

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

STANDARDS COMMITTEE

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.

STANDARDS COMMITTEE

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)

STANDARDS COMMITTEE

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.

STANDARDS COMMITTEE

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,

STANDARDS COMMITTEE

(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.