>NFA</b>			
<b>MC MARCH 2/2016</b>	2	✓		<b>NFA</b>			
<b>MC APRIL 3/2016</b>	3	✓		<b>NFA</b>			
<b>MC MAY 4/2016</b>	4	✓		<b>NFA</b>			
<b>MC MAY(2) – 5/2016</b>	5		✓	<b>NFA</b>			
<b>MC MAY(3) – 6/2016</b>	6	✓		<b>NFA</b>			
<b>MC JULY – 7/2016</b>	7		✓	<b>NFA</b>			
<b>MC JULY(2) – 8/2016</b>	8	✓					
<b>MC JULY(3) - 9/2016</b>	9		✓				
<b>MC AUG - 10/2016</b>	10		✓	<b>NFA</b>			

Number (in addition to the above) rejected as being out of jurisdiction 0

## STANDARDS COMMITTEE WORK PLAN 2016/17

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee		•	• Suggested date - July or August 2017 Council	Done
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>	Ongoing
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> </ul>	<ul style="list-style-type: none"> <li>• Progress reports at each meeting.</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>• <del>13<sup>th</sup> June 2016</del> This is on the agenda for this meeting.</li> <li>• .</li> </ul>	
4. Review of standards framework	•	•	• Annual review	
5. Review of RIPA Policy and annual review	•	• .	• Annual review. This is likely to be carried out at the end fo the year.	

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
6. Review of whistle blowing policy	•	• .	• Annual review. This is likely to be carried out at the end of the year.	
7. Review of Constitution	• Through Constitution Working Group		• This will be set up in time for the revised Constitution to be presented to the Annual Council Meeting in May 2017.	
8. Development of the Annual Standards Committee work plan for 2017 to 2018	•	•	•	

**September 2016**

**Bolsover District Council**

**Standards Committee**

**3<sup>rd</sup> October 2016**

**Appointment of Independent Person**

**Report of the Monitoring Officer**

This report is public

**Purpose of the Report**

- To outline proposals for the replacement of one of the Independent Persons.

**1 Report Details**

- 1.1 As members may be aware, one of the Council's 2 Independent Persons has recently, sadly died.
- 1.2 Under the legislation, the Council is required to have at least one Independent Person (IP). However the Council decided when originally setting up the system to have two Independent Persons. Each member who is the subject of a complaint has the right to discuss the matter with one of the IPs, and the Monitoring Officer has an obligation to consult one of the IPs on each case. Clearly it is better to have the consultations with two different IPs. In addition it ensures as best as is possible that the Council is not left without an IP if one resigns for example. Accordingly it is proposed that a new IP is recruited.
- 1.3 The previous recruitment exercise was successful and resulted in a number of applications and interviews. The role was advertised on the website, on Parish Council notice boards and in "In Touch". In Touch is due to be distributed the week commencing the 21st November. It is suggested that we do this again.
- 1.4 The applicants were interviewed by the then Deputy Leader and the Monitoring Officer and the Deputy Monitoring Officer. The successful candidates were then proposed to the Council for appointment. It is proposed to carry out the same process for this recruitment.
- 1.5 The remuneration received by the IP is currently £800 per annum. I don't propose that there is any change.
- 1.6 In terms of the length of appointment for the Independent Person it is suggested that the appointment is for 4 years from the date of appointment.
- 1.7 The draft advert is attached for consideration. Members are requested to comment.

1.8 In addition the recruitment pack will be developed with background information about the process and the Council and a person specification.

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

2.1 It is considered necessary to recruit a second Independent Person to ensure flexibility and resilience

2.2 It is recommended that the process followed is as the last time an IP was recruited.

2.3 The appointment of the successful candidate will be recommended to Council

## **3 Consultation and Equality Impact**

3.1 No consultation is required at this stage. Equality issues will be taken into account as a matter of course in the recruitment.

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

4.1 To continue with just one IP. For the reasons given in the report this is not considered satisfactory.

## **5 Implications**

### **5.1 Finance and Risk Implications**

5.1.1 There are no additional costs above those experienced now. The risks is being unable to recruit a suitable IP.

### **5.2 Legal Implications including Data Protection**

5.2.1 Covered in the report. There are no Data Protection issues.

### **5.3 Human Resources Implications**

5.3.1 There are no HR implications.

## **6 Recommendations**

6.1 That a recruitment process for the appointment of a second IP is commenced in accordance with the process outlined in this report.

6.2 That members confirm their agreement to advertising in "In Touch", on the Council's website and on Parish Council notice boards.

6.3 That Members comment on the advert.

6.4 That Council is asked to appoint the successful candidate.



- 6.5 That the remuneration for the role remains at £800.
- 6.6 That authority be delegated to the Council's Monitoring Officer to amend the recruitment process and associated documentation where necessary.

**7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision 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>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	N/A
<b>District Wards Affected</b>	None directly
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

Appendix No	Title
1	Independent Persons Job Advert
<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)	
Report Author	Contact Number
Sarah Sternberg	2414

## **Independent Persons Job Advert**

**ARE YOU FAIR-MINDED?**

**CAN YOU BE OBJECTIVE?**

**ARE YOU ABLE TO FORM IMPARTIAL VIEWS FROM THE EVIDENCE BEFORE YOU?**

**ARE YOU INTERESTED IN BECOMING INVOLVED WHEN COMPLAINTS ARE MADE ABOUT THE CONDUCT OF ELECTED COUNCILLORS?**

Bolsover District Council is looking for an independent, fair-minded person willing to become involved when a complaint is made about elected or co-opted Members of the Council.

The Council is required by law (the Localism Act 2011) to put procedures in place for handling complaints about Members' conduct. The Council's procedure requires the involvement of at least one person independent of the Council, who may be called upon to attend meetings and participate in discussions when a complaint is received in order to consider whether, and if so what, action should initially be taken, and also to be present and give their views during any formal hearing that may take place if it is decided to investigate a complaint.

The extent to which the services of the successful applicant will be called upon cannot be foreseen with any certainty, as this will depend on how many complaints are received.

There is one existing Independent Person in the role.

Training will be given and an allowance of £800 per annum will be paid.

To be eligible to apply **YOU MUST NOT**

- ✿ Be, or have been at any time since November 2011, a member, co-opted member (including a member of the current Standards Committee), or employee of Bolsover District Council ; or
- ✿ Be a relative (as defined in the legislation) or close friend of a current member, co-opted member, or employee of Bolsover District Council; or
- ✿ Have a public profile in party politics; or
- ✿ Have been convicted of a criminal offence (not counting minor traffic offences) in the last 5 years; or
- ✿ Be subject to potential conflicts of interest, such as a contractual relationship with the Council as supplier etc.

Ideally, you should also:

- ✿ Have a keen interest in standards in public life;
- ✿ Have a wish to serve the local community and uphold democracy;
- ✿ Demonstrate high standards of public integrity;
- ✿ Be objective and impartial;

- ✿ Have experience of dealing with complaints and customer care issues in the public or private sector.

Further information is available please send an e-mail to [Sarah.sternberg@bolsover.gov.uk](mailto:Sarah.sternberg@bolsover.gov.uk) (the Monitoring Officer) or [Adele.Wylie@bolsover.gov.uk](mailto:Adele.Wylie@bolsover.gov.uk) (the Deputy Monitoring Officer) to request an Independent Person's Application Pack.

### **How to Apply**

Following consideration of the Information Pack; Applicants should respond in writing submitting:

- ✿ their CV;
- ✿ together with a written statement of 250 words setting out why they would like to be considered for appointment and how they would contribute to the raising of public standards in municipal life.

The CV and statement should be returned to:

**Sarah Sternberg, Monitoring Officer, Bolsover District Council, The Arc, Clowne, Chesterfield, Derbyshire S43 4JY.**

The closing date for applications is by **17:00 xxth November 2016**

Selection will be initially by assessment of the CV and Statement. Short-listed applicants may expect to be interviewed by Members and senior officers of the Council and their appointment will be approved by the Council.

The Council is committed to equality of opportunity in selection regardless of gender, race, religion, age, disability or sexuality.