

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 19th 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 – 9TH 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 9th September 2015, be approved as a correct record.

0947e. MINUTES – 7TH JANUARY 2016

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

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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.

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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

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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.

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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.