

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Thursday, 9 February 2017 at 1400 hours.

PRESENT:-

Councillor R Jaffray in the Chair

Councillors G Buxton, H J Gilmour and C R Moesby

Officers:-

S E A Sternberg (Monitoring Officer), A Wylie (Deputy Monitoring Officer) and N Calver (Governance Manager)

0654. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor B Watson.

0655. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0656. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0657. MINUTES OF THE SPECIAL MEETING HELD ON 3 OCTOBER 2016

Moved by Councillor H J Gilmour and seconded by Councillor G Buxton.

RESOLVED that the Minutes of the meeting of the Standards Committee held on 3 October 2016 be approved as correct record.

0658. HIGH COURT CASE – HONITON PARISH COUNCIL

The Committee considered a High Court case into Honiton Town Council's Judicial Review concerning the ethical framework and the availability of sanctions for breaches of the Code of Conduct.

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The Monitoring Officer presented the case to the Committee for their information. The Honiton case showed that legislation provided the District with the systems to address breaches of the Code of Conduct, however, nothing was provided to Parish Councils and therefore they were not able to determine any breaches and could only approve sanctions recommended by the District.

Further, training was identified as an appropriate sanction when addressing breaches of the Code of Conduct.

Moved by Councillor C R Moesby and seconded by Councillor G Buxton.

RESOLVED that the approved judgement presented be noted.

0659. WEIGHTMANS, LOCAL GOVERNMENT LAWYER – ROLE OF THE MONITORING OFFICER

The Committee considered an article on the role of the Monitoring Officer written by Simon Goacher regarding recent legislative changes around the process for disciplinary action against statutory officers of the Council.

The most recent change was in October 2016 confirming that there was no longer a requirement for a DIP and that any dismissal of a Head of Paid Service, Section 151 Officer or Monitoring Officer had to be approved by full Council. Before any dismissal can be made the proposal must be considered by a panel of Independent Persons.

The Committee considered previous practice and the reasons for change.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.

RESOLVED that the article be noted.

0660. REVIEW OF COUNCIL PROCEDURE RULES

As part of the annual review of the Constitution consideration had been given to the Council Procedure Rules for both authorities. Both sets of Council Procedure Rules (CPRs) offered sound rules and procedures, however, both displayed strengths that could make each other more robust.

A revised set of CPRs was set out in the Appendix to the report and did not make any substantive changes, just aligned the two sets of rules in layout, taking the best elements of each to create one comprehensive document.

It was noted that further influence had been taken from Best Practice across a number of authorities and wording changes had been suggested to provide clarity around some ambiguous matters.

The table set on page 29 of the report suggested changes which were considered to be more than typographical. The Committee considered each of these in turn and

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questioned the Governance Manager around the suggested changes and the rationale behind each.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.

RESOLVED that the proposed changes to the Council Procedure Rules as set out in Appendix 1 to the report be recommended to Council for adoption.

0661. CONSTITUTION REVIEW 2017

The Deputy Monitoring Officer advised that work had commenced on the review of the Council's Constitution in time for the revised Constitution to be placed before the Annual Meeting in May for approval.

It was considered that not all parts of the Constitution would need reviewing beyond house-keeping, however, parts of the Constitution which would require further consideration were:-

- Council Procedure Rules;
- Delegated Decisions and their publication;
- The financial level for Key Decisions;
- Scheme of Delegation to Officers;
- Petitions Scheme;
- Code of Conduct;
- Protocol on Member/Officer relations;
- Joint Employment Committee and Joint Appeals Committee;
- Bolsover Employee Appeals Committee.

Further, financial regulations would be considered separately by the Section 151 Officer but would still be submitted as part of the review of the Constitution through Standards Committee to recommend on to Council.

The timetable and reporting format was discussed and it was noted that Members had previously agreed to set up a working group of all Standards Committee Members to consider revisions to the Constitution. This Working Group would meet twice prior to the forthcoming meeting of Standards Committee in April.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.

RESOLVED the timetable set out within the report be approved and that a series of meetings be scheduled to meet the timetable. It be noted that the Financial Regulations were being reviewed and would be reported separately.

0662. COMPLAINTS OF BREACH OF THE CODE OF CONDUCT – 2016

The Committee considered information in relation to complaints received against Members regarding a Breach of the Code of Conduct. The information also included complaints received relating to Parish Council Members.

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A total of 12 complaints had been received in the period January 2016 to December 2016, all of which had resulted in no further action. No complaints had been received in 2017 to date.

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

0663. WORK PLAN

Members considered the Standards Committee Work Plan for 2016/17. The Chair requested for Members to let her know if they wished for any items to be included within her annual report to Council.

Whilst the review of the Constitution would be presented to the Annual Council meeting in May 2017, it was reported that the review of RIPA Policy and Annual Review and the review of the Whistleblowing Policy may be carried out within the new municipal year.

Members had welcomed the presentation given at the Parish Council Liaison meeting and made a request for further sessions. Members undertook to consult Parish Councils within their local areas to gauge interest for any forthcoming sessions.

Moved by Councillor H J Gilmour and seconded by Councillor G Buxton.
RESOLVED that the Work Plan be noted.

The meeting concluded at 1451 hours.