

17th November 2017

The Arc
High Street
Clowne
Derbyshire
S43 4JY

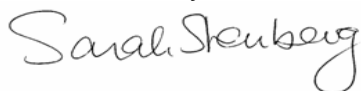
Dear Sir or Madam

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held on Monday 27th November 2017 at **1400 hours** in the Council Chamber, The Arc, Clowne.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chair and Members of the Standards Committee.

ACCESS FOR ALL

If you need help understanding this document or require a larger print on translation, please contact us on the following telephone number:-



01246 242528

Democratic Services



Tel 01246 242424 **Fax** 01246 242423
Email enquiries@bolsover.gov.uk **Web** www.bolsover.gov.uk

CUSTOMER
SERVICE
EXCELLENCE



STANDARDS COMMITTEE

AGENDA

Monday 27th November 2017 at 1400 hours in the Council Chamber, 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 5 th September 2017.	3 to 6
5.	Licensing Committee and Disabled Facilities Grants	7 to 9
6.	Annual Review of the Constitution	10 to 13
7.	Complaints of Breach of the Code of Conduct – 2017.	Verbal Update
8.	Work Plan 2017/18.	14 to 17

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 5th September 2017 at 1400 hours.

PRESENT:-

Members:-

Mrs R. Jaffray (Independent Member) in the Chair

Councillors G. Buxton, H.J. Gilmour, C.R. Moesby, T. Munro, K. Reid and S. Statter.

Officers:-

S.E.A. Sternberg (Monitoring Officer) and A. Bluff (Governance Officer).

0183. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors M. Dixey and D.S. Watson.

0184. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0185. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0186. MINUTES OF THE LAST MEETING OF THE STANDARDS COMMITTEE

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

RESOLVED that the Minutes of a Standards Committee held on 13th April 2017 be approved as a correct record.

0187. REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS

Committee considered a report which provided Members with an opportunity to consider the Council's Protocol on Member/Officer Relations at the beginning of the review.

Committee were advised that the purpose of the protocol was to provide guidance to Members and Officers in their relations with one another, providing principles to be followed to achieve the shared aim of enhancing and maintaining the integrity of local government through high standards of personal conduct.

Members discussed that the provision of support services to Members and the advice of officers to party groups needed to be very clear. Members were also referred to the

STANDARDS COMMITTEE

Scheme of Delegation to find out the limits of the authority officers hold to act in particular circumstances.

The Committee considered the role of Ward Members. The importance of a reciprocal relationship was highlighted, that the Council involve local Ward Members in meetings or consultation exercises with the public on local issues, but also that the public and other groups/organisations involve the Council and local Ward Members when they arrange public meetings. It was agreed that some wording could be added to the protocol to reflect this principle.

It was suggested that understanding of the protocol could be improved by examples of scenarios and the application of the principles, which could be carried out through Member and officer training.

It was agreed that the review of the protocol include consultation with all Members and officers from the Senior Management Team and that the results of this be brought back to the next meeting in November 2017.

Moved by Councillor T. Munro and seconded by Councillor K. Reid.

RESOLVED that the review of the Protocol on Member/Officer Relations include consultation with all Members and officers from the Senior Management Team and that the results of this be brought back to the next meeting in November 2017.

(Monitoring Officer)

0188. REVIEW OF JOINT REGULATION OF INVESTIGATORY POWERS ACT POLICY.

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer which advised of a review of the joint policy and procedures document covering the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Committee were advised that there had been no changes in the relevant legislation or Codes of Practice since the last review and therefore the amendments that were proposed were intended to ensure the Policy remained accurate and up-to-date in terms of working practices and named officers.

The Council had not used the RIPA Powers since the last review.

The Council's use of RIPA was subject to inspection by the Surveillance Commissioner. The previous inspection carried out in 2015/16 concluded that the procedures and level of awareness in place were sufficient to ensure future applications would be compliant with the Act.

The Standards Committee receives an annual report on the use of RIPA Powers, as well as the Review of the policy, and training would be provided to officers on a regular basis to ensure awareness is kept up-to-date.

STANDARDS COMMITTEE

The Committee discussed amending the flowchart in the policy to show that if judicial approval for covert surveillance was refused, either the Council would have to consider other overt forms of investigation or reapply for authorisation on stronger grounds.

Moved by Councillor T. Munro and seconded by H. J. Gilmour.

RESOLVED that the Standards Committee:-

- (1) Notes the update provided on the use of the Policy.
- (2) recommend the revised joint RIPA Policy and Procedure document for approval, subject to the amendment to the flowchart referred to above.
- (3) Recommends that the joint RIPA Policy and Procedures document be updated by the Monitoring Officer to reflect the appointment of authorised officers and Designated Persons made by the Monitoring Officer at any future time.

(Monitoring Officer)

0189. UPDATE ON INDEPENDENT PERSON RECRUITMENT

The Committee were advised that interviews had been conducted by the Chief Executive and the Deputy Monitoring Officer in August 2017 and that Mr Ian Kirk had been selected as a suitable candidate for the position of Independent Person.

A report would be submitted to Council recommending that Mr Kirk be appointed for a four year term.

Following the appointment, Mr Kirk would be offered training to assist him in carrying out his role.

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

RESOLVED that the update be noted.

(Monitoring Officer)

0190. COMPLAINTS OF BREACH OF THE CODE OF CONDUCT – 2017

The Committee were informed that four complaints had been received that were outstanding and not yet resolved. The complainants had been requested to provide additional information and had been given 14 days in which to respond. If the information was not received, the complaints would be closed.

Moved by Councillor T. Munro and seconded by Councillor H.J. Gilmour.

RESOLVED that the update be noted.

(Monitoring Officer)

STANDARDS COMMITTEE

0191. WORK PLAN

Committee considered their Work Plan for the 2016/17 period.

Members were requested to notify the Monitoring Officer of any training needs related to ethical standards and the Code of Conduct.

It was suggested that training on the Code of Conduct be raised with the Parish Council Liaison Group.

Moved by Councillor C.R. Moesby and seconded by Councillor T. Munro.

RESOLVED that the Work Plan be noted.

(Monitoring Officer)

The meeting concluded at 1430 hours.

Bolsover District Council

Standards Committee

27th November 2017

Licensing Committee and Disabled Facilities Grants

Report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To ask Members to consider revising the terms of reference for Licensing Committee in respect of Disabled Facilities Grants

1 Report Details

- 1.1 It is a long-standing practice at the Council that all applications for Disabled Facilities Grants (“DFGs”) are approved by Licensing Committee. The majority of these are applications for mandatory grants, which the Council has no legal basis to refuse.
- 1.2 Opinion across local government, both legal and procedural, has crystallised behind the view that DFGs must be considered an Executive function. There are no grounds to treat such grants as a function to be exercised by Council or, in the case of Bolsover, by a committee of Council.
- 1.3 Accordingly it is appropriate that the Council updates the Constitution to recognise that the approval of all DFGs is an Executive function, not the responsibility of Licensing Committee. This is a legal requirement and to leave the responsibility for DFGs within the terms of reference for Licensing would lead to potentially unlawful decisions.
- 1.4 It is therefore proposed that item 4 in the Licensing Committee terms of reference relating to grants pursuant to the Housing Acts be removed.
- 1.5 A corresponding provision will need adding to the Executive Functions in Section 3.4 of the Constitution. The following wording is proposed for clarification:

“All functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation.”

- 1.6 It is then proposed that a specific delegation of that power is made to the Joint Assistant Director – Planning & Environmental Health to determine all applications for mandatory DFGs. Applications for discretionary grants, which are extremely rare, will remain a matter for Executive to determine.

2 Conclusions and Reasons for Recommendation

- 2.1 The changes set out will enable the Council to fulfil its obligation to ensure decision making takes place properly and lawfully.

3 Consultation and Equality Impact

- 3.1 This proposal will be reported to Licensing Committee for information prior to the recommendations being considered for approval at Council.

4 Alternative Options and Reasons for Rejection

- 4.1 The function could remain with Licensing Committee but this would be potentially unlawful and leave decisions open to challenge.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There is a potential financial risk to the authority of costs associated with legal challenges to the current framework if left unchanged.

5.2 Legal Implications including Data Protection

- 5.2.1 Decisions made under the current framework are potentially open to legal challenge as they will have been made without the proper lawful authority.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That Members consider the report and recommend to Council that the Constitution is amended to:

(i) Remove item 4 from the Licensing Committee terms of reference; and

(ii) Add to the Executive Functions in Section 3.4 the following item:

“All functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation.”; and

(iii) That a paragraph is inserted into the Scheme of Delegation to Officers granting the Joint Assistant Director – Planning & Environmental Health authority to determine mandatory Disabled Facilities Grants applications.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
<p>Background Papers (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>	
Report Author	Contact Number
Kevin Shillitto, Solicitor, Legal Services	01246 242507

Bolsover District Council

Standards Committee

27th November 2017

Annual Review of the Constitution

Report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To ask Members to consider the areas proposed for examination under the annual review of the Constitution.

1 Report Details

1.1 Members will be aware that the Committee selected the Protocol on Member/Officer Relations as an area for particular focus in this year’s review of the Constitution. This commenced at the meeting of Standards Committee in September 2017 and further consultation will be carried out with all Members and the Senior Management Team before being brought back to a future meeting.

1.2 Further areas of the Constitution have been raised with the Monitoring Officer during the year as matters that require review. These are set out as follows:

Area for Review	Comment
Protocol on Member/Officer relations	As outlined above.
Disabled Facilities Grants procedures	Proposal contained in a separate report on this agenda.
Scheme Of Delegation To Officers	Amendments to the Delegation Scheme are required as part of the Senior Management Team restructure
Shared Services Consultation Protocol and other aspects of the Joint Working arrangements relating to Chesterfield Borough Council	May not be required within the Constitution as it does not reflect current working practices.
Joint ICT Committee	Governance arrangements require review.

Area for Review	Comment
Terms of Reference for Bolsover Conservation Area Advisory Committee	Committee has not met for many years
Terms of Reference for Pleasley Park and Vale Conservation Area Joint Advisory Committee	Powers of the Committee has changed in recent years
Minute Books submission to Council	Consider methods for Members accessing or receiving Minutes and being able find out further information outside of Council meetings.
Procedure Rules for Questions from the Public and by Councillors	Consider whether any improvements can be made to the procedures
Role Profiles	Remove any profiles for roles that no longer exist.
Minor wording changes or updating of job titles (housekeeping)	Various sections in the Constitution require minor corrections or updates to reflect recent changes in staffing structures/job titles or other approved changes at Council.
Employee Code of Conduct	Ensure the Constitution reflects any policies agreed at Council.

- 1.3 Members are requested to raise any further areas they feel the review should include and are also advised that additional issues may arise in the course of the review but will be reported to Standards Committee at the earliest opportunity.
- 1.4 To progress the review, it is possible that an informal meeting of Standards Committee may be required in January 2018 to allow Members input in initial proposals, before further work and consultation is carried out prior to the scheduled meeting of the Committee in February 2018.
- 1.5 The following timetable is therefore proposed:

Standards Committee to set initial scope of the review	28 th November 2017
<i>Informal Standards Committee Meeting to consider initial proposals</i>	<i>January 2018 (Date to be confirmed)</i>
Standards Committee to consider further proposals and responses to any consultation	26 th February 2018

Standards Committee to receive the outcome of the review and recommend to Council	8 th May 2018
Annual Council Meeting	24 th May 2018

2 Conclusions and Reasons for Recommendation

- 2.1 It is best practice to review the Council's Constitution on a regular basis and the Council has regularly done this. To do such a review there is a need to have a process in place.

3 Consultation and Equality Impact

- 3.1 Consultation with other Members, and other Committees may be required, as well as the Senior Management Team.

4 Alternative Options and Reasons for Rejection

- 4.1 It is an obligation to review the Constitution on a regular basis and indeed some parts of the Constitution are expressly required to be presented to the Annual Council Meeting for review. In effect there is no alternative to the review, however the review itself can pick up on the alternatives to individual parts of the Constitution.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There is a potential financial risk to the authority of costs associated with legal challenges to the current framework if left unchanged.

5.2 Legal Implications including Data Protection

- 5.2.1 Any legal implications will be considered as part of the detailed review.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That Members determine whether there are any other areas of the Constitution that they would wish to see have a more in depth review.
- 6.3 That Members approve the timetable for the review.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	None
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating good governance

8 Document Information

Appendix No	Title
	None
<p>Background Papers (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>	
Report Author	Contact Number
Donna Cairns, Governance Manager (Acting)	01246 217753

Bolsover District Council

Standards Committee

27th November 2017

Work Plan 2017/18

**Report of the Assistant Director of Governance and Solicitor to the Council
and Monitoring Officer**

This report is public

Purpose of the Report

- To advise the Committee of its Work Plan for 2017/18.

1. Report Details

- 1.1 A copy of the Committee's current work plan for 2017/18 is attached as **Appendix 1** to this report.
- 1.2 Members are advised that a Special Meeting of the Standards Committee may be required in January 2018 to consider the Review of the Constitution to ensure this will be completed in time for the Annual Council meeting in May.

2 Conclusions and Reasons for Recommendation

- 2.1 To advise the Committee of the proposed work plan for 2017/18.

3 Consultation and Equality Impact

- 3.1 Not applicable.

4 Alternative Options and Reasons for Rejection

- 4.1 Not applicable.

5 Implications

- 5.1 Not applicable.

6 Recommendations

- 6.1 That the Committee considers the Work Plan for 2017/18.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating good governance

8 Document Information

Appendix No	Title
1	Standards Committee Work Plan 2017/18
<p>Background Papers (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
Donna Cairns Governance Manager (Acting)	01246 242505

BDC STANDARDS COMMITTEE WORK PROGRAMME 2017/18		
Meeting date	Item	Comments
12 June 2017	RIPA review – annual review Review of the Member/Officer Protocol Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	Meeting was cancelled so agenda items added to next meeting.
5 September 2017	RIPA review – annual review Update on Recruitment of Independent Person Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	- Completed -Independent Person appointed at Council in Oct 2017
27 November 2017	Annual review of the Constitution Review of Terms of Reference for Licensing Committee and Disabled Facilities Grants Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	-
26 February 2018	Review of whistle blowing policy Annual review of Gifts and Hospitality Review of the Member/Officer Protocol Annual review of the Constitution Parliamentary Committee on Standards in Public Life - Review of Local Government Standards	- Deferred from November - Deferred from November - Deferred from November

	Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	
8 May 2018	<p>Annual review of the Constitution</p> <p>Annual report to Council by Chairman of Standards Committee</p> <p>Development of the Annual Standards Committee Work plan for the next year.</p> <p>Regular items - review of training needs for District and Parish Councillors, complaints update and work programme</p>	