

**STANDARDS COMMITTEE
AGENDA**

Monday 14th January 2019 at 1000 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.	Minutes of a meeting held on 15 th October 2018.	3 to 8
5.	Customer Service Standards and CCC Report 2018/19; 1 st April 2018 to 30 th September 2018.	9 to 21
6.	Cornerstone Barristers' Publication; councillor refused permission in Judicial Review against sexual harassment finding.	22
7.	Local Government Lawyer Publication; Independent report expresses regret at attack by councillor on monitoring officer	23 to 24
8.	Review of the Council's Constitution.	25 to 34
9.	Complaints against Members.	Verbal Update
10.	Work Programme 2018/19.	35 to 36

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 15th October 2018 at 1400 hours.

PRESENT:-

Members:-

R. Jaffray (Independent Member) in the Chair

Councillors H.J. Gilmour, C.R. Moesby, T. Munro and B. Watson.

Officers:- S.E.A. Sternberg (Solicitor to the Council & Monitoring Officer), V. Dawson (Solicitor - Team Manager (Contentious)), N. Calver (Governance Manager), A. Bedford (Customer Standards and Complaints Officer)(to Minute No. 0377), J. Wilson (Scrutiny & Elections Officer)(to Minute No. 0378) and A. Bluff (Governance Officer).

0371. APOLOGIES

Apologies for absence were received on behalf of Councillor M.J. Dooley and J.A. Clifton.

0372. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0373. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0374. MINUTES – 2ND JULY 2018

Moved by Councillor T. Munro and seconded by Councillor C.R. Moesby
RESOLVED that the Minutes of a Standards Committee held on 2nd July 2018 be approved as a correct record.

0375. RECOMMENDED ITEM FROM UNION/EMPLOYEE CONSULTATION COMMITTEE – REFRESHED EMPLOYEE CODE OF CONDUCT

Committee considered a report in relation to the refreshed Employee Code of Conduct document.

At their meeting held on 20th September 2018, Union / Employee Consultation Committee (UECC) had considered the refreshed Employee Code of Conduct

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document and had recommended that Standards Committee approve and recommend the document to Council for adoption.

For Committee's information, UECC had raised no concerns regarding the document.

A Member referred to paragraph 5.3 of the Code of Conduct and queried the use of the word 'deliberate' in relation to the content of the paragraph. The Monitoring Officer replied that it was necessary to use the word 'deliberate' in the paragraph otherwise every omission would disqualify a candidate.

The Member referred to paragraph 2.5 in relation to communication and queried if social media use should also be included. The Governance Manager replied that she would take the Member's comments forward as part of a future review of the Employee Code of Conduct.

The Employee Code of Conduct had been identified for a further review and would be presented again to UECC and Standards Committee as part of the review of the Constitution.

Moved by Councillor C.R. Moesby and seconded by Councillor T. Munro
RECOMMENDED that Council adopt the refreshed Employee Code of Conduct document.

(Governance Manager)

0376. ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2017/18

Committee considered a report in relation to an annual summary of statistics on complaints made about the Authority to the Local Government & Social Care Ombudsman (LGSCO) for the financial year ending 31st March 2018.

The Annual Letter and supporting information were appended to the report for Members information.

The Customer Standards and Complaints Officer advised the meeting that the LGSCO would now like scrutiny committees to be more involved in complaints against their councils and regular reports would be presented to the Customer Service and Transformation Scrutiny Committee to keep Members informed of volumes and trends regarding LGSCO/ Housing Ombudsman complaints.

In response to a Member's question, the Customer Standards and Complaints Officer advised the meeting that the report had been previously considered by the Customer Service and Transformation Scrutiny Committee (CST). The Scrutiny & Elections Officer further added that the CST Scrutiny Committee had also considered the bi-annual and annual report which included compliments and comments and the reviewed Compliments, Comments and Complaints Policy earlier in the year.

Moved by Councillor C.R. Moesby and seconded by Councillor B. Watson
RESOLVED that the report be noted.

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0377. QUESTIONS RAISED BY THE CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE IN RELATION TO THEIR OPERATIONAL REVIEW OF STANDARDS COMMITTEE

Committee considered a report regarding questions raised by the Customer Service and Transformation Scrutiny Committee (CST) in relation to their operational review of the Standards Committee.

Following initial consideration of evidence for their review, the CST Working Group had raised the following questions:

- ***Is there a process in place with parish clerks to ensure new parish councillors receive necessary training following election (inc. Code of Conduct)?***

The Monitoring Officer advised the meeting that there was no formal training process in place but consideration was being given to what would be carried out as part of new councillor inductions' following next May's District and Parish Elections.

As there were too many parish and town councils to visit individually, it was suggested that 3 or 4 training sessions be held in various areas of the District and these be offered to new councillors via the District/Parish Council Liaison Group. A briefing note could be sent out to each parish clerk with a request for it to be given out with the acceptance of office form.

A Member suggested that Society of Local Council Clerks (SLCC) and/or Derbyshire Association of Local Councils (DALC) may have materials that could be utilised to form a framework for an induction pack which could be put 'on line' and circulated as an advisory document for new councillors.

- ***How does this process differ from those elected following a main Local Election and a By-Election?***

The Monitoring Officer advised the meeting that following a by-election at District level, either she or her deputy would go through an induction with a new councillor. However, there was currently no formal arrangement to do this following a parish by-election but the previous suggestion above could be implemented and this could also include co-opted Members at parish level.

A Member noted that new councillors who had been co-opted usually required more guidance than some councillors who may be in a political party.

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

RESOLVED that the Monitoring Officer consult with SLCC and/or DALC to source materials that could be utilised to form a framework for an induction pack which could be put 'on line' and circulated as an advisory document for new councillors.

(Monitoring Officer)

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0378. ELECTION CANDIDATES AND CAMPAIGNS: A CONSULTATION ON NEW LAWS

Committee considered a report which provided information on a consultation regarding new laws in relation to Election Candidates and Campaigns.

Earlier this year, the Committee on Standards in Public Life published a wide-ranging review of the impact of intimidation in public life with a focus on the role of social media.

The Committee made recommendations for social media, political parties, police and local government and suggested the Government consult on ways in which electoral law could be changed to protect candidates and their supporters. A Cabinet Office consultation, which closed on 22nd October, would take this forward.

The Governance Manager requested a change to the recommendation as stated in the report that rather than a collective response from Standards Committee to the questions, Members provide responses on an individual basis.

A Member suggested that all Members of the Council be provided with the questions and be invited to offer a voluntary response to the consultation.

In response to a Member's query, the Monitoring Officer advised the meeting that in relation to social media, the new laws did not apply outside of an election campaign period.

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

RESOLVED that (1) the content of the consultation be noted,

(2) that all Members of the Council be provided with the questions and be invited to offer a voluntary response to the consultation by 22nd October 2018.

(Governance Manager)

0379. REVIEW OF THE COUNCIL'S CONSTITUTION (PART 1)

Committee considered a report in relation to a review of parts of the Council's Constitution.

One of the functions of the Standards Committee was to undertake an annual review of the Council's Constitution to ensure it was up to date and in line with legislation and current circumstances. The following areas had been identified for review;

1. Delegation of decisions to write off debts for rent arrears
2. Functions of the Joint Employment Committee
3. Edit to Proper Officer Provisions in relation to Elections
4. Edits to the Constitution proposed by the Portfolio Holder for Corporate Governance resulting from Member discussions.

Details of the proposed amendments and also the rationale in relation to the above areas were included on an appendix attached to the report.

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It was also proposed that the Standards Committee review the Joint ICT Committee Terms of Reference during 2018/19 and that the Joint ICT Committee be asked for their input in to the review at their Annual meeting in November 2018.

In relation to 1 above, Members requested that the Section 151 Officer attend the next meeting of Standards Committee to provide further detailed information regarding the increase in the figure for write offs.

In relation to 2 above, a Member raised that the Unions be consulted on the proposed changes to the Joint Employment Committee.

In relation to 'virements' as part of 4 above, the Monitoring Officer advised the meeting that the Section 151 Officer had requested that this be deferred to the next meeting of Standards Committee.

Planning the delivery of the 2018/19 review of the Constitution required a need for an informal meeting of the Constitution Working Group to be held in late November from which recommendations could be made for approval at the January 2019 Standards Committee meeting.

Members agreed that the Constitution Working Group be arranged for Monday 19th November at 2pm following the close of the Parish Council Liaison meeting.

Moved by Councillor H.J. Gilmour and seconded by Councillor T. Munro
RESOLVED that (1) the report be received,

(2) the delegation of decisions to write off debts for rent arrears be deferred to enable the Section 151 Officer to attend the next meeting of Standards Committee to provide further detailed information to Members in relation to the increase in the figure,

(3) 'virements' included in the edits to the Constitution proposed by the Portfolio Holder for Corporate Governance resulting from Member discussions be deferred to the next meeting of Standards Committee at the request of the Section 151 Officer,

(4) Standards Committee conduct a review of the Joint ICT Committee Terms of Reference during the 2018/19 Municipal Year and request the Joint ICT Committee to feed in to this review at their forthcoming meeting in November 2018,

(5) a meeting of the Constitution Working Group be held on 19th November to consider some elements of the Constitution Review and make recommendations to the meeting of Standards Committee in January 2019.

RECOMMENDED that Council approve;

(1) the functions of the Joint Employment Committee subject to prior consultation with the Unions on the proposed changes,

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(4) the inclusion of the Elections Manager (BDC) to Proper Officer Provisions in relation to Elections,

(5) that edits to the Constitution proposed by the Portfolio Holder for Corporate Governance resulting from Member discussions with the exception of 'virements' as detailed above.

(Governance Manager)

0380. WORK PROGRAMME 2018/19

Committee considered their work programme for 2018/19.

The Monitoring Officer advised the meeting that there were currently 2 outstanding complaints made against Members. One referred to a District Councillor and the other referred to a Parish Councillor.

An update report on appointments to outside bodies would be provided at the next meeting of Standards Committee by the Labour Group Secretary, Councillor Moesby.

The Work Programme would be updated with items raised and considered at this meeting.

Moved by Councillor T. Munro and seconded by Councillor H.J. Gilmour
RESOLVED that the Work Programme 2018/19 be noted.

The meeting concluded at 1445 hours.

Bolsover District Council

Standards

14th January 2019

Customer Service Standards and CCC Report 2018/19 –
1st April 2018 to 30th September 2018

Report of the Head of Corporate Governance

This report is public

Purpose of the Report

- To provide information on the Council's performance in relation to its customer service standards.
- To provide information on the effective management of complaints and customer requests which is central to excellent customer service and the Council can use to improve its services.
- To provide information on the number of compliments, comments and complaints for the period 1st April 2018 to 30th September 2018.

1 Report Details

1.1 The purpose of this report is to make Elected Members aware of performance in relation to Customer Service Standards and compliments, comments and complaints across the organisation.

1.2 Customer Service Standards

Appendix 1 provides a breakdown of the key customer service standards by quarterly period, together with the target and the cumulative performance for each standard.

1.2.1 Telephones - corporate

Target - 93% to be answered within 20 seconds

Appendix 2 shows the performance between 1st April 2018 and 30th September 2018 by quarterly period. The report identifies 98% (in both Q1 and Q2) of incoming calls are being answered corporately within 20 seconds cumulatively. Those departments not achieving the key customer service standard of 93% for these periods were:

- Housing and Community Safety 88% in Q1 and 92% in Q2
- Customer Service 90% in Q2

1.2.2 Telephones - Contact Centres

Target - 80% of incoming calls to be answered within 20 seconds

Contact Centres achieved 71% and 75% for quarters 1 & 2 respectively (73% cumulatively).

The main contributing factor on performance is the current staffing resource levels. However, 3 vacant posts have now been filled and it is envisaged that performance will start to improve with these new members of staff in post and also the return of staff from long term sickness.

1.2.3 Telephones - Revenues & Benefits

Target - 60% of incoming calls to be answered within 20 seconds

Revenues & Benefits 'direct dial' achieved 75% and 79% for quarters 1 & 2 respectively (77% cumulatively).

1.2.4 E-mails

Target 1 - 100% to be acknowledged within 1 working day

Target 2 - 100% to be replied to within 8 working days

For this reporting period, 1st April 2018 to 30th September 2018:

- 6,026 email enquiries (3,180 in Q1 and 2,846 in Q2) from the public were received through enquiries@bolsover.gov.uk
- All were acknowledged within one working day
- 99.7% were replied to in full within 8 working days.

Despite other contact channels being available e-mails still appear to be an increasingly popular method of contact, 4,846 e-mails were received in the same period in 2017/18.

1.2.5 Face to face monitoring

Target – 99% not kept waiting longer than 20 minutes at a Contact Centre

Waiting times were monitored during week commencing 9th July 2018. During the week 894 customers called into the Contact Centres 891 of which (99.7%) waited less than 20 minutes to be served. 99% or 1,337 waited less than 15 minutes to be served. This exceeds the corporate target and demonstrates excellent service.

During the same period, 266 callers were served on Meet & Greet at The Arc in Clowne, bringing the total number of callers served during week commencing 9th July 2018 to **1160**.

1.3 Compliments, Comments and Complaints (Appendix 3)

1.3. Compliments

Appendix 3 (A) shows the number of written compliments received for the period by department. In total 123 written compliments were received and represents a slight decrease of recorded compliments (we received 130 for the same period 2017/18). A good cross section of compliments was received from customers appreciating excellent service, including 39 for Streetscene Services, 21 for Housing, 23 for Customer Services (Contact Centres), and 18 for Revenues and Benefits. As there are some compliments which cross cut departments, the total does not correspond with the total above when viewed in this way.

1.3.2 Comments

Appendix 3 (B) shows the number of written comments received for the period. All 45 were acknowledged and passed to the respective department, within the target time of 3 working days, for consideration when reviewing their service. Some comments raised valid issues and cross cut departments, as such they were responded to corporately. As previously, the total does not correspond with the total above when viewed in this way.

Complaints

1.3.3 Frontline resolution (stage one)

Appendix 3 (C) shows the number of Frontline Resolution complaints received by the Contact Centre service, and recorded on the Customer Information System (Firmstep) and other Contact Centre systems, by department. The customer service standard for responding to these complaints is 3 working days. 85% were responded to within this timescale, which is a significant improvement from the 60% achieved in the same period last year, 2017/18.

1.3.4 Formal Investigation (stage two)

Appendix 3 (D) shows the number of Formal Investigation complaints by department. 98 complaints were received during this period. 97 (99%) were responded to within our customer service standard of 15 working days, the remaining 1 had an extension applied and was responded to within 20 working days.

There were no trends for this period.

As some complaints cross cut departments, the total does not correspond with the total above when viewed in this way.

1.3.5 Internal Review (stage three)

Appendix 3 (E) shows the number of stage three complaints received for the period. These are complainants who have already made a stage two complaint and still feel dissatisfied. During this period 16 stage three complaints were received, all of which were responded to within standard. As some complaints cross cut departments, the total does not correspond with the total above when viewed in this way.

1.3.6 Ombudsman

Appendix 3 (F) shows the status of Ombudsman complaints for 2018/19 as of 31st October 2018. During this period, we received two decisions from the Local Government and Social Care Ombudsman of 'closed after initial enquiries'. We received one decision of 'Service failure' from the Housing Ombudsman (HO) for the same period. The HO's report highlighted that this was not a straightforward situation for the Council to address and that to a large extent the speed at which the situation could be resolved was beyond our control as we were reliant on the actions of Derbyshire County Council.

The HO decided that there was one particular aspect which the Council could have improved upon and that was in updating the complainant.

2 Conclusions and Reasons for Recommendation

2.1 The report is to keep Elected Members informed of volumes and trends regarding customer service standards and compliments, comments, complaints and to remain compliant with the Customer Service Excellence standard.

3 Consultation and Equality Impact

3.1 The report is to keep Elected Members regularly informed of volumes and trends regarding customer service standards and compliments, comments and complaints. No consultation or equality impact assessment is required.

4 Alternative Options and Reasons for Rejection

4.1 Not applicable as the report is keep Elected Members informed rather than to aid decision making.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Whilst there are no direct financial implications with regard to the report, the Council is at risk of recommendations or decisions by the Local Government and Social Care Ombudsman and the Housing Ombudsman if complaints are not handled well.

5.1.2 In cases of maladministration, financial penalties can be imposed by the Local Government and Social Care Ombudsman or the Housing Ombudsman.

5.1.3 In the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the Information Commissioner's Office can issue decision notices and impose significant fines.

5.2 Legal Implications including Data Protection

5.2.1 The Council is at risk of recommendations or decisions by the Local Government and Social Care Ombudsman and the Housing Ombudsman and, in the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the Information Commissioner's Office can issue decision notices and impose significant fines. There are no Data Protection implications.

5.3 Human Resources Implications

5.3.1 Not applicable as the report is to keep Elected Members informed.

6 Recommendations

That Standards receive the report and note the overall performance on compliments/ comments and complaints and customer service standards.

7 Decision Information

Is the decision a Key Decision? (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
District Wards Affected	All wards
Links to Corporate Plan priorities or Policy Framework	Providing Our Customers with Excellent Service Transforming Our Organisation – good governance.

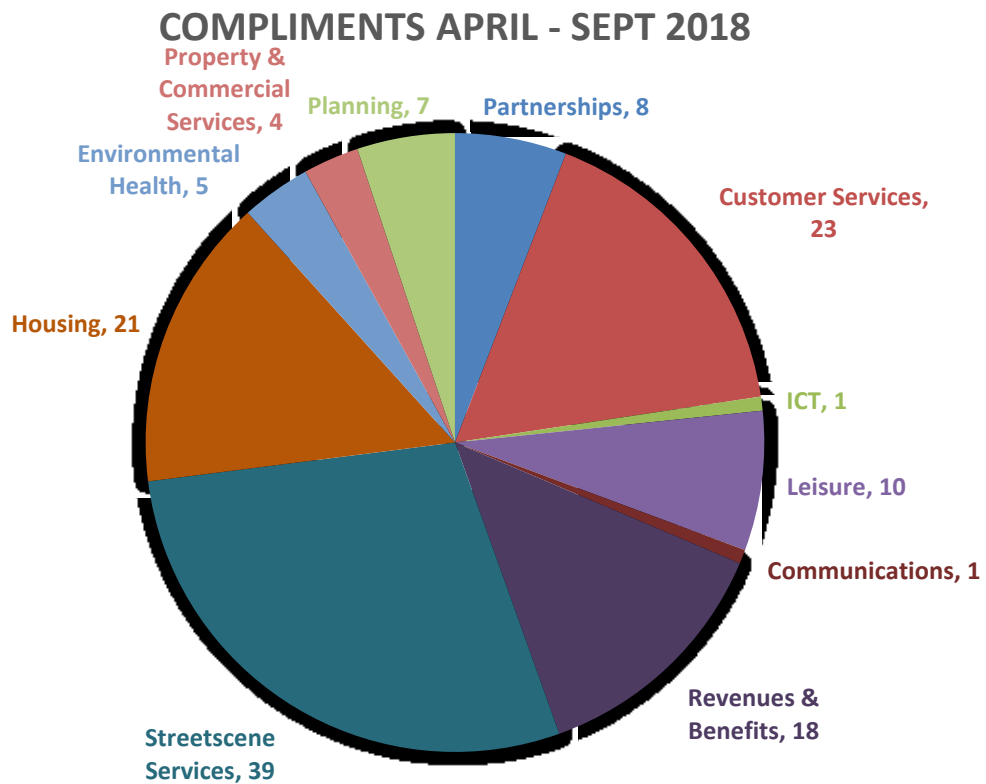
8 Document Information

Appendix No	Title
Appendix 1	Customer Service Standards performance by quarterly period 1/4/18– 30/9/18
Appendix 2	Telephony performance by quarterly period 1/4/18 – 30/9/18
Appendix 3:	Compliments, Comments and Complaints information
A:	Compliments by department 1/4/18 – 30/9/18
B:	Comments by department 1/4/18 – 30/9/18
C:	Frontline resolution complaints by department 2018/19
D:	Formal Investigation complaints by department 1/4/18 –
E:	30/9/18
F:	Internal Review complaints by department 1/4/18 – 30/9/18
	Ombudsman complaints summary for 2018/19
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)	
Report Author	Contact Number
Customer Standards and Complaints Officer	Ext: 2353

Appendix 2 - Telephony Figures 1/4/18 – 30/9/18

Corporate target 93%	Q1			Q2		
	Total	Total in standard	%age	Total	Total in standard	%age
Department (by directorate)						
People Directorate						
Partnerships & Transformation	195	195	100%	178	178	100%
Customer Services	67	65	97%	49	44	90%
ICT	1656	1645	99%	1126	1122	100%
Leisure	68	65	96%	99	98	99%
Legal, Governance, Scrutiny & Elections	570	567	97%	567	561	99%
HR, Payroll & Health & Safety	604	598	99%	563	561	100%
Performance & Communications	165	165	100%	177	177	100%
Finance	215	214	100%	229	228	100%
Revenues & Benefits	74	73	99%	66	65	98%
Streetscene Services	529	510	96%	560	533	95%
	4143	4097	99%	3614	3567	99%
Place Directorate						
Housing & Community Safety	177	156	88%	193	177	92%
Property & Commercial Services	240	227	95%	202	191	95%
Planning	132	127	96%	126	119	94%
Economic Development	48	48	100%	51	51	100%
	597	558	94%	572	538	94%
Total	4740	4655	98%	4186	4105	98%
Contact Centres Target 80%						
Total Contact Centres	20713	14596	71%	20895	15687	75%
Revenues & Benefits Target 60%						
Benefits	4502	4128	92%	3815	3558	93%
Billing	5327	3373	63%	5005	3389	68%
Business Rates	381	276	72%	211	166	79%
Recovery	4004	2905	73%	3992	3115	78%
Total	14214	10682	75%	13023	10228	79%
Abandonage	Total	Answered	Abandon %age	Total	Answered	Abandon %age
Contact Centres Abandoned	21582	20713	4%	21601	20895	3%
Revenues & Benefits Abandoned						
Benefits	4522	4502	0%	3823	3815	0%
Billing	5573	5327	4%	5269	5005	5%
Business Rates	398	381	4%	218	211	3%
Recovery	4535	4004	12%	4341	3992	8%
	15028	14214	5%	13651	13023	5%
Total in standard includes all incoming calls between Monday to Friday 9.00 a.m. until 17.00 p.m.: Answered on the original extension within 20 seconds Transferred to another extension on divert within 20 seconds Picked up by a group pick up within 20 seconds Which ring off within 20 seconds						
						Does not meet target

A- Compliments 1/4/18 - 30/9/18		Number	Percentage of all compliments received
People	Partnerships	8	5.8%
	Customer Services	23	16.7%
	ICT	1	0.7%
	Leisure	10	7.3%
	Communications	1	0.7%
	Revenues & Benefits	18	13.1%
	Streetscene Services	39	28.3%
		100	
Place	Housing	21	15.3%
	Environmental Health	5	4.2%
	Property & Commercial Services	4	2.8%
	Planning	7	5.1%
		37	
Total		137	100%

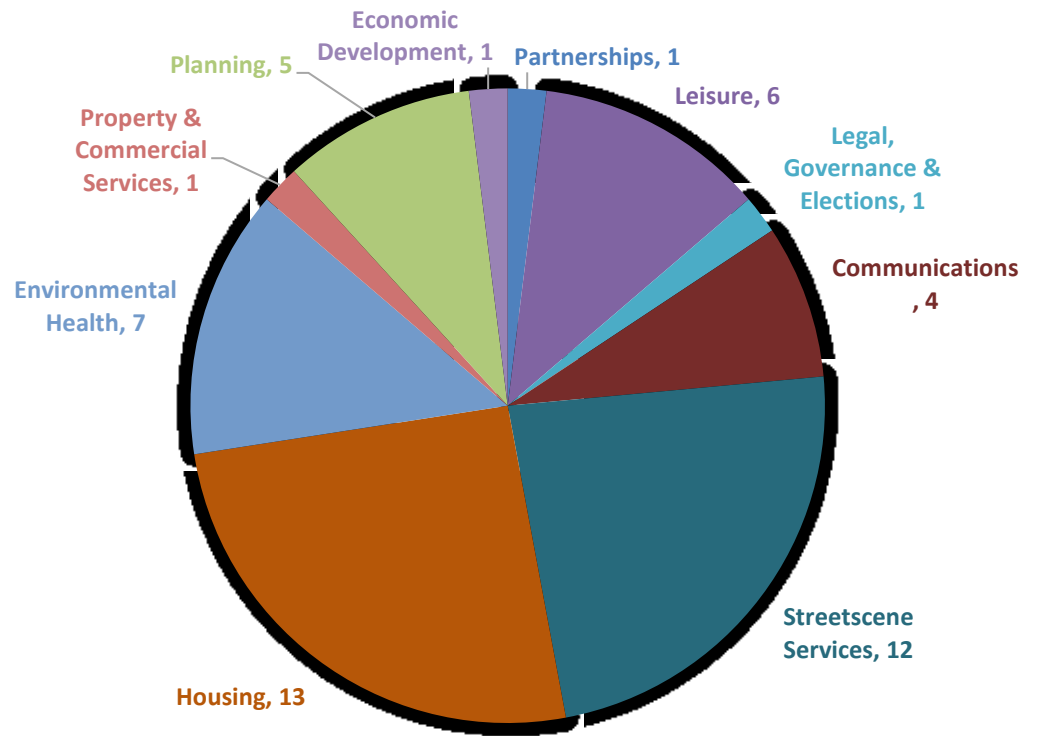


Compliments included:

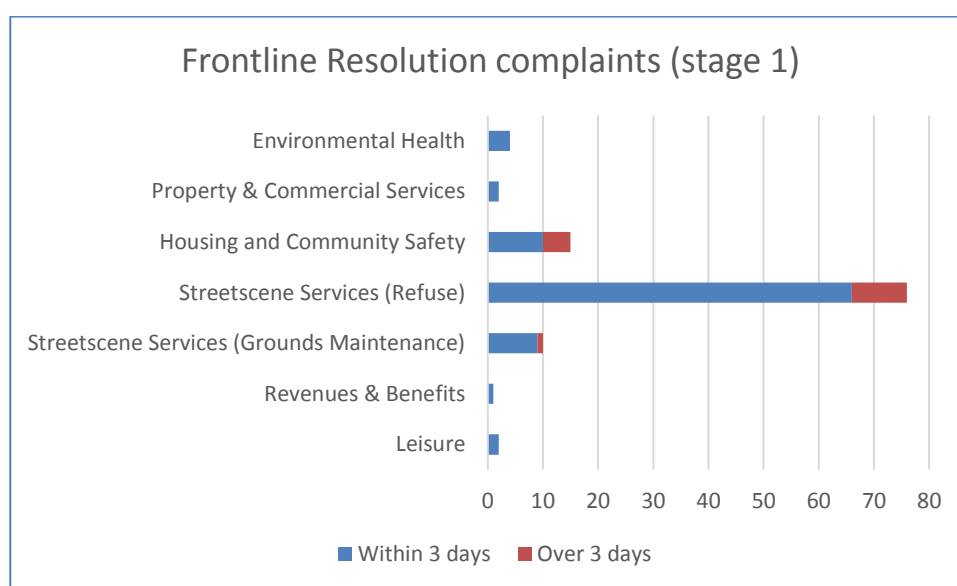
Resident would like to thank the Grounds Maintenance team for the significant improvement they made to the public footpath 8 - Many thanks!	Streetscene Services
From not being able to ride a balance bike to riding a pedal bike in 12 weeks. If anyone wants their child to learn to ride a bike in a safe environment, indoor and have lots of fun at the same time, really recommend balanceability, those running the course are really enthusiastic.	Leisure
Customer had a new stop tap fitted under the kitchen sink today following a burst pipe last week, He was very happy with the service and thought the two plumbers were 'brilliant'.	Housing
Resident has been awarded DHP and says it has made his day, he feels like he has won the lottery. He'd had so much work cancelled. Aims to be off benefits asap but thanked Benefits for the DHP award which will help him greatly.	Revenues & Benefits
Resident would like to thank Officer for his help in getting Affordable Warmth funding. Many thanks	Environmental Health
The gentleman (Customer Advisor) who dealt with was very helpful & managed to get the bin crew to return to her missed bin that day. Resident said he was really good on the phone even when she got quite upset.	Customer Services
Tenant says she had a workman in her property from the council to fix her sink plug hole, dripping tap and sink u-bend and she said he was fantastic. She wanted to pass on her thanks to the workman and Repairs Department. The workman also put three screws into the lower part of her cupboard that needed fixing without her having to ask him to. Also worker left the place spotless.	Housing
Resident commented on how well our grounds maintenance team are working in the Hides Green area, they are doing a great job, working really hard and have not stopped all day.	Streetscene Services
Resident called complimenting the ranger service as it was very comforting to see them doing a patrol as requested and would like to say thank you	Housing
Resident is moving out of district, but would like to thank Benefits staff - 'all contact with Council staff, whether it has been by phone or personal contact, has been with courtesy and respect. I thank you for this, & if these attributes were applied by more people, wouldn't this be a much nicer world to live in?'	Revenues & Benefits
My first month at the gym has been fantastic the staff are helpful, approachable and make you feel comfortable! I was a bit sceptical before joining but definitely recommend to anyone! Just had my first bodypump session and can't wait to do more, the instructor has so much energy and pushes you to do your best.	Leisure
I just wanted to drop you a line to commend the Partnership Strategy Officer for her dedication and support in the Shirebrook area. She has worked tirelessly to engage the communities of Shirebrook with the Eats and Treats event and has personally made over 30 referrals to the event which will contribute massively to its success. I just wanted to let you know what a great job she was doing for the Building Resilience Programme to help strength not only the NG20 community but the wider community too.	Partnership Strategy
Can I thank you on behalf of our 'team' for your patience, diligence and professional approach with the consideration of this application.	Planning
Resident rang to say that the small road sweeper has been round and whoever did this has done an EXCELLENT job - it is the best it has been on this road	Streetscene Services
Customer would like to thank the Senior Benefits Officer for all her help with sorting his grandmother's housing benefit while she is in hospital	Revenues & Benefits

B - Comments 1/4/18 - 30/9/18		Number	Percentage of all comments received
People	Partnerships	1	2.0%
	Leisure	6	11.7%
	Legal, Governance & Elections	1	2.0%
	Communications	4	7.8%
	Streetscene Services	12	23.5%
		24	
Place	Housing	13	25.5%
	Environmental Health	7	13.7%
	Property & Commercial Services	1	2.0%
	Planning	5	9.8%
	Economic Development	1	2.0%
		27	
Total		51	100%

COMMENTS APRIL - SEPT 2018

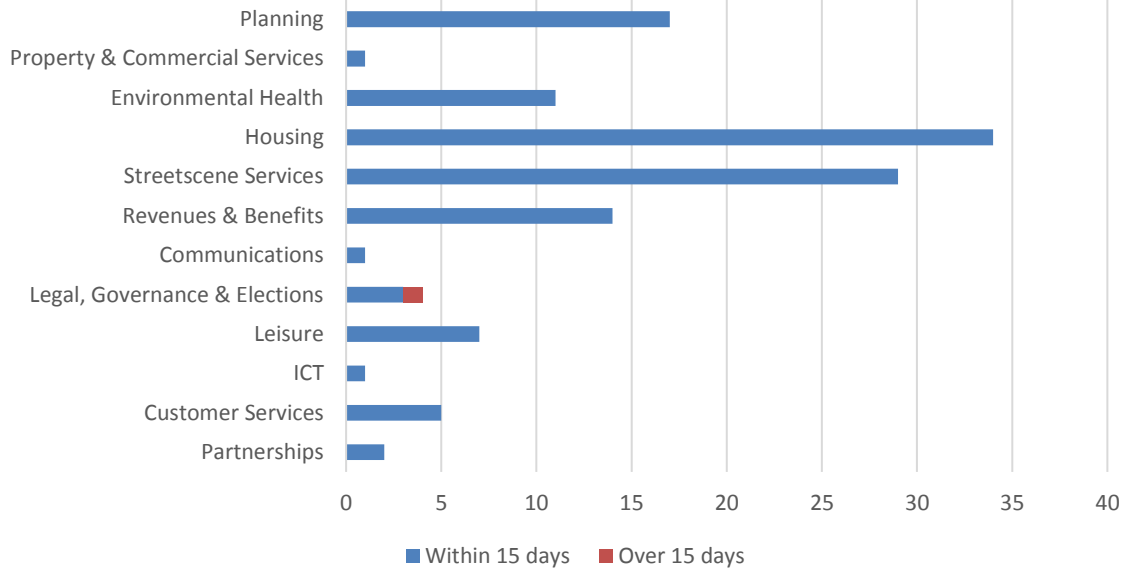


C - Number of Frontline Resolution (Stage 1) complaints via Contact Centre 1/4/18 - 30/9/18		Number	Out of timescale (3 working days)
People	Leisure	2	
	Revenues & Benefits	1	
	Streetscene Services (Grounds Maintenance)	10	1
	Streetscene Services (Refuse)	76	10
		89	
Place	Housing	15	5
	Property & Commercial Services	2	
	Environmental Health	4	
		21	
Total		110	16 (15%)



D – Number of Formal Investigation (Stage 2) complaints 1/4/18 - 30/9/18		Number	Within timescale of 15 working days	Out of timescale
People	Partnerships	2	2	
	Customer Services	5	5	
	ICT	1	1	
	Leisure	7	7	
	Legal, Governance & Elections	3	2	1 (Extension applied)
	Communications	1	1	
	Revenues & Benefits	14	14	
	Streetscene Services	29	29	
		62	61	1
Place	Housing	34	34	
	Environmental Health	11	11	
	Property & Commercial Services	1	1	
	Planning	17	17	
		63	63	
Total		125	124	1

Number of Formal Investigation (Stage 2) responded to within target (15 working days) by department



E – Number of Internal Review (S3) complaints 1/4/18 - 30/9/18		Number	Within timescale of 20 working days	Out of timescale
People	Leisure	2	2	
	Legal, Governance & Elections	3	3	
	Performance	2	2	
	Revenues & Benefits	2	2	
	Streetscene Services	1	1	
		10	10	
Place	Housing	4	4	
	Environmental Health	2	2	
	Planning	3	3	
		9	9	
Total		19	19	0

Appendix 3

F - Ombudsman's Summary		Departments Involved	Date Decision Letter Received	Ombudsman Decision
01/11/17	HO* Tenant is experiencing antisocial behaviour from a previous tenant who has dementia and still believes they live at the property	Housing	26/09/18	Service failure in the Council's handling of this matter with regard to updating the complainant
12/09/18	LGSCO* Not happy with response regarding the difference between Planning Applications and the Local Plan	Planning	01/10/18	Closed after initial enquiries - no further action
09/10/18	LGSCO* Initial enquiries. Complaint that the weedspraying programme has damaged their beech hedge	Streetscene Services	24/10/18	Closed after initial enquiries - out of jurisdiction. This is because it is reasonable for the complainant to seek a remedy in the courts if the Council denies liability for negligence

LGSCO* Local Government Ombudsman
HO* Housing Ombudsman

Cornerstone Barristers' Public Law team

Councillor refused permission in JR against sexual harassment finding

13.11.2018

A former leader of Devon County Council has been refused permission to proceed to a judicial review of the Council's decision to sanction him for sexual harassment of four Council employees. In a wide-ranging challenge, he was granted permission on just one narrow point: whether the Council had the legal power to restrict his access to Council premises.

Following an anonymous complaint to the Council's Chief Executive in November 2017, the Council commenced a formal investigation into allegations that Cllr Brian Greenslade - who led the Council for 16 years - had sexually harassed four employees of the Council.

The Council instructed a QC to carry out the investigation which concluded that the allegations were true.

At a meeting of the Council's Standards Committee in July 2018, the Committee accepted the investigator's findings and imposed several sanctions on Cllr Greenslade.

The sanctions included restrictions on Cllr Greenslade's access to Council premises: he was permitted unrestricted access to the Members' Room, the Ante Chamber and the Council Chamber; and was permitted to visit any other premises provided he gave advance notice and was accompanied by a Council officer.

That sanction is due to lapse at the next Council elections.

In October 2018, Cllr Greenslade issued a claim for judicial review of the Council's decision. He raised at least 10 grounds of challenge.

These included challenges to the procedural fairness of the Council's investigation and decision-making process and a more general assertion that he was denied a fair hearing as guaranteed by both the common law and Article 6 of the European Convention on Human Rights.

All of these allegations were rejected as unarguable by Mrs Justice Andrews, who refused permission to proceed to a judicial review.

Cllr Greenslade also sought to challenge the legality of the sanctions imposed on him. Although Mrs Justice Andrews considered it was arguable that the Council had no legal power to exclude him from its premises, she considered that, if there was such a power, the restrictions placed on Cllr Greenslade were "plainly" proportionate.

Cllr Greenslade has renewed his application for permission. A hearing is likely to take place in the Cardiff centre of the Administrative Court in late 2018 or early 2019.

James Findlay QC and Matt Lewin of Cornerstone Barristers' Public Law team are instructed by Devon County Council

LOCAL GOVERNMENT LAWYER

Independent report expresses regret at attack by councillor on monitoring officer.

Tuesday, 30 October 2018 17:29

An independent report into allegations against a councillor at Fenland District Council has expressed “some surprise and regret” that the member pursued allegations concerning the monitoring officer and her actions as a complaint against her.

Law firm Wilkin Chapman was asked by the deputy monitoring officer to carry out an investigation into whether Cllr Simon King, who was first elected to the council in May 1999, had breached Fenland’s Code of Conduct.

Carol Pilson, the council’s monitoring officer, had alleged that Cllr King might have submitted overinflated mileage claims and attempted to claim for journeys outside the scope of the members’ allowance scheme.

Cllr King has always denied wrongdoing.

In its report, which can be [viewed here](#), Wilkin Chapman said it had considered the wording of the scheme and was of the view that a member may only make a claim for mileage (a) incurred to attend meetings in respect of one or more of eight types of official duties set out in the scheme and (b) which is for a journey wholly and necessarily incurred in pursuance of those eight duties.

It added that the scheme permitted claims from a councillor’s normal place of residence. It also did not require the shortest route to be used but an excessively indirect route would, in the law firm’s view, call into question whether the journey was wholly and exclusively in pursuance of one or more of the eight duties.

Wilkin Chapman said it had inspected a number of claim forms submitted by Cllr King between 2011 and 2017, and these had highlighted a significant difference in the actual mileage between his place of residence and the council offices and the mileage claimed. There were claims for travel expenses for journeys which were not covered by the members’ allowance scheme adopted by Fenland.

“We have concluded that in some cases there is insufficient evidence to show that claims for mileage between Cllr King’s normal place of residence and the council offices were not wholly and exclusively in pursuance of one or more of the eight duties,” the report said.

“However, we have also considered claims made for journeys which were clearly not covered by the members’ allowance scheme. We have concluded that there is

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evidence that Cllr King should have been aware that some of these claims were not justified.

“Our conclusion is that there has been a breach of the code of conduct of the authority by Councillor King.”

Commenting also on the allegations made by Cllr King against the monitoring officer, Wilkin Chapman said: “Though all the allegations were dismissed, there was a risk that such a process had the appearance of a collateral attack on the complaint against him and the officer making them.”

It added that such actions risked being a breach in themselves of part of the council’s code of conduct that relates to intimidation or attempts at intimidation. The report will be considered by Fenland’s conduct committee this week (31 October).

Bolsover District Council

Standards Committee

14th January 2019

Review of the Council's Constitution

Report of the Head of Corporate Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To recommend proposed amendments to the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

1 Report Details

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2018. Council also approved amended Terms of Reference for the Strategic Alliance Joint Committee in September 2018. These changes have been implemented in the version that shall be published following this review of the Constitution.
- 1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. The following areas have been identified for review:

Proposals contained within this report:

- Delegation of decisions to write off debts for rent arrears (deferred from last meeting)
- Functions of the Joint Employment Committee (deferred from last meeting)
- Edits to the Constitution proposed by the Portfolio Holder for Corporate Governance resulting from Member discussions (Virements) (deferred from last meeting)
- Section 151 Officer Delegation additions
- Reflecting Key Decision Limits in other areas of the Constitution
- Speaking at Council and Committee Meetings

Proposals still under review and will be reported to a future meeting:

- Review of Licensing Committee Terms of Reference and Composition
- Review of Members Code of Conduct
- Review of Employee Code of Conduct
- Standards Committee Terms of Reference
- Joint ICT Committee Terms of Reference
- Harp Panel TOR / Allocations Policy
- Functions Scheme and Articles
- Audit Committee Terms of Reference
- Minor wording changes or updating of job titles (housekeeping)

Proposals that will be put forward for amendment following May 2019:

- UECC Terms of Reference
- Safety Committee Terms of Reference
- Contract Procedure Rules – Contract Formalities
- Parental Leave Policy and Constitutional Implications

1.3 Details of the proposed amendments in relation to the first list of areas as above are attached at **Appendix 1**. This also outlines the rationale behind each proposal.

1.4 Where revised versions of each section have been produced, these are also attached as appendices, showing the tracked changes in comparison to the current documents.

2 Conclusions and Reasons for Recommendation

2.1 To ensure the Council has in place a fit for purpose Constitution which complies with English law.

3 Consultation and Equality Impact

3.1 The Chief Executive, Chief Financial Officer, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review.

3.2 An Equality Impact Assessment has not been necessary as part of this review.

4 Alternative Options and Reasons for Rejection

4.1 Members may consider alternative options to each of the proposals put forward, where legally permitted.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the

Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council is required under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct and such other information that the authority considers appropriate.

5.3 Human Resources Implications

There are no human resources implications arising from the proposals within this review.

6 Recommendations

- 6.1 That the Committee consider the proposals for amendments to the Council's constitution as set out in Appendix 1 to the report and support that they be submitted to Council as part of the Constitution Review.
- 6.2 That the Committee give consideration to the list of areas of the constitution to be reviewed, edit it as necessary and agree for a further report to be submitted to the next meeting.

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> <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>Has the portfolio holder been informed</p>	Yes
<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
1	Summary of proposals and rationale
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)	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager	01246 217753

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Delegation of decisions to write off debts for rent arrears	<p>Currently the delegation scheme allows for the Head of Finance and Resources and Section 151 Officer to write off rent arrears in appropriate circumstances up to the value of £2500. It is proposed that the level be increased to £3500.</p> <p>DEFERRED from last meeting. Section 151 will be in attendance to answer queries.</p>	Paragraph 4.10.13 (6) of the Scheme of Delegation to Officers (Page 167 of the current version)
Functions of the Joint Employment Committee	<p>The Joint Employment Committee has responsibility for most employment matters relating to posts within the Strategic Alliance Management Team. The functions specify recruitment, and all matters of discipline and capability (performance and sickness). It is proposed that dismissal also be added to the functions, which would also cover redundancy.</p> <p>The proposal rectifies the omission from the functions allowing all staffing matters at this level to be considered by the same committee.</p> <p>This would also reflect the delegation given to the Chief Executive as the Head of Paid Service to determine all staffing matters including 'the appointment, dismissal, suspension or discipline of staff, save that in relation to the Chief Executive Office, the Strategic Directors and the Heads of Service, this does not include the appointment and dismissal.'</p> <p>AGREED in principal at the previous meeting subject to Union consultation. This has taken place and no objection have been expressed.</p>	Part 3 Responsibility for Functions – Joint Employment Committee (Page 61 of the current version).

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p>Virements 4.3.6 - Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets AND REQUIRED TO INFORM THE RELEVANT PORTFOLIO HOLDER WHEN THE VIREMENT IS IN EXCESS OF £25,000.. Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.</p> <p>DEFERRED from last meeting. Section 151 Officer will be in attendance to answer queries.</p>	Part 4 Budget and Policy Framework (pages 103 and 104 in current version)
Recording of Executive Decisions to reflect Key Decision Limits	<p>The proposal is to align the threshold for the reporting of Officer Decisions with the thresholds for Key Decisions. There are statutory requirements for local authorities to publish records of officer decisions in order to promote transparency. The regulations state that officer decisions must be recorded in circumstances that ‘materially affect the [Council’s] financial position.’ The Access Procedure Rules currently state that the threshold above which decisions need to be recorded and published is £50,000.</p> <p>The regulations regarding Key Decisions state that a key decision is one which is likely to incur expenditure or make savings which are ‘significant having regard to the Council’s budget for that service or function’.</p>	Paragraph 4.2.20 of the Access to Information Rules in Part 4 of the Constitution (On page 100 of the current version)

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>It is considered that these two definitions should be interpreted as the same threshold, and therefore it is proposed that the requirements to record and publish Officer Decisions will only be triggered where the following thresholds are met or exceeded:</p> <p>Revenue - £75,000 Capital - £150,000</p> <p>This will provide a simpler set of rules for Officers to follow, rather than having different thresholds for different procedures and processes.</p> <p>Records will still be maintained of decisions below these levels as required.</p>	
<p>Threshold for consideration of tenders by Executive</p>	<p>The proposal is to align the threshold for the requirement for tenders to be submitted to Cabinet with the thresholds for Key Decisions. Currently the threshold for tenders to be determined by Cabinet is £50,000. This was set at the same time as the Key Decision threshold.</p> <p>There is no legal basis on which to determine the level of tenders that must be determined by Executive, however the level of key decisions is considered to be the appropriate level. As tenders will relate to revenue expenditure, the threshold would be £75,000.</p>	<p>Executive Function (18) within Part 3 The Functions Scheme (On page 28 of the current version)</p> <p>The Contract Procedure Rules would also need to be amended to reflect this change.</p>

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Section 151 Officer Delegations	<p>Amendments to the delegation scheme are suggested so as to ensure that the Section 151 Officer has some authority over expenditure from the Transformation Fund and so that the use of earmarked reserves are restricted to authorisation by the Section 151 Officer. This in practice would be as simple as adding the S151 as a signatory on Delegated Decisions of this nature.</p> <p>The changes to the constitution are proposed to be:</p> <p>1 – addition of a further restriction to delegations to Heads of Service (page 157) as follows:</p> <p>(5) Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Financial Regulations. The use of the Invest to Save Reserve (NEDDC) or the Transformation Reserve (BDC) can only be authorised by the Section 151 Officer.</p> <p>2 – amendment to general powers delegated (page 159):</p> <p>9.14 To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.</p> <p>9.15 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.</p>	Scheme of Delegation for Officers (page 155 - 175)

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>3 – to add a new delegation for the Section 151 (page 168):</p> <p>13.10 To authorise the use of earmarked reserves (Invest to Save Reserve – NEDDC or Transformation Reserve – BDC).</p> <p>4 – addition of a further requirement within the Virement rules within the Budget and Policy Framework (page 104):</p> <p>No officer may vire funds from the Transformation Reserve, authorisation of which is restricted to the Section 151 Officer.</p>	<p>Budget and Policy Framework Rules (page 104)</p>
<p>Councillors’ Conduct – Speaking at Meetings</p>	<p>It is proposed that the procedure rules for Councillors when they speak at Council meetings be revised to require Councillors to state their name before speaking and also to use the microphones. It is also proposed that the requirement to stand be removed.</p> <p>Requiring Councillors to state their names before speaking would assist the public and all Members in following the meeting. It is also important for Members to use the microphones to ensure that they can be heard by all participants and observers in the meeting.</p> <p>Microphones will be more effective if Members are seated as their voices will be closer to the microphone receiver, which will assist those participating in or observing the meeting who have a hearing impairment.</p> <p>The requirement for Members to stand could also be considered as discriminatory against Members with a disability or mobility problems, who may struggle to stand, particularly if they need to stand and sit down at regular intervals during a meeting.</p>	<p>Part 4 – Council Procedure Rules – Rule 21.1 (Page 91 of the current version)</p>

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>It is proposed that the relevant Council Procedure Rule, rule 21.1, be amended as follows:</p> <p>When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman and stand and address the Chairman using the microphones.</p>	

BDC STANDARDS COMMITTEE WORK PROGRAMME 2018/19		
Meeting date	Item	Comments
2 July 2018	Gifts and Hospitality Register SAJC Terms of Reference R(Harvey) Ledbury Town Council Judgement Standards Committee Annual Report Councillor Complaints Procedure Review of Standards Committee RIPA Policy Review Complaints Update Work Programme	All completed in line with the Work Programme. Councillor Complaints Procedure and RIPA have been referred on and adopted.
15 October 2018	Local Government Ombudsman Annual Report Questions raised by the Customer Service and Transformation Scrutiny Committee in relation to their Operational Review of Standards Committee Election Candidates and Campaigns: A Consultation on New Laws. Review of Constitution Part 1 Work Programme	

14 January 2019	<p>Review of Constitution</p> <p>Gifts & Hospitality Review</p> <p>Complaints Update</p> <p>Work Programme</p>	
11 th March 2019	<p>Appointments to Outside Bodies</p> <p>Standards Committee Terms of Reference</p> <p>Whistleblowing</p> <p>Review of Constitution</p> <p>Complaints Update</p>	
15 April 2019	<p>Public Perception of the Standards Regime in Local Government</p> <p>Consultation on Ethical Standards by Committee on Standards in Public – Standards to revisit the questions and responses submitted in May 2018.</p> <p>Review in reference to public questions, Members wished to monitor the effectiveness of the additional limits.</p> <p>Annual Standards Report</p> <p>Work Programme 2019/2020</p>	<p>See Minutes of Standards – 8th May 2018</p> <p>See Minutes of Standards – 8th May 2018</p>