

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 2, The Arc, Clowne, on Thursday, 8th May 2018 at 1400 hours.

### **PRESENT:-**

Members:-

Mrs R Jaffray in the Chair

Councillors H. J. Gilmour, C. R. Moesby, T. Munro, K. Reid, B. Watson and D.S. Watson

Officers:-

S. E. A. Sternberg (Monitoring Officer), V. Dawson (Team Manager – Solicitor) and N. Calver (Governance Manager).

### **0804. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillors M. Dixey and S. Statter.

### **0805. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

### **0806. NOTES OF INFORMAL MEETING HELD ON 27<sup>th</sup> NOVEMBER 2017**

Moved by Councillor H.J. Gilmour and Seconded by Councillor D.S. Watson

**RESOLVED** that the notes of an informal meeting of the Standards Committee held on 27<sup>th</sup> November 2017 be noted.

### **0807. MINUTES OF THE CONSTITUTION WORKING GROUP HELD ON 26<sup>th</sup> FEBRUARY 2018**

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

**RESOLVED** that the Minutes of a meeting of the Constitution Working Group held on 26<sup>th</sup> February 2018 be approved as a correct record.

### **0808. PARLIAMENTARY REVIEW ON INTIMIDATION IN ELECTIONS**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which advised Members of a review that had taken place by the Parliamentary Committee on Standards in Public Life on Intimidation in Elections.

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The Prime Minister had commissioned the Review in response to the findings of the intimidation experienced by candidates running in the 2017 General Election.

The Parliamentary Committee had identified several areas of concern:-

- Social media companies have been too slow in taking action on online intimidation to protect their users;
- The Political Parties had failed to show leadership in calling out intimidatory behaviour and changing the tone of political debate;
- Police authorities have shown inconsistency in supporting those facing legal intimidatory activities;
- Election Law is out of date.

The reports of the type of behaviour experienced, especially on social media platforms, were shown to be persistent and shocking with the statistics showing that it was largely aimed at female candidates and those within the LGBT community. Discriminatory comments were also freely being made on race or religious grounds.

The Parliamentary Committee as part of their review had made suggestions to tackle this matter, including working more closely with social media to set up task groups during election periods to speedily take down abusive messages on platforms such as Twitter and Facebook. Also, they had made suggestions to lay responsibility on Political Parties to address matters internally, and tackle issues within the fringe groups.

Members noted that Election Law may be reviewed to remove candidate contact details from ballot papers leaving only information about which ward they reside in.

Members were provided with a full review of the Parliamentary Committee which was attached to the report at Appendix 1.

Members gave consideration to the support that could be provided to candidates by the Council during an Election period. It was requested that officers and Members give further consideration to this matter and present the report with details on support to a future Meeting of Council.

Moved by Councillor C. Moesby and Seconded by H. Gilmour

**RESOLVED** that (1) the Parliamentary briefing on intimidation in Elections be noted,

(2) the report be submitted to a future meeting of Council along with details around support to Members.

(Monitoring Officer/Governance Manager)

### **0809. CONSULTATION ON ETHICAL STANDARDS BY COMMITTEE ON STANDARDS IN PUBLIC**

The Governance Manager reported that a review was being undertaken by the Parliamentary Committee on Standards in Public Life on 'Local Government Ethical Standards'. In particular, the review was to examine structures, processes and practices in Local Government in England for:-

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- Maintaining Codes of Conduct for local Councillors;
- Investigating alleged breaches fairly and with due process;
- Enforcing Codes and imposing sanctions for misconduct;
- Declaring interests and managing conflicts of interest; and
- Whistleblowing

The consultation questions were detailed in Appendix 1 to the report and the Standards Committee gave due consideration to each question in turn to provide a collective response. This would be submitted by the Governance Manager to the Parliamentary Committee on Standards in Public Life and is attached to these Minutes as an Appendix.

Members felt that consideration of the Consultation questions posted offered them a useful opportunity to discuss ethical Standards on a Local and National basis and wished to revisit the questions in twelve months' time

Moved by Councillor C. Moesby and Seconded by Councillor H. Gilmour

**RESOLVED** that (1) the collective response of the Standards Committee to the questions attached at Appendix 1 of the report be submitted to the Parliamentary Committee for Standards in Public Life,

(2) an item be added to the work plan to revisit the questions and responses in April / May 2019.

(Monitoring Officer/Governance Manager)

### 0810. WHISTLEBLOWING POLICY

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer suggesting updates the Whistleblowing Policy.

North East Derbyshire District Council and Bolsover District Council had in place a Joint Whistleblowing Policy that both were committed to updating the Policies on a regular basis to ensure they were fit for purpose.

Minor changes were recommended to the existing Policy to amend various job titles and clarify the form of Register.

A track changed version of the Whistleblowing Policy was attached to the report at Appendix A for Members consideration, with the main changes being comprised of amendments to officer titles following the recent review of the management structure.

Moved by Councillor T. Munro and Seconded by Councillor C. Moesby

**RESOLVED** that the Whistleblowing Policy be approved as amended.

### 0811. MEMBER / OFFICER PROTOCOL

At its meeting on 5th September 2017 the Standards Committee gave consideration to the Protocol on Member/Officer Relations and were given the opportunity for targeted scrutiny.

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In addition, the Constitution Working Group met on 26th February 2018 to give the matter further consideration. It was resolved at that meeting that the Joint Head of Corporate Governance and Monitoring Officer carry out consultation with Members and the Senior Management Team on Protocol.

The Strategic Alliance Management Team at their meeting on 16th February 2018 gave consideration to the Protocol in detail and offered amendments which were incorporated in to the existing Protocol for consideration by Members. In addition, each Member of Council was offered the opportunity to feed in to this review.

Members gave consideration to a revised version of the Protocol for Members/Officer Relations attached at Appendix 1 to the report and noted the main revisions which included:-

- In light of recent political debates in Parliament, inclusion has been given to include elements covered by the Equalities Act 2010;
- Inclusion of details around applying pressure on Members or Officers in regard to duties they're neither empowered nor within their duties;
- Additional of principles of the Protocol as requested by the Standards Committee
- Providing clarification an advice to Political group and restricted posts, also requested by Standards Committee;
- Providing clarity around how Members request information and how employees are to meet these requests;
- Preparation and presentation of reports in line with the Leader's request for Executive Members to present at meetings;
- Call in decisions and expectations on Members and Officers;
- Providing clarity around publicity; and
- The inclusion of a 'does and don'ts' document as an Appendix to the protocol.

Members debated each revision and gave their support to its content.

On a procedural matter, Members requested for Officers to speak to Executive Members prior to writing reports in their name rather than consulting them afterwards. The Monitoring Officer undertook to look at this matter in more detail

Moved by Councillor T. Munro and Seconded by Councillor H. Gilmour

**RESOLVED** that the protocol on Member/Officer relations be supported and recommended to Council for adoption as part of the review of the Constitution Report.

(Monitoring Officer/Governance Manager)

### 0812. REVIEW OF CONSTITUTION

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer which reviewed the Council's Constitution with proposed amendments for consideration by the Standards Committee prior to submission as part of the annual review of the Constitution to Council for adoption.

The Standards Committee mostly the Constitution Working Group had previously considered a number of areas within the Councils Constitution and it was noted that

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proposals in relation to each of those areas were supported by the Committee and would be recommended to Council for approval.

The report presented outline proposals in respect of areas previously identified, as well as additional matters that had arisen in the course of the review which detailed the scheme of delegation to Officers.

The Governance Manager tabled some additional items for review which had been drawn up in the period between dispatch of papers and the date of the meeting which covered:-

- Public questions;
- JEC Membership; and
- Correction of numbering in the Council Procedure Rules.

Members debated each area in detail and considered the rationale behind each proposal.

Members noted that amendments would be proposed during the final report to Council to correct and update terminology, numbering issues and reference to job titles, none of which would amount to substantive changes to the Rules or Articles.

In reference to public questions Members wished to monitor the effectiveness of the additional limits and a review was requested in twelve months' time as part of the Annual review of the constitution.

Moved by Councillor T. Munro and Seconded by C. Moesby

**RESOLVED** that (1) the proposals for amendments to the Councils Constitution be supported,

(2) the amendments be submitted to Council as part of the Constitutional Review.

(Monitoring Officer/Governance Manager)

### **0813. COMPLAINTS OF BREACH OF THE CODE OF CONDUCT**

The Monitoring Officer gave a verbal update to the Committee on the current status of complaints received in the breach of Code of Conduct. A formal report on this matter would be submitted to the following meeting.

Moved by Councillor C. Moesby and Seconded by Councillor T. Munro

**RESOLVED** that the update be noted.

(Monitoring Officer/Governance Manager)

### **0814. WORK PLAN FOR 2018/19**

The Committee considered their work plan for the 2018/19 Municipal year. Amendments would be made resulting from discussions in the meeting and submitted to each Meeting of the committee as a forward planning tool.

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Moved by Councillor C. Moesby and Seconded by Councillor T. Munro  
**RESOLVED** that the work plan be noted.

### **0815. GIFTS AND HOSPITALITY**

The Monitoring Officer brought Members attention to an audit recommendation to align Members limits for registering gifts and hospitality with that of employees. The Committee wished to give consideration for arrangements for this at other authorities and requested a report to a future meeting.

Moved by Councillor T. Munro and Seconded by Councillor H. Gilmour  
**RESOLVED** that an item on Gifts and Hospitality be added to the 2018/19 work plan.

The meeting closed at 15:36 hours