

STANDARDS COMMITTEE

AGENDA

MONDAY 11TH MARCH AT 1000 HOURS IN THE COUNCIL CHAMBER, THE ARC,
HIGH STREET, CLOWNE

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS.	
1.	<u>Apologies for absence</u>	
2.	<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.	
3.	<u>Minutes of the Previous Meeting</u> To approve as a correct record and for the Chair to sign the Minutes of the Standards Committee held on 14 th January 2019.	4 to 12
4.	<u>Joint Whistleblowing Policy</u> To consider an update on the Policy and its use during the 18/19 municipal year.	13 to 25
5.	<u>Review of the RIPA Policy</u> To consider proposed revisions to the RIPA Policy.	26 to 63
6.	<u>Gifts and Hospitality Annual Review 2018</u> To review declarations of Gifts and Hospitality made during 2018.	64 to 70
7.	<u>Parliamentary Committee Report on Standards in Public Life – Update</u> To note the recommendations arising from the review into Local Government Ethical Standards.	71 to 77

8. **Scrutiny Review of the Work of the Standards Committee** 78 to 84
 To consider the findings of the CST Scrutiny Committee review relating to the Standards Committee.
NB – the review report has its own page numbers 1-32
9. **Review Of the Constitution**
 To consider changes to the Constitution for recommendation to Council for adoption.
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|----|--|------------|
| a) | Members Code of Conduct | 85 to 100 |
| b) | Social Media Policy | 101 to 109 |
| c) | Licensing Committee Terms of Reference | 110 to 116 |
| d) | Declarations of Interests (Revised Form) | 117 to 126 |
| e) | Speaking at Council | 127 to 132 |
| f) | Final Areas of Review | 133 to 152 |
10. **Complaints Update**
 To consider a verbal update on complaints made against Members.
11. **Appointments to Outside Bodies**
 To consider a verbal update on any changes to Outside Bodies for the 2019/20 Municipal Year.
12. **Work Plan 2018/19** 153 to 154
 To note the programme of work completed in 2018/19
13. **Work Plan 2019/2020** 155 to 156
 To consider a proposed programme of work for 2019/20
14. **Urgent Items of Business**
 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.
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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 14th January 2019 at 1400 hours.

PRESENT:-

Mrs R. Jaffray (Independent Member) in the Chair

Members:- Councillors M.J. Dooley, H.J. Gilmour, C.R. Moesby, T. Munro and B. Watson.

Officers:- S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), V. Dawson (Solicitor – Team Manager (Contentious) & Deputy Monitoring Officer)), N. Calver (Governance Manager), A. Bedford (Customer Standards and Complaints Officer) (to Minute No. 0590) and A. Bluff (Governance Officer).

Also in attendance at the meeting was Mr I. Kirk, Independent Person.

0585. APOLOGIES

Apologies for absence were received on behalf of Councillor J.A. Clifton and D. Clarke (Head of Finance and Resources).

0586. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0587. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0588. MINUTES – 15TH OCTOBER 2018

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

RESOLVED that the Minutes of a Standards Committee meeting held on 15th October 2018 be approved as a correct record.

0589. CUSTOMER SERVICE STANDARDS AND CCC REPORT 2018/19; 1ST APRIL 2018 TO 30TH SEPTEMBER 2018.

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Committee considered a report which provided information regarding performance relating to Customer Service Standards and Compliments, Comments and Complaints across the Council for the period 1st April 2018 to 30th September 2018.

Customer Service Standards

Telephone Answering Corporate - Target - 93% to be answered within 20 seconds

Appendix 2 to the report showed performance for incoming calls being answered corporately between 1st April 2018 and 30th September 2018 by quarterly period.

The report identified that 98% in both Q1 and Q2 of incoming calls were being answered within 20 seconds. The departments not achieving the key customer service standard in Q1 and Q2 were;

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

Telephone Answering Contact Centres - Target - 80% of incoming calls to be answered within 20 seconds

The Contact Centres had achieved 71% and 75% for Q1 & Q2 respectively.

The main contributing factor on performance had been in relation to staffing resource levels. However, 3 vacant posts had since been filled and it was envisaged that performance would start to improve and further on return of staff from long term sickness absence.

Telephone Answering Revenues & Benefits - Target - 60% of incoming calls to be answered within 20 seconds

Revenues & Benefits 'direct dial' had achieved 75% and 79% for Q1 and Q2 respectively.

E-mails - Target 1 - 100% to be acknowledged within 1 working day and Target 2 - 100% to be replied to within 8 working days

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

E-mails were an increasing popular method of contact to the Council. For comparison purposes, in Q1 and Q2 of 2017/18; 4,846 e-mails were received.

Face to Face monitoring – Target: 99% not kept waiting longer than 20 minutes at a Contact Centre

Customer waiting times at the Contact Centres was monitored twice each year by Contact Centre staff and was a paper based exercise.

The following monitoring took place during week commencing 9th July 2018;

The total number of callers served in the Contact Centres and at Meet and Greet at the Arc, Clowne, during week commencing 9th July 2018 was **1160**;

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- 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.
- 266 callers were served on Meet & Greet at The Arc in Clowne,

This exceeded the corporate target and demonstrated excellent service.

Compliments, Comments and Complaints:

Compliments

123 written compliments were received in Q1 and Q2. An appendix attached to the report broke this figure down by department.

Comments

45 written comments were received in Q1 and Q2. Each comment was acknowledged and passed to the respective department within the target time of 3 working days. Some comments had raised valid issues and cross cut departments and as such were responded to corporately.

Complaints - Frontline resolution (stage one)

110 complaints were received. The customer service standard for responding to these complaints was 3 working days. 85% were responded to within the timescale which was a significant improvement on the 60% achieved in the same period last year (2017/18).

Formal Investigation (stage two)

98 complaints were received during Q1 and Q2. 97 (99%) were responded to within the customer service standard of 15 working days with the remaining 1 having an extension applied due to a legal view being sought and was responded to within 20 working days.

Internal Review (stage three)

16 stage three complaints were received in Q1 and Q2. These were complaints that had progressed to stage two but the complainant still felt dissatisfied. All 16 were responded to within the standard.

Ombudsman

Appendix 3 (F) showed the status of Ombudsman complaints for 2018/19 as at 31st October 2018. During this period, two decisions were received from the Local Government and Social Care Ombudsman of 'closed after initial enquiries'. One decision was received of 'Service failure' from the Housing Ombudsman (HO) for the same period. The HO's report highlighted that it 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 the Council's control as the actions of Derbyshire County Council were reliant on. However, the HO decided that there was one particular aspect which the Council could have improved upon and that was in updating the complainant.

In response to a Members query, the Monitoring Officer replied that external legal views were on sought on a rare occasion.

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Members agreed that the report was good and congratulated Contact Centre staff on their work.

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

RESOLVED that the report be noted.

0590. CORNERSTONE BARRISTERS' PUBLICATION; COUNCILLOR REFUSED PERMISSION IN JUDICIAL REVIEW AGAINST SEXUAL HARASSMENT FINDING

Committee considered a publication by Cornerstone Barristers in relation to a breach of Code of Conduct by a councillor (former Leader) of Devon County Council.

The councillor had been refused permission to proceed to a judicial review of Devon County Council's decision to sanction him for sexual harassment of four council employees.

A formal investigation by a QC instructed by the council, concluded that the allegations against the councillor were true and the council's standards committee imposed several sanctions on the councillor, which included restrictions on his access to the council's 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.

The councillor issued a claim for judicial review of the council's decision. He raised at least 10 grounds of challenge, which 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.

The councillor also sought to challenge the legality of the sanctions imposed on him and the one, narrow ground given permission was whether the Council had the legal power to exclude the councillor from its premises. 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 the councillor were "plainly" proportionate.

The councillor has renewed his application for permission and a hearing is likely to take place in late 2018 or early 2019.

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

RESOLVED that the publication be noted.

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0591. LOCAL GOVERNMENT LAWYER PUBLICATION; INDEPENDENT REPORT EXPRESSES REGRET AT ATTACK BY COUNCILLOR ON MONITORING OFFICER

Committee considered a publication from Local Government Lawyer in relation to a breach of Code of Conduct by a councillor of Fenland District Council.

An independent report into allegations against the councillor had expressed “some surprise and regret” that the councillor pursued allegations concerning the monitoring officer and her actions as a complaint against her.

Fenland District Council’s monitoring officer had alleged that the councillor might have submitted overinflated mileage claims and attempted to claim for journeys outside the scope of the members’ allowance scheme - the deputy monitoring officer asked a law firm to carry out an investigation into whether the councillor had breached Fenland’s Code of Conduct.

The law firm had inspected a number of claim forms submitted by the councillor 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. The law firm concluded that there was evidence that the councillor should have been aware that some of the claims were not justified and that there had been a breach of the code of conduct of the authority by the councillor.

Commenting also on the allegations made by the councillor against the monitoring officer, the law firm said that 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 related to intimidation or attempts at intimidation.

A Councillor felt it was valuable that this had been brought to Committee’s attention and requested that all Members be made aware of what they could and could not claim for either via the induction process or by way of a presentation after the elections in May 2019.

Moved by Councillor C.R. Moesby and seconded by Councillor B. Watson

RESOLVED that (1) the publication be noted,

(2) further to the elections in May 2019, all Members be made aware of what they could and could not claim for either via the induction process or by way of a presentation.

(Monitoring Officer)

0592. REVIEW OF THE COUNCIL’S CONSTITUTION

Committee considered a report which set out proposed amendments to parts of the Council’s Constitution as part of the annual review by Standards Committee which would be submitted to Annual Council for adoption.

The Constitution set out how the Council operated and how it made decisions. One of the functions of the Standards Committee was to undertake an annual review of the Council’s

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Constitution to ensure it was up to date and in line with legislation and current circumstances.

Delegation of decisions to write off debts for rent arrears

Committee was advised that this item was being reconsidered and was now withdrawn.

Functions of the Joint Employment Committee

This item was approved in principle by Committee at the last meeting of Standards. Members were advised that the Unions were happy with the proposals put forward in the report and this was now considered as approved.

Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders

This item was deferred from the last meeting of Standards for Members to put questions to the Section 151 Officer. As the Section 151 Officer had been unable to attend this meeting the item would be deferred to the next meeting of Standards Committee.

Recording of Executive Decisions to reflect Key Decision Limits

The proposal was to align the threshold for the reporting of Officer Decisions with the thresholds for Key Decisions. There were statutory requirements for local authorities to publish records of officer decisions in order to promote transparency. The regulations stated that officer decisions must be recorded in circumstances that 'materially affect the [Council's] financial position.' The Access Procedure Rules currently stated that the threshold above which decisions need to be recorded and published was £50,000.

The regulations regarding Key Decisions stated that a key decision was one which was likely to incur expenditure or make savings which were 'significant having regard to the Council's budget for that service or function'.

It was considered that these two definitions should be interpreted as the same threshold and therefore it was proposed that the requirements to record and publish Officer Decisions would only be triggered where the following thresholds were met or exceeded:

Revenue - £75,000

Capital - £150,000

This would provide a simpler set of rules for officers to follow rather than having different thresholds for different procedures and processes.

Records would still be maintained of decisions below these levels as required.

Threshold for Consideration of Tenders by Executive

The proposal was to align the threshold for the requirement for tenders to be submitted to Executive with the thresholds for Key Decisions. Currently the threshold

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for tenders to be determined by Executive was £50,000. This was set at the same time as the Key Decision threshold.

There was 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 would relate to revenue expenditure, the threshold would be £75,000.

Section 151 Officer Delegations

Amendments to the delegation scheme were suggested so as to ensure that the Section 151 Officer had some authority over expenditure from the Transformation Fund and so that the use of earmarked reserves were 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.

The changes to the constitution were proposed to be;

1 – addition of a further restriction to delegations to Heads of Service (page 157) as follows;

(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.

2 – amendment to general powers delegated (page 159);

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.**

9.15 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property **where expenditure is within approved budgets.**

3 – to add a new delegation for the Section 151 (page 168):

13.10 To authorise the use of earmarked reserves (Invest to Save Reserve – NEDDC or Transformation Reserve – BDC).

4 – addition of a further requirement within the Virement rules within the Budget and Policy Framework (page 104):

No officer may vire funds from the Transformation Reserve, authorisation of which is restricted to the Section 151 Officer.

Councillors Conduct: Speaking at Meetings (Part 4 Council Procedure Rules (Rule 21.1))

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It was proposed that the procedure rules for Councillors when they speak at Council meetings be revised to require them to state their name before speaking and also to use the microphones. It was also proposed that the requirement to stand be removed.

Requiring Councillors to state their name before speaking would assist the public and all Members in following the meeting. It was important that Members used the microphones to ensure that they could be heard by all participants and observers in the meeting.

Microphones would be more effective if Members were seated as their voices would be closer to the microphone receiver, which would also assist those participating in, or observing the meeting who had a hearing impairment.

The requirement for Members to stand could also be considered as discriminatory against Members who may struggle with a disability or a mobility issue, particularly if they needed to stand and sit down at regular intervals during a meeting.

It was therefore proposed that Council Procedure Rule 21.1 be amended as follows;

*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 microphone.~~*

A Member welcomed this change and noted that in meetings, Members and observers with hearing impairments struggled to hear Members speaking into the microphones if they were in a standing position.

The Monitoring Officer suggested that this recommendation be taken to the next Council meeting ahead of Annual Council so that it could be implemented sooner.

In response to a question by the Governance Manager, a Member requested that **all** Members of the Council receive training in relation to Licensing and Planning and that this be mandatory and built into the Constitution. Another Member requested that training on planning law also be mandatory to all Members of the Council and built in to the Constitution as this would enable better responses to Members' residents on decisions regarding planning applications.

Moved by Councillor T. Munro and seconded by Councillor H.J. Gilmour
RECOMMENDED that Council be recommended to approve;

- (1) the recording of Executive Decisions to reflect Key Decision limits, as set out above,
- (2) the alignment of the threshold for the requirement for tenders to be submitted to Executive with the threshold for Key Decisions, as set out above,
- (3) amendments to the delegation scheme in relation to the Section 151 Officer, as set out above,

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- (4) amendments to the procedure rules for Councillors when they speak at Council meetings and the requirement to stand be removed, as set out above,
- (5) The Governance Manager to formulate wording in relation to all Members of the Council receiving mandatory training with regard to Licensing and Planning and Planning Law and this be built into the Constitution.
(Governance Manager)

0593. COMPLAINTS AGAINST MEMBERS

The Deputy Monitoring Officer provided a verbal update to Committee in relation to complaints made against Members.

Twelve complaints against Members were received between January 2018 and December 2018. Eight complaints had been closed with no further action being taken. Four were outstanding, 2 of which were only received in December 2018; one of these was with an independent person for consideration and the second was close to completion with a view to no further action being taken.

In response to a Member's question, the Deputy Monitoring Officer advised the meeting that 3 of the 12 complaints received related to District Councillors and the rest related to parish councillors.

Moved by Councillor C.R. Moesby and seconded by Councillor T. Munro
RESOLVED that the update be noted.

0594. WORK PROGRAMME 2018/19

Committee considered their work programme for the remainder of 2018/19.

Members were reminded that an additional meeting of Standards Committee had been arranged for 11th March 2019 at 10am.

Moved by Councillor C.R. Moesby and seconded by Councillor H.J. Gilmour
RESOLVED that the Work Programme 2018/19 be noted.

The meeting concluded at 1040 hours.

Bolsover District Council

Standards

11 March 2019

Joint Whistleblowing Policy – Annual Report

Report of the Head of Corporate Governance and Monitoring Officer

This report is open

Purpose of the Report

- To provide an annual update to Members on use of the Joint Whistleblowing Policy.

1 Report Details

- 1.1 Whistleblowing is a report from an employee, member or other person about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they have made a protected disclosure.
- 1.2 Whistleblowing policies should foster a climate of openness and transparency in which individuals in the workplace do not feel that they will be victimised, harassed or suffer any reprisals if they raise concerns about wrongdoing within the organisation. The Government expects all public bodies to have adequate whistleblowing procedures in place.
- 1.3 North East Derbyshire District Council and Bolsover District Council currently have in place a Joint Whistleblowing Policy. The Councils are committed to updating Policies on a regular basis to ensure that they are fit for purpose, and the last review took place in May 2018.
- 1.4 The Joint Whistleblowing Policy has been reviewed in February 2019 and no changes are recommended.
- 1.5 In accordance with the Joint Whistleblowing Policy, the Monitoring Officer has overall responsibility for the maintenance and operation of the Policy, and will maintain a record of concerns raised and the outcomes. The Monitoring Officer is also required to report as necessary to both Councils on instances of Whistleblowing. There have been no instances to report for the 18/19 Municipal Year.

2 Conclusions and Reasons for Recommendation

- 2.1 The Joint Whistleblowing Policy has been reviewed to ensure that it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practice.
- 2.2 There are no instances of Whistleblowing to report to Members.

3 Consultation and Equality Impact

- 3.1 There are no equalities issues arising from this report.
- 3.2 Standards Committee have the responsibility to oversee the Joint Whistleblowing Policy and arrangements and are required to make recommendations to Council to amend the Policy as appropriate.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

The legal implications in relation to whistleblowing are contained within the policy.

5.3 Human Resources Implications

None.

6 Recommendations

- 6.1 That Standards Committee:
- a) agree the current Joint Whistleblowing Policy is fit for purpose; and
 - b) note that no instances of Whistleblowing have been made since the 2018 Annual Review of the Joint Whistleblowing Policy.

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>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

11 Document Information

Appendix No	Title	
A	Whistleblowing Policy	
Report Author		Contact Number
Nicola Calver, Governance Manager		01246 217753

Bolsover District and North East Derbyshire District Council

Joint Whistleblowing Policy



CONTROL SHEET FOR JOINT WHISTLEBLOWING POLICY

Policy Details	Comments/Confirmation (to be updated as the document progresses)
Policy title	Joint Whistleblowing Policy
Current status – i.e. first draft, version ?? or final version	Final Version 2018
Location of Policy –	Corporate Governance
Member route for approval	Standards, then Council
Cabinet Member (if applicable)	
Equality Impact Assessment (approval date)	
Partnership Involvement (if applicable)	
Final Policy approval route (i.e. Executive/Council Committee)	Council
Date Policy approved	23/05/18
Date Policy due for review	Annually
Date Policy forwarded to Strategy and Performance (to include on Intranet and Internet, if applicable to the public)	

JOINT WHISTLEBLOWING POLICY

1. Introduction

- 1.1 Employees are often the first to realise that there may be something seriously wrong within a local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Councils. They may also fear harassment or victimisation. In these circumstances employees may feel that it is easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 1.2 The Councils are committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Councils encourage employees, Members and others with serious concerns about any aspect of the Councils work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.3 Whistleblowing is the term used when someone who works in or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. For example instances of theft from the Councils, accepting or offering a bribe, and failure by colleagues to adhere to Health & Safety directives could all be the subject of a Whistleblow.
- 1.4 This policy document makes it clear that concerns can be raised without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise concerns within either Council in person, rather than overlooking a problem or using other methods to report concerns.
- 1.5 This policy applies to Council employees and other workers, including freelance staff, temporary and agency staff, trainers, volunteers, consultants, contractors, employees of another Local Authority with whom the Councils have entered into joint working arrangements and Members.
- 1.6 This policy also applies to all employees in organisations who work in partnership with the Councils and suppliers who wish to raise a concern.
- 1.7 The Public Interest Disclosure Act 1998 protects Council employees who report concerns from subsequent harassment, victimisation and other unfair treatment. Potential informants should feel reassured that it is illegal for the Councils to consider any action against them should their concerns not prove to be verifiable.

2. Aims and Scope of this Policy

2.1 This policy aims to:-

- encourage persons to feel confident in raising serious concerns that they may have about practices and procedures
- provide avenues to raise those concerns and receive feedback on any action taken
- allow persons to take the matter further if they are dissatisfied with the Council's response
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure

2.2 Areas covered by the Whistleblowing Policy include:-

- criminal or other misconduct
- breaches of the Council's Standing Orders or Financial Regulations
- contravention of the Council's accepted standards, policies or procedures
- disclosures relating to miscarriages of justice
- health and safety risks
- damage to the environment
- unauthorised use of public funds
- fraud, bribery and corruption
- sexual, physical and/or verbal abuse of any person or group
- other unethical conduct
- the concealment of any of the above

2.3 Any concerns about any aspect of service provision or the conduct of officers or Elected Members of either Council, or others acting on behalf of either Council, can be reported under the Whistleblowing Policy. This may be about something that:-

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's constitution and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct

3. When this Policy may not be appropriate

3.1 This policy is not a substitute for the Council's other policies and procedures on such matters as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

3.2 It is important to know the difference between a 'Whistleblow' and a 'grievance.' A Whistleblow has a public interest aspect to it, as it puts others at risk.

- 3.3 A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance Policy, not this policy.
- 3.4 For example, a member of staff being formally interviewed on capability grounds, without previously having had any indication that their performance was not acceptable, may lead to a grievance complaint being made. Whilst a member of staff who observes colleagues sharing/selling confidential data to un-authorized others, should lead to a Whistleblow.
- 3.5 The policy is not to be used by members of the public to pursue complaints about services. These should be dealt with through the Councils Complaints Procedures.
- 3.6 This Policy is not to be used by members of the public to pursue complaints against councillors conduct. They should direct complaints in the first instance to the Monitoring Officer who will deal with their complaints under the Members Code of Conduct procedure.

4. Safeguards against Harassment or Victimisation

- 4.1 The Councils recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, the Councils will not tolerate any form of harassment or victimisation, and will take appropriate action to protect persons who have made a disclosure.
- 4.2 The Councils are committed to good practice and high standards and endeavours to be supportive of persons who raise concerns under this Policy.
- 4.3 In all cases, the provisions of The Public Interest Disclosure 1998 (PIDA) will be adhered to.
- 4.4 The Enterprise & Regulatory Reform Act 2013 (ERRA) introduced a Public Interest test requirement on Whistleblowers. In order to receive the protection of PIDA, Whistleblowers will now have to show that they reasonably believe that the disclosure they are making is in the public interest.

5. Confidentiality

- 5.1 All concerns will be treated in confidence and the identity of the person raising the concern will not be revealed without his or her consent (subject to any legal requirements or decisions). At the appropriate time, however, the person may be expected to come forward as a witness.

6. Anonymous Allegations

- 6.1 This policy encourages you to put your name to any allegation wherever possible and receive the protection of PIDA as anonymous complaints are likely to be difficult to deal with effectively.
- 6.2 Concerns expressed anonymously will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account would include:-

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

7. Untrue Allegations & Legal Protection

7.1 If you are a Council employee you are given legal protection by the Public Interest Disclosure Act 1998. You will qualify for this protection if you reasonably believe that the disclosure is in the public interest.

7.2 If you make what is known as a “qualifying disclosure” under the 1998 Act to your employer or certain other persons/bodies, it will be unlawful for the Councils to subject you to any detriment (such as denial of promotion or withdrawal of a training opportunity), or to dismiss you, because of the disclosure.

7.3 Qualifying disclosures are disclosures of information where a Council employee reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

7.4 Compensation may be awarded to you by an Employment Tribunal if the Councils breach the 1998 Act, following a successful claim for ‘detrimental treatment’.

8. How to raise a Concern under this Policy

8.1 Concerns may be raised normally in writing. Persons who wish to raise a concern should provide details of the nature of the concern or allegation in the following format:

- The background and history of the concern giving names, dates and places where possible.
- The reason why you are particularly concerned about the situation.
- Submit any relevant evidence or documentation.

8.2 The earlier you express the concern the easier it is to take action.

8.3 Although you are not expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.4 Employees may choose to be represented by a colleague or Trade Union representative.

Employees

- 8.5 Employees should normally raise concerns in the first instance with their Line Manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice you could approach;
- the Service Manager whom you feel would be the most appropriate
 - Internal Audit
 - the Joint Chief Executive Officer
 - the Monitoring Officer
 - The Joint Head of Service of Finance and Resources and s151 Officer
 - The Joint Strategic Director – People (responsible Officer for safeguarding)
- 8.6 You may choose to contact a Prescribed Person. Prescribed persons, as prescribed under the Public Interest Disclosure Act 1998, are independent bodies or individuals that can be approached by whistleblowers where an approach to their employers would not be appropriate. Prescribed persons, which usually have an authoritative relationship with the whistleblowers' organizations, can be regulatory or legislative bodies, central government departments, arm's length bodies or charities and include all Members of Parliament. You may also contact the "Public Concern at Work" helpline if you wish to remain anonymous. The telephone number for this service is: 020 7404 6609.

Other Persons (including Elected Members)

- 8.7 Other persons can contact any of the following officers of the Councils directly:
- the Service Manager whom you feel would be the most appropriate
 - Internal Audit
 - the Joint Chief Executive Officer
 - the Monitoring Officer
 - The Joint Head of Service of Finance and Resources and s151 Officer
 - The Joint Strategic Director – People (responsible Officer for safeguarding)
- 8.8 Officers of the Councils can be contacted in writing, by telephone or by going through one of the Contact Centres. You can contact the Councils through your elected Councillor if this is preferable or more convenient.
- 8.9 You may also choose to contact a body external to the Council such as the External Auditor or the Police or a Prescribed Person.

9 How the Council will respond to a concern raised under this Policy

- 9.1 The Officer with whom the concern was initially raised will respond in writing within ten working days:
- acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - stating whether any initial enquiries have been made
 - supplying information on what support is available and stating whether further investigations will take place and if not, why not

- 9.2 Concerns raised under this Policy will be investigated by the investigating officer who will be appointed at the Council's discretion.
- 9.3 When conducting the investigation, the investigating officer may involve:-
- Internal Audit
 - Legal & Democratic Services
 - Human Resources
 - the Police (in some circumstances the Council will have no choice but to inform the Police if it believes a criminal offence has been committed and may do so without informing the whistle blower)
 - an external auditor
 - The Monitoring Officer
 - The S 151 Officer
 - The Joint Strategic Director – People (responsible Officer for safeguarding)
 - Any other person at the discretion of the investigating officer
- 9.4 The investigating officer should in the first instance inform any employee who is the subject of a Whistleblowing allegation of the allegation before a decision is taken as to what will happen with it. If the investigating officer determines that this would not be appropriate in the circumstances then he should seek guidance from the Monitoring Officer who may advise not to inform the employee at this stage of the process.
- 9.5 The investigating officer will make initial enquiries to decide whether an investigation is appropriate and if so what form it should take having regard to the law and the public interest.
- 9.6 If the investigating officer decides that a disciplinary investigation is the appropriate course of action to take, he/she will advise Human Resources who will instruct an appropriate person to conduct the disciplinary investigation and ensure that the investigation is carried out in accordance with the Councils' Disciplinary Policy.
- 9.7 Some concerns may be resolved by agreed action without the need for investigation.
- 9.8 It may be necessary to take urgent action before any investigation is completed.
- 9.9 The Council will take steps to minimise any difficulties that persons may experience as a result of raising a concern. For instance, if he or she is required to give evidence in criminal or disciplinary proceedings the Council will arrange for advice to be given about the procedure (but not about what answers to give).
- 9.10 The Councils accept that persons need to be assured that the matter has been properly addressed. Subject to legal constraints, the Council will inform the Whistleblower of the progress and outcome of any investigation.
- 9.11 It is important for persons to understand that making a Whistleblowing allegation doesn't give them anonymity, but does give them protection from harassment or victimisation.

10 The Responsible Officer

- 10.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality and substantially in the form attached.
- 10.2 The Monitoring Officer will report as necessary to the Councils.
- 10.3 The Investigating Officer must inform the Monitoring Officer of the receipt of a concern raised under this Policy, how they intend to deal with it and how the matter was concluded.

11. How the Matter Can Be Taken Further

11.1 This Policy is intended to provide a process within the Councils, through which appropriate persons may raise concerns. If at the conclusion of this process the person is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as further referral points:

- the Councils external auditor
- Your Trade Union
- Your local Citizens Advice Bureau
- Relevant professional body or regulatory organisation
- A relevant voluntary organisation
- The Police
- Your Solicitor
- The Audit Commission

11.2 Advice should be taken before making an external disclosure and the internal procedure should normally have been followed first.

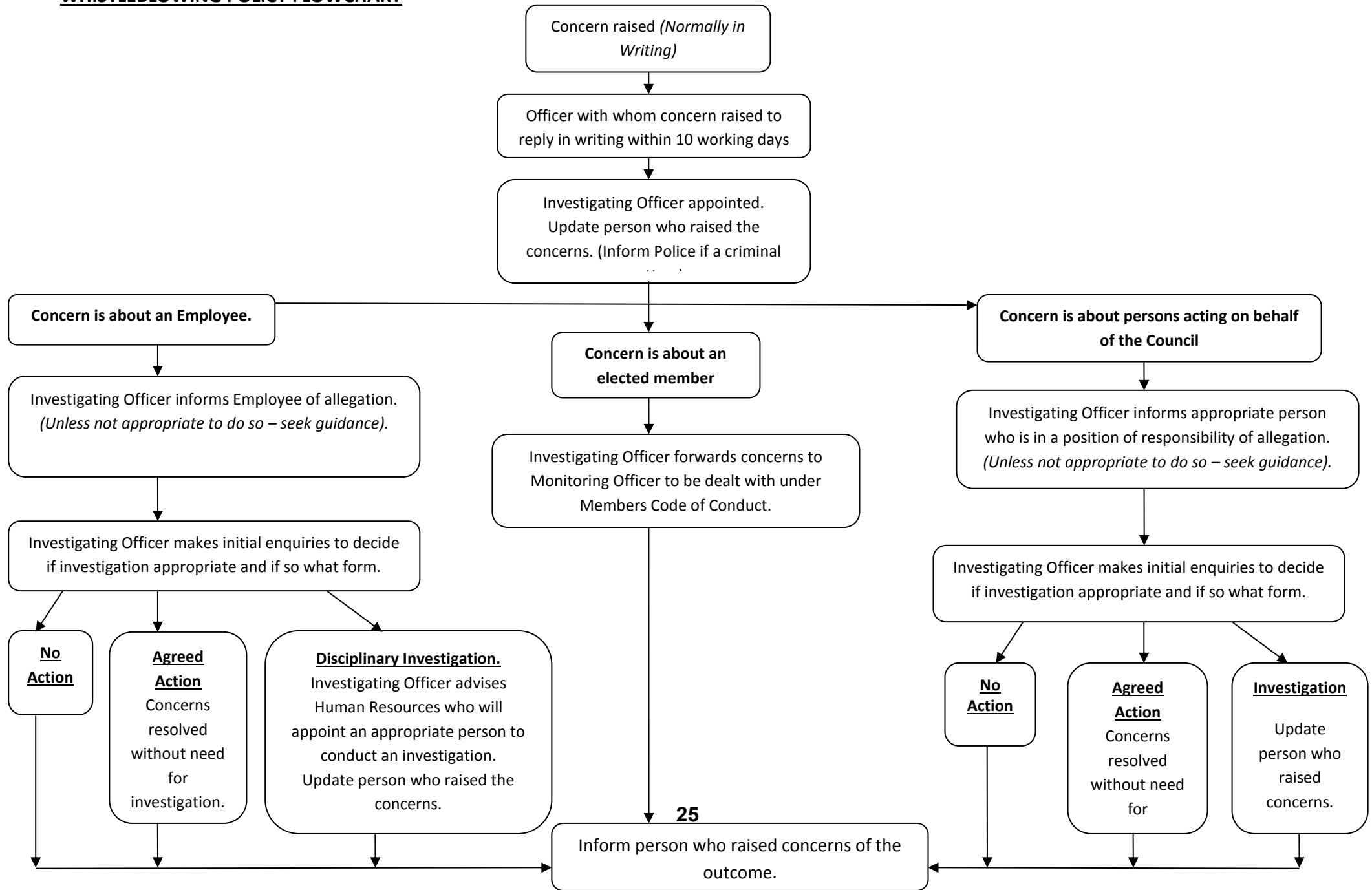
11.3 The Councils would not normally expect Whistleblowers to make disclosures to the press.

12. Whistleblowing Register 2015

12.1 The Monitoring Officer in accordance with the Joint Whistle Blowing Policy of Bolsover District Council and North East Derbyshire District Council has overall responsibility for the maintenance and operation of this Policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality and substantially in the form below.

Number	Council	Details	Outcome
1/20xx			

WHISTLEBLOWING POLICY FLOWCHART



Bolsover District Council

Standards Committee

11 March 2019

Review of Joint RIPA Policy

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To update the Committee on the use of RIPA powers in the last year.
- To advise the Committee of a review of the joint policy and procedures covering the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA).
- To recommend a revised Joint RIPA Corporate Policy and Procedures be approved.

1 Report Details

- 1.1 The Regulation of Investigatory Powers Act (RIPA) enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence. There are various criteria which must be met, including a 'seriousness threshold' for the use of directed surveillance, and any requests by the Council to use the RIPA powers must be approved by a Magistrate, under the current legislation.
- 1.2 Local authorities are sparing users of RIPA legislation and neither Bolsover nor North East Derbyshire District Councils have used them since the last update to Committee in July 2018. The last time RIPA powers have been used by either Council was in 2012.
- 1.3 The Council has been periodically inspected by the Office of Surveillance Commissioners. The last inspection was in 2015/2016. The Office of Surveillance Commissioners has been superseded by the Investigatory Powers Commissioner's Office (IPCO). Inspections of local authorities are scheduled for every three years so an inspection is due to take place during 2018/19, however a new method for inspections has also been introduced, making it

likely that the next inspection will be a paper-based desktop review, rather than a visit by an inspector.

- 1.4 Since the last review, new Codes of Practice have been issued and some legislative changes have been made arising from the Investigatory Powers Act 2016 and the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018.
- 1.5 Major changes to the procedure for applying for authorisation of the acquisition and disclosure of communications data were made by the Investigatory Powers Act 2016 however these changes have not yet been brought into force. A legal challenge to the legislation has been launched nationally and it is not anticipated that any changes will be brought into effect until this court case is resolved, later in 2019 or 2020. If the provisions were brought into force as they stand, the applications in respect of communications data would have to be submitted to the Investigatory Powers Commissioner rather than the Magistrates Court.
- 1.6 The legislative changes that have come into force include:
 - A requirement to report errors to the Investigatory Powers Commissioner has been introduced. Relevant errors include where covert surveillance has taken place without due authorisation.
 - Amendment of the maximum duration of authorisation for the use of a covert human intelligence source who is under 18 years of old to increase the period from 1 month to 4 months
 - Introduction of a seriousness threshold for the applicable crime purpose for the acquisition and disclosure of communications data – the offence being investigated must be punishable by a maximum term of imprisonment of 12 months or more.
- 1.7 The Home Office has also issued amended guidance documents including the Code of Practice on Covert Surveillance and Property Interference and Code of Practice on Covert Human Intelligence Sources. Changes to the guidance, with more information and examples focuses on the following areas:
 - Social Media and internet research
 - General Observation duties on the internet
 - Use of drones
 - Error Reporting
 - Covert Surveillance of CHIS
 - Changes to guidance to the role of Senior Responsible Officer
 - GDPR and related topics
 - Privileged information and confidential information
 - Disclosure requirements
 - Complaints
 - Non-RIPA surveillance

- 1.8 Where necessary amendments have been proposed to the Councils' RIPA policy as a consequence of the changes listed in the previous two paragraphs. The Codes of Practice are also available for officers to refer to via the Extranet. The amended policy is attached at **Appendix 1**.

Training

- 1.9 Previous inspections have focused on the need for regular training and refreshers for officers involved in investigations as well as senior officers appointed as authorising officers and designated persons.
- 1.10 A training session has now been delivered for the Strategic Alliance Management Team, including those officers appointed as authorising officers and designated persons, and further training has been scheduled for officers in planning enforcement, licensing, environmental health and the benefits team will be scheduled over the next few months.

2 Conclusions and Reasons for Recommendation

- 2.1 The review of the Joint RIPA Policy has proposed amendments to the policy to reflect changes in legislation and revised Codes of Practice that have been issued by the Home Office.

3 Consultation and Equality Impact

- 3.1 An Equality Impact Assessment has been completed in 2017, which concluded that there were no concerns raised and no actions to take. No amendments have been proposed that require a further assessment to be carried out.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council is recommended to review and update its RIPA policy regularly as failure to do so could result in the policy failing to comply with legislative changes and lead to unlawful investigatory actions taking place.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Failure of the Council to adhere to the legal requirements of RIPA could lead to unlawful investigatory activity being undertaken, making the Council vulnerable to complaints, legal challenge and reputational damage and costs. It is important therefore that the policy is regularly reviewed and that officers receive sufficient training which will mitigate the likelihood of this risk occurring.

5.2 Legal Implications including Data Protection

5.2.1 The legal implications are addressed within the policy.

5.3 Human Resources Implications

5.3.1 None arising from this policy.

6 Recommendations

6.1 That Standards Committee:

- (1) note the update provided on the use of the policy.
- (2) recommend the revised Joint RIPA Policy and Procedure document for approval by Cabinet, following consideration by the Strategic Alliance Joint Committee.

7 Decision Information

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>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None Directly
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title
Appendix 1	Revised Joint RIPA policy and procedures document
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

AGIN 4(c) – (STANDARDS 0311) 2019 – RIPA Review



REGULATION OF INVESTIGATORY POWERS ACT 2000 (“RIPA”)

CORPORATE POLICY AND PROCEDURES

Section: Introduction

**CONTROL SHEET FOR REGULATION OF INVESTIGATORY POWERS ACT 2000 (“RIPA”) –
CORPORATE POLICY AND PROCEDURES**

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	RIPA Corporate Policy and Procedures
Current status – i.e. first draft, version 2 or final version	Final (2019 Review)
Policy author	Governance Manager
Location of policy – i.e. L-drive, shared drive	S Drive
Member route for approval	Strategic Alliance Joint Committee and Standards
Cabinet Member (if applicable)	Cllr D McGregor (BDC) and Cllr R Smith (NEDDC)
Equality Impact Assessment approval date	July 2017
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Executive/ Council /Planning Committee	Cabinet / Executive
Date policy approved	Cabinet (NEDDC) – 5-Sep-2018 Executive (BDC) – 10-Sep-2018
Date policy due for review (maximum three years)	Autumn-2018
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	November-2018

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Abbreviations

CCTV	Closed Circuit Television
CSP	Communications service provider
Council	Bolsover/North East Derbyshire District Council
CHIS	Covert Human Intelligence Sources
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedom agreed on 2 November 1950
HRA	Human Rights Act 1998
ICCO	The Interception of Communications Commissioner's Office
NAFN	The National Anti Fraud Network
OSC	Office of Surveillance Commissioners
PFA	Protection of Freedoms Act 2012
RIPA	Regulation of Investigatory Powers Act 2000
SPoC's	Single Points of Contact for Acquisition and Disclosure of Communications Data

1.1 Introduction

1.1.1 This Corporate Policy and Procedures document is based upon the requirements of the Regulation of Investigatory Powers Act 2000 and the Home Office's Codes of Practice on Covert Surveillance and Property Interference, Covert Human Intelligence Sources and Acquisition and Disclosure of Communications Data.

1.1.2 The use of covert surveillance, covert human intelligence sources and the acquisition of service use or subscriber information in relation to communications data is sometimes necessary to ensure effective investigation and enforcement of the law. However, they should be used only rarely and in exceptional circumstances. RIPA requires that public authorities follow a clear authorisation process prior to using these powers. Authorisations granted under Part II of RIPA are subject to all the existing safeguards considered necessary by Parliament to ensure that investigatory powers are exercised compatibly with the ECHR.

1.1.3 **Any potential use of RIPA should be referred to the Monitoring Officer, Sarah Sternberg, for preliminary advice at the earliest possible opportunity. Her telephone number is 01246 242414. In her absence, advice should be sought from the Governance Team on 01246 217753.**

Consequences of Failing to Comply with this Policy

1.1.4 Where there is interference with Article 8 of the ECHR, and where there is no other source of lawful authority for the interference, the consequences of not following the correct authorisation procedure set out under RIPA and this Policy may result in the Council's actions being deemed unlawful by the Courts under Section 6 of the HRA or by the Investigatory Powers Tribunal, opening up the Council to claims for compensation and loss of reputation. Additionally, any information obtained that could be of help in a prosecution may be inadmissible.

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1.2 Background

1.2.1 On 2 October 2000 the Human Rights Act 1998 (“HRA”) made it unlawful for a local authority to breach any article of the ECHR. An allegation that the Council or someone acting on behalf of the Council has infringed the ECHR is dealt with by the domestic courts rather than the European Court of Justice.

1.2.2 The ECHR states:-

- (a) individuals have the right to respect for their private and family life, home and correspondence (Article 8 ECHR); and
- (b) there shall be no interference by a public authority with the exercise of this right unless that interference is:-
 - **in accordance with the law;**
 - **necessary; and**
 - **proportionate**

1.2.3 RIPA, which came into force on 25 September 2000, provides a lawful basis for three types of covert investigatory activity to be carried out by local authorities which might otherwise breach the ECHR. These activities are:-

- covert directed surveillance;
- covert human intelligence sources (“CHIS”); and
- acquisition and disclosure of communications data

1.2.4 RIPA sets out procedures that must be followed to ensure the investigatory activity is lawful. Where properly authorised under RIPA the activity will be a justifiable interference with an individual’s rights under the ECHR. If the interference is not properly authorised an action for breach of the HRA could be taken against the Council, a complaint of maladministration made to the Local Government Ombudsman or a complaint made to the Investigatory Powers Tribunal. In addition, if the procedures are not followed any evidence collected may be disallowed by the courts. RIPA seeks to balance the rights of individuals against the public interest in the Council being able to carry out its statutory duties.

1.2.5 A flow chart attached at Appendix A to this policy sets out the process for covert directed surveillance and cover human intelligence sources (CHIS) in pictorial form.

What RIPA Does and Does Not Do

1.2.6 RIPA does:-

- require prior authorisation of covert directed surveillance;
- prohibit the Council from carrying out intrusive surveillance;
- compel disclosure of communications data from telecom and postal service providers;
- permit the Council to obtain communications records from communications service providers;
- require authorisation of the conduct and use of CHIS;

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- require safeguards for the conduct of the use of a CHIS.

1.2.7 RIPA does not:-

- make unlawful conduct which is otherwise lawful;
- prejudice any existing power to obtain information by any means not involving conduct that may be authorised under RIPA. For example, it does not affect the Council's current powers to obtain information via the DVLA or to obtain information from the Land Registry as to the owner of a property;
- apply to activities outside the scope of Part II of RIPA. A public authority will only engage RIPA when in performance of its "core functions" – i.e. the functions specific to that authority as distinct from all public authorities.
- cover overt surveillance activity.

1.2.8 RIPA only applies to the Council's core functions – i.e. its statutory duties, and not staffing issues or contractual disputes.

1.2.89 Under no circumstances can local authorities be authorised to obtain communications traffic data under RIPA. Local authorities are not permitted to intercept the content of any person's communications and it is an offence to do so without lawful authority.

1.3 Policy Statement

1.3.1 The Council is determined to act responsibly and in accordance with the law. To ensure that the Council's RIPA activity is carried out lawfully and subject to the appropriate safeguards against abuse, Bolsover and North East Derbyshire District Council adopted separate RIPA Policies in 2013, which have subsequently been combined into a single Corporate Policy and Procedures document as detailed below.

1.3.2 All staff who are considering undertaking RIPA activity should be aware that where that activity may involve handling confidential information or the use of vulnerable or juvenile persons as sources of information, a higher level of authorisation is required. Please see paragraphs 2.7 (in respect of handling confidential information) and 2.9 (in respect of using information sources who are vulnerable or juvenile persons) below.

1.3.3 The following information and documents are available on the Council's ~~intranet~~Extranet:-

- Links to Home Office Statutory Codes of Practice online
 - ~~Covert Surveillance and Property Interference~~
 - ~~Covert Human Intelligence Sources~~
 - ~~Acquisition and Disclosure of Communications Data~~
- Links to Office of the Surveillance Commissioners' Guidance Procedures online
- ~~Home Office Guidance on Protection of Freedoms Act 2012 – changes to RIPA;~~

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- Links to RIPA forms online for covert surveillance; CHIS and acquisition and disclosure of communications data;
- ~~Application for Judicial approval and Order made for Judicial approval;~~
- Surveillance camera training;
- Corporate RIPA Training.

1.3.4 The Monitoring Officer is the Council's Senior Responsible Officer (SRO) and is responsible for the following roles:-

- Appointing Authorising Officers (see 2.11);
- Appointing Designated Persons (see 3.4);
- Maintaining a central record for all RIPA authorisations;
- Arranging training to individuals appointed as Authorising Officers and Designated Persons, and
- Carrying out an overall monitoring function as the SRO for the Council's use of RIPA powers.

1.3.5 Any officers who are unsure about any RIPA activity should contact the Monitoring Officer for advice and assistance.

1.4 Social Media

1.4.1 The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Although information that individuals make publically available on the internet would not normally be classed as 'private information', the Office of the Surveillance Commissioners' Annual Report 2016 states that repeated visits to individual sites may develop into surveillance activity which would require authorisation. By virtue of conducting research online, rather than using other more 'overt' methods, there may be a perception that the investigation is intended to be covert. Whenever a public authority intends to use the internet as part of an investigation, they must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, ~~including the effect of any collateral intrusion.~~ Particular consideration should be paid to the likelihood of collateral intrusion through obtaining private information about others who have not given their consent. Advice should be sought as early as possible.

1.4.2 Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained, an authorisation (combined or separate) must be sought as set out elsewhere in this code. Where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites, a CHIS authorisation should be considered.

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1.5 Training & Advice and Departmental Policies, Procedures and Codes of Conduct

- 1.5.1 The Monitoring Officer will arrange regular training on RIPA. All authorising officers, designated persons and investigating officers should attend at least one session every two years and further sessions as and when required.
- 1.5.2 Training can be arranged on request and requests should be made to the Governance Team. In particular training should be requested for new starters within the Council who may be involved in relevant activities.
- 1.5.3 If officers have any concerns, they should seek advice about RIPA from the Monitoring Officer.
- 1.5.4 Where in practice, departments have any policy, procedures or codes of practice in relation to RIPA that are different from or in addition to this Code, they must immediately seek advice from the Monitoring Officer.

1.6 Complaints

- 1.6.1 Any person who believes they have been adversely affected by surveillance activity or other investigatory activity covered by RIPA by or on behalf of the Council may complain to the authority.
- 1.6.2 They may also complain to the Investigatory Powers Tribunal at:-

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

1.7 Monitoring of Authorisations

- 1.7.1 The Monitoring Officer, Sarah Sternberg, is the senior responsible officer in relation to RIPA and is responsible for:-
- The integrity of the process in place to authorise directed surveillance, the use of CHIS and the acquisition and disclosure of communications data;
 - Compliance with Part II of RIPA and this Policy;
 - Engagement with the Commissioners of the OSC and ICCO Investigatory Powers Act Commissioner's Office when they conduct inspections; and
 - Where necessary, overseeing the implementation of any post-inspection plans recommended or approved by a Commissioner.
- 1.7.2 The Monitoring Officer is also required by law to ensure that the Council does not act unlawfully and will undertake audits of files to ensure that RIPA is being complied with and will provide feedback to the authorising officer/designated person where deficiencies in the RIPA process are noted.

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1.7.3 The Monitoring Officer will invite the Standards Committee to review the Council's RIPA Policy on an annual basis and to recommend any changes to the Council's Policy or Procedures and will also provide members with an annual update on use.

1.8 Error Reporting

1.8.1 The Council is required to report 'relevant errors' to the Investigatory Powers Commissioner, which includes circumstances where the requirements of the RIPA legislation or guidance have not been met. Examples include:

- Surveillance activity has taken place without lawful authorisation
- There has been a failure to adhere to the safeguards applicable to the use of a CHIS.

1.8.2 When any officer identifies that activity that should have been authorised under RIPA may have taken place, they must notify the Monitoring Officer immediately. The officer(s) involved in the investigation will be required to provide a report on all relevant circumstances including:

- Information on the cause of the potential error
- The amount of surveillance or property interference conducted
- Nature and amount of any material obtained or disclosed
- Details of any collateral intrusion (i.e. any third party information collected in addition to that of the subject of the investigation.)
- Whether any material has been retained or destroyed

1.8.3 The Monitoring Officer will determine whether a 'relevant error' has occurred. If required, the Monitoring Officer will also give advice on steps to be taken to avoid the error recurring.

1.8.4 If the Monitoring Officers establishes that a 'relevant error' has occurred, this must be reported to the Investigatory Powers Commissioner as soon as reasonably practicable and no later than 10 days after the error has been established. If additional time is required to ascertain the full facts of the error, an initial notification must be submitted with an estimated timetable of when the full report can be supplied.

1.8.5 The report to the Investigatory Powers Commission must contain the details set out at 1.8.2 as well as details of any steps taken to prevent recurrence of the error.

1.8.6 If an authorisation has been obtained on the basis of information provided by a third party that later turns out to be incorrect, but was relied upon in good faith, this error should also be notified to the Investigatory Powers Commissioner (although it does not constitute a 'relevant error' under the legislation).

1.8.7 The Home Office Guidance sets out what action Investigatory Powers Commissioner will take following notification of relevant errors, including determining whether it is a serious error and whether the person concerned should be notified.

1.8.8 The Council has a responsibility to report to the Inspector at the commencement of an inspection all activity which should have been authorised but was not. This is to confirm that any direction provided by the Commissioner has been followed.

RIPA PART 2

COVERT SURVEILLANCE AND THE USE OF COVERT HUMAN INTELLIGENCE SOURCES

2.1 Types of Surveillance

2.1.1 Surveillance can be overt or covert and includes:-

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by or with the assistance of a device.*

*More detailed guidance on the use of surveillance devices, such as cameras, microphones, vehicle tracking and drones can be found in the relevant Home Office Code of Practice.

2.1.2 Indicators of whether investigatory activity will amount to surveillance include the formality and duration of the activity and the nature of what is being observed.

2.2 Overt Surveillance

2.2.1 The majority of the Council's surveillance activity will be overt surveillance, i.e. will be carried out openly. For example (i) where the Council performs regulatory checks on licensees to ensure they are complying with the terms of any licence granted; and (ii) where the Council advises a tenant that their activities will be monitored as a result of neighbour nuisance allegations. This type of overt surveillance is normal Council business and is not regulated by RIPA.

2.3 Covert Surveillance

2.3.1 This is where surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware it is taking place. Covert surveillance can be intrusive or directed. **The Council is not permitted to carry out covert intrusive surveillance.** Para 2.4 below explains when covert surveillance is intrusive and therefore not permitted. The Council is permitted to carry out covert directed surveillance subject to strict compliance with RIPA. Paragraph 2.5 below explains when covert surveillance is directed.

2.4 Covert Intrusive Surveillance

2.4.1 Covert intrusive surveillance takes place when covert surveillance is carried out in relation to anything taking place on residential premises or in a private vehicle and which involves the presence of an individual or surveillance device on the premises or in the vehicle, or which uses a device placed outside the premises or vehicle which consistently provides information of the same quality and detail as expected of a device placed inside. Additionally, the Regulation of Investigatory Powers (Extension of Authorisations Provisions: Legal Consultations) Order 2010 states

Section: Covert Surveillance And The Use Of Covert Human Intelligence Sources

that covert surveillance carried out in relation to anything taking place in certain specified premises is intrusive when they are being used for legal consultation.

2.5 Covert Directed Surveillance

2.5.1 This is surveillance that is:-

- Covert;
- Not intrusive;
- For the purposes of a specific investigation or operation;
- Likely to obtain private information* about a person (whether or not that person was the target of the investigation or operation); and
- Not carried out as an immediate response to events or circumstances which could not have been foreseen prior to the surveillance taking place.

* Private information includes any information relating to a person's private and family life including professional and business relationships, home and correspondence (whether at home, in a public place or in the work place). Further information and examples of what is considered private information is contained at section 3 of the Home Office Code of Practice on Covert Surveillance and Property Interference.

2.6 Directed Surveillance Crime Threshold

2.6.1 Following the changes to RIPA introduced by the Protection of Freedoms Act 2012, a crime threshold applies to the authorisation of covert directed surveillance by local authorities. (*Article 7A of Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010*)

2.6.2 Local Authority Authorising Officers may not authorise covert directed surveillance unless it is for the purpose of preventing or detecting a criminal offence **and** meets the following test:-

- The criminal offence is punishable by a maximum term **of at least six months imprisonment**, or
- It would constitute an offence under Sections 146, 147A of the Licensing Act 2003 or Section 7 of the Children and Young Persons Act 1993 (**offences involving sale of tobacco and alcohol to underage children**) regardless of length of prison term.

2.6.3 Whether or not the crime threshold is met should be kept under review during the course of the investigation. If the relevant criminal offence is downgraded and the threshold is no longer met, the authorisation for surveillance should be cancelled.

2.6.43 The crime threshold **only** applies to covert directed surveillance, not to CHIS or Communications Data.

2.6.54 The Home Office Statutory Covert Surveillance and Property Interference Code of Practice can be found on the Home Office website and on the staff intranet/extranet.

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2.7 Confidential Information

2.7.1 A higher level of authorisation to apply to the Magistrates Court is required in relation to RIPA activity when the subject of the investigation might reasonably expect a high degree of privacy, or where “confidential information” might be obtained. For the purpose of RIPA this includes:-

- Communications subject to legal privilege (see below);
- Communications between a member of parliament and another person on constituency matters;
- Confidential personal information (see below); and
- Confidential journalistic material (see below).

2.7.2 The authorising officer and the person carrying out the surveillance must understand that such information is confidential and is subject to a stringent authorisation procedure. **Authorisation can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service.**

2.7.3 **Legal privilege** is defined in Section 98 of the Police Act 1997 as:-

- communications between a professional legal adviser and his client, or any person representing his client which are made in connection with the giving of legal advice to the client.
- communications between a professional legal adviser and his client or any person representing his client, or between a professional legal adviser or his client or any such representative and any other person which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- items enclosed with or referred to in communications of the kind mentioned above and made in connection with the giving of legal advice, or in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.

2.7.4 Communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

2.7.5 If advice is required on this point, officers should contact the Monitoring Officer.

2.7.6 **Confidential personal information** is described at paragraph 4.28 of the Home Office Covert Surveillance and Property Interference Code of Practice.

2.7.7 **Confidential journalistic material** is described at paragraph 3.40 of the Home Office Covert Surveillance and Property Interference Code of Practice.

2.7.8 **Any officer contemplating RIPA activity where the above circumstances may apply must seek advice from the Monitoring Officer prior to making any application.**

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2.8 Covert Human Intelligence Sources (“CHIS”)

2.8.1 The Council is permitted to use CHIS subject to strict compliance with RIPA.

A CHIS is a person who establishes or maintains a personal or other relationship with a person for the covert purposes of facilitating:-

- (a) covertly using the relationship to obtain information or provide access to information to another person, or
- (b) covertly disclosing information obtained by the use of the relationship or as a consequence of the existence of such a relationship.

2.8.2 A RIPA authorisation and order from a magistrate is required for the above activity and should be obtained whether the CHIS is a Council officer or another person who is asked to be a CHIS on the Council’s behalf. Authorisation for CHIS can only be granted if it is for the purposes of “preventing or detecting crime or of preventing disorder”.

2.8.3 Members of the public who volunteer information to the Council and those engaged by the Council to carry out test purchases in the ordinary course of business (i.e. they do not develop a relationship with the shop attendant and do not use covert recording devices) are not CHIS and do not require RIPA authorisation.

2.8.4 However, by virtue of Section 26(8) of RIPA, there may be instances where an individual, covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship. In such circumstances where a member of the public, though not asked to do so, gives information (or repeated information) about a suspect, then serious consideration should be given to designating the individual as a CHIS, particularly if the Council intends to act upon the information received. It is recommended that legal advice is sought in any such circumstances.

2.9 Safety and Welfare of CHIS

2.9.1 The safety and welfare of the CHIS is paramount. Risk assessments should be carried out to determine the risk of tasking a CHIS and the activities being undertaken by the particular person appointed. The risk assessments should be regularly reviewed during the course of the investigation.

2.9.2 A single point of contact should be appointed for the CHIS to communicate with, who will be responsible for carrying out the risk assessments and taking all possible steps to ensure their safety and welfare. A senior officer should also have oversight of the arrangements and be regularly updated by officer acting as the single point of contact. Regular face-to-face meetings should occur with the CHIS rather than solely remote contact, such as telephone or email, although remote contact may be appropriate in addition.

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2.109 Vulnerable Individuals/Juvenile CHIS

2.109.1 A vulnerable individual is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.

2.109.2 Additional requirements apply to the use of a vulnerable adult or a person under the age of 18 as a CHIS. In both cases **authorisation for an application to the Magistrates Court can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service. Any officer contemplating the use of a juvenile or a vulnerable person as a CHIS must seek advice from the Monitoring Officer prior to making the application.**

2.910.3 The use or conduct of a CHIS under 16 years of age **must not** be authorised to give information against their parents or any person who has parental responsibility for them. In other cases authorisations should not be granted unless the special provisions contained in The Regulation of Investigatory Powers (Juveniles) Order 2000 are satisfied. This set out rules about parental consent, meetings, risk assessments and the duration of the authorisation.

2.1140 CCTV

2.1140.1 The installation and use of unconcealed CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance requiring RIPA authorisation. There are specific provisions relating the use of CCTV cameras in public places and buildings. However, if CCTV cameras are being used in such a way that the definition of covert directed surveillance is satisfied, RIPA authorisation should be obtained.

2.1140.2 For instance the use of town centre CCTV systems to identify those responsible for a criminal act immediately after it happens will not require RIPA authorisation. However, the use of the same CCTV system to conduct planned surveillance of an individual and record their movements is likely to require authorisation.

2.1140.3 Protocols should be agreed with any external agencies requesting the use of the Council's CCTV system. The protocols should ensure that the Council is satisfied that authorisations have been validly granted prior to agreeing that the CCTV system may be used for directed surveillance.

2.1140.4 CCTV systems cannot be used without prior production of an authorisation and such authorisations must be retained.

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2.124 Authorisation Procedures

Authorisations given by Authorising Officers are subject to approval by the Magistrates Court (See para 2.15 below)

2.124.1 Authorising Officers are responsible for assessing and authorising covert directed surveillance and the use of a CHIS.

2.124.2 It is the responsibility of Authorising Officers to ensure that when applying for authorisation the principles of necessity and proportionality (see 2.13 below) are adequately considered and evidenced; and that reviews and cancellations of authorisations are carried out as required under this Policy (2.20 – 2.22 below).

2.124.3 Lists of authorising officers are set out below. Any requests for amendments to the lists must be sent to the Monitoring Officer.

2.124.4 The authorising officers for Bolsover and North East Derbyshire District Councils are as follows:

Chief Executive – Dan Swaine (01246 242401/217155)

Strategic Director – Lee Hickin (01246 217218)

Strategic Director – Karen Hanson (01246 217053)

Head of Finance and Resources – Dawn Clarke (01246 217658)

2.124.5 Schedule 1 of statutory instrument No 521 (2010) prescribes the rank or position of authorising officers for the purposes of Section 30(1) of RIPA (covert surveillance and CHIS). For Local Authorities they prescribe a “Director, Head of Service, Service Manager or equivalent”.

2.124.6 The Monitoring Officer designates which officers can be authorising officers. Only these officers can authorise directed surveillance and the use of CHIS. **All authorisations must follow the procedures set out in the Policy.** Authorising officers are responsible for ensuring that they have received RIPA training prior to authorising RIPA activity. When applying for or authorising RIPA activity under the Policy, officers must also take into account the corporate training and any other guidance issued from time to time by the Monitoring Officer.

2.132 Authorisation Of Covert Directed Surveillance And Use Of A CHIS

2.132.1 RIPA applies to all covert directed surveillance and the use of CHIS whether by Council employees or external agencies engaged by the Council. Council officers wishing to undertake covert directed surveillance or use of a CHIS must complete the relevant application form and forward it to the relevant (para 2.11.4) authorising officer.

2.132.2 Any potential use of RIPA should be referred to the Monitoring Officer for preliminary advice.

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2.143 Criteria For The Authorisation Of The Use Of RIPA Powers

2.143.1 Covert directed surveillance and/or the use of a CHIS can only be authorised if the authorising officer is satisfied that the activity is:-

- (a) **in accordance with the law** i.e. it must be in relation to matters that are statutory or administrative functions of the Council. As such the Council is unable to access communications data for disciplinary matters.
- (b) **necessary** for the purpose of preventing or detecting crime or preventing disorder. This is the only ground available to the Council for authorising RIPA activity and for directed surveillance only, there is a crime threshold as described in paragraph 2.6 above;
- (c) **proportionate** to what it seeks to achieve. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person as may be affected) against the need for the activity in investigative operational terms. Any conduct that is excessive as to the interference and the aim of the conduct, or is in any way arbitrary will not be proportionate. Serious consideration must be given to identifying the least intrusive method of obtaining the information required.

2.143.2 Applicants should ask the following types of questions to help determine whether the use of RIPA is necessary and proportionate:-

- why it is believed the proposed conduct and use is necessary for the prevention of crime or the prevention of disorder (as appropriate);
- how the activity to be authorised is expected to bring a benefit to the investigation;
- how and why the proposed conduct and use is proportionate to the intelligence dividend it hopes to achieve, having regard to the gravity and extent of the activity under investigation;
- how and why the methods to be adopted will cause the least possible intrusion to the subject/s i.e. interfere with their rights under the ECHR;
- what other reasonable methods of obtaining information have been considered and why they have been discounted.

2.14.4 When completing an application, officers must present the case in a fair and balanced way. In particular all reasonable efforts should be made to take account of information which support or weakens the case for the authorisation.

2.143.43 Authorising officers should not be responsible for authorising their own activities, i.e. those operations/investigations in which they are directly involved. However, it is recognised that in exceptional circumstances this may sometimes be unavoidable. The Monitoring Officer should be informed in such cases.

2.143.54 Particular consideration should be given to **collateral intrusion on or interference with the privacy of persons who are not the subject(s) of the investigation**. Collateral intrusion occurs when an officer undertaking covert surveillance on a subject observes or gains information relating to a person who is not the subject of the investigation. An application for an authorisation must include

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an assessment of the risk of any collateral intrusion or interference and measures must be taken to avoid or minimise it. This must be taken into account by the authorising officer, particularly when considering the proportionality of the surveillance.

2.143.56 Particular care must be taken in cases where **confidential information** is involved e.g. matters subject legal privilege, confidential personal information, confidential journalistic material, confidential medical information, and matters relating to religious leaders and their followers. In cases where it is likely that confidential information will be acquired, officers must specifically refer this to the Monitoring Officer for advice.

2.154 Processing the authorisation

2.154.1 At the time of authorisation the authorising officer must set a date for review of the authorisation and review it on that date (see 2.19), prior to authorisation lapsing as it must not be allowed to lapse

2.154.2 The original completed application and authorisation form must be forwarded to the Monitoring Officer as soon as possible. The Monitoring Officer will maintain a central register of the Council's RIPA activity and a unique reference number will be allocated to each application.

2.165 Approval by Magistrates Court

2.165.1 Under the Protection of Freedoms Act 2012, there is an additional stage in the process for investigatory activities (covert directed surveillance and CHIS). After the authorisation form has been countersigned by the authorising officer, the Council is required to obtain judicial approval for either the authorisation or a renewal of an authorisation.

2.165.2 The Council has a protocol for the Magistrates' approval process, including out of hours procedures, which is held by the Governance Team.

2.165.3 The magistrate will have to decide whether the Council's application to grant or renew an authorisation to use RIPA should be approved and it will not come into effect unless and until it is approved by the Magistrates Court.

2.165.4 *A separate application should be completed when the Council is requesting judicial approval for the use of more than one of the surveillance techniques (i.e. Directed Surveillance, CHIS and Communications Data) at the same time.*

2.165.5 It should be noted that only the initial application and any renewal of the application require magistrates' approval.

2.165.6 There is no requirement for officers presenting authorisations to the Magistrates Court to be legally qualified but they do need to be authorised by the Council to represent it in court. **Generally the applicant should be accompanied to Court by the authorising officer and a member of the legal team.**

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2.176 The Role of the Magistrates Court

2.176.1 The role of the Magistrates Court is set out in Section 32A RIPA (for directed surveillance and CHIS).

2.176.2 This section provide that the authorisation shall not take effect until the Magistrates Court has made an order approving such authorisation. The matters on which the Magistrates Court needs to be satisfied before giving judicial approval are that:-

- There were reasonable grounds for the local authority to believe that the authorisation or notice was necessary and proportionate;
- In the case of a CHIS authorisation, that there were reasonable grounds for the local authority to believe that:
 - arrangements exist for the safety and welfare of the source that satisfy Section 29(5) RIPA;
 - the requirements imposed by Regulation of Investigatory Powers (Juveniles) Order 2000 were satisfied;
- The local authority application has been authorised by an authorising officer;
- The grant of the authorisation was not in breach of any restriction imposed by virtue of an order made under the following sections of RIPA:
 - 29(7)(a) (for CHIS),
 - 30(3) (for directed surveillance and CHIS).

Summary of procedure for applying for covert directed surveillance or use of a CHIS is:

- Applicant obtains preliminary legal advice from Monitoring Officer;
- Applicant completes an application;
- Monitoring Officer quality checks the completed application before organising it to go to the Authorising Officer;
- Approval is sought from the Authorising Officer;
- Authorising Officer completes authorisation form in long-hand;
- Monitoring Officer organises paperwork for court and the applicant, the Authorising Officer proceeds to court, accompanied by a member of the legal team wherever possible;
- If approval given, applicant organises the covert directed surveillance or use of a CHIS to take place;
- Original copy of application lodged with Governance Team.

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Additional Requirements for Authorisation of a CHIS

A CHIS must only be authorised if the following arrangements are in place:-

- There is a Council officer with day-to-day responsibility for dealing with the CHIS and a senior Council officer with oversight of the use made of the CHIS;
- A risk assessment has been undertaken to take account of the CHIS security and welfare;
- A Council officer is responsible for maintaining a record of the use made of the CHIS;
- Any adverse impact on community confidence or safety regarding the use of a CHIS has been considered taking account of any particular sensitivities in the local community where the CHIS is operating; and
- Records containing the identity of the CHIS will be maintained in such a way as to preserve the confidentiality or prevent disclosure of the identity of the CHIS.

2.17 Urgent Authorisations

2.17.1 By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrates Court, urgent oral authorisations are not available.

2.18 Application Forms

2.18.1 Only the RIPA Forms listed below can be used by officers applying for RIPA authorisation.

(a) Directed Surveillance

- Application for Authority for Directed Surveillance
- Review of Directed Surveillance Authority
- Cancellation of Directed Surveillance
- Renewal of Directed Surveillance Authority

(b) CHIS

- Application for Authority for Conduct and Use of a CHIS
- Review of Conduct and Use of a CHIS
- Cancellation of Conduct and Use of a CHIS
- Renewal of Conduct and Use of a CHS

2.19 Duration of the Authorisation

2.19.1 Authorisation/notice durations are:-

- for covert directed surveillance the authorisation remains valid for three months after the date of authorisation;
- for a CHIS the authorisation remains ~~valid~~ valid for 12 months after the date of authorisation (or after ~~one~~ four month if a juvenile CHIS is issued);

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2.19.2 Authorisations should not be permitted to expire, they must be either renewed or cancelled when the activity authorised has been completed or is no longer necessary or proportionate in achieving the aim for which it was originally authorised. This is a statutory requirement which means that all authorisations must be reviewed to decide whether to cancel or renew them.

2.20 Review of Authorisations

2.20.1 As referred to at 2.11.2 and 2.14.1 authorising officers must make arrangements to periodically review any authorised RIPA activity. Officers carrying out RIPA activity, or external agencies engaged by the Council to carry out RIPA activity, must periodically review it and report back to the authorising officer if there is any doubt as to whether it should continue. Reviews should be recorded on the appropriate Home Office Form (see 2.18).

2.20.2 A copy of the Council's notice of review of an authorisation must be sent to the Monitoring Officer as soon as possible to enable the central record on RIPA to be authorised.

2.21 Renewal of Authorisations

2.21.1 If the authorising officer considers it necessary for an authorisation to continue they may renew it for a further period, beginning with the day when the authorisation would have expired but for the renewal. They must consider the matter again taking into account the content and value of the investigation and the information so far obtained, considering the same criteria as for new applications (see 2.13 above). Renewed authorisations will normally be for a period of up to three months for covert directed surveillance or 12 months in the case of CHIS, one month in the case of juvenile CHIS. Authorisations may be renewed more than once, provided they are considered again and continue to meet the criteria for authorisation. Applications for the renewal of an authorisation for covert directed surveillance or CHIS authorisation must be made on the appropriate form (see 2.18).

2.21.2 All renewals will require an order of the Magistrates Court in accordance with the requirements in para 8.2 above.

2.21.3 A copy of the Council's notice of renewal of an authorisation must be considered by the Monitoring Officer before it is made and all original copies lodged with the Governance Team together with a copy of the Magistrates Court order renewing the authorisation to enable the central record on RIPA to be updated.

2.22 Cancellation of Authorisations

2.22.1 The person who granted or last renewed the authorisation must cancel it when they are satisfied that the covert directed surveillance or CHIS no longer meets the criteria for authorisation. Cancellations must be made on the appropriate Home Office Form (see 2.18).

2.22.2 A copy of the Council's notice of cancellation of an authorisation must be sent to the Monitoring Officer within one week of the cancellation to enable the central record on RIPA to be updated.

2.23 What happens if the surveillance has unexpected results?

2.23.1 Those carrying out the covert surveillance should inform authorising officer if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation. In some cases the original authorisation may not be sufficient to cover the activity required or information likely to be gathered and in such cases, consideration should be given as to whether a separate authorisation is required.

2.24 Records and Documentation

Departmental Records

2.24.1 Applications, renewals, cancellations, reviews and copies of notices must be retained by the Council in written or electronic form, and physically attached or cross-referenced where they are associated with each other. These records will be confidential and should be retained for a period of at least five years from the ending of the authorisation. Where it is believed that the records could be relevant to pending or future court proceedings, they should be retained and then destroyed five years after last use.

Central Record of Authorisations, Renewals, Reviews and Cancellations

2.24.2 A joint central record of directed surveillance and CHIS is maintained by the Monitoring Officer at the District Council Offices, Mill Lane, Wingerworth for both Bolsover and North East Derbyshire District Councils.

2.24.3 The central record is maintained in accordance with the requirements set out in the Home Office Codes of Practice. In order to keep the central record up-to-date authorising officers must, in addition to sending through the Home Office application, authorisation form and Magistrates Court order as soon as possible following the authorisation being approved by the Magistrates Court (see 2.15) send notification of every renewal, cancellation and review on the Council's notification forms (see 2.19 – 2.22).

2.24.4 Using the information on the central record the Monitoring Officer will:-

- remind authorising officers in advance of the expiry of authorisations;
- remind authorising officers of the need to ensure surveillance does not continue beyond the authorised period;
- remind authorising officers to regularly review current authorisations;
- on the anniversary of each authorisation, remind authorising officers/delegated persons to consider the destruction of the results of surveillance operations.

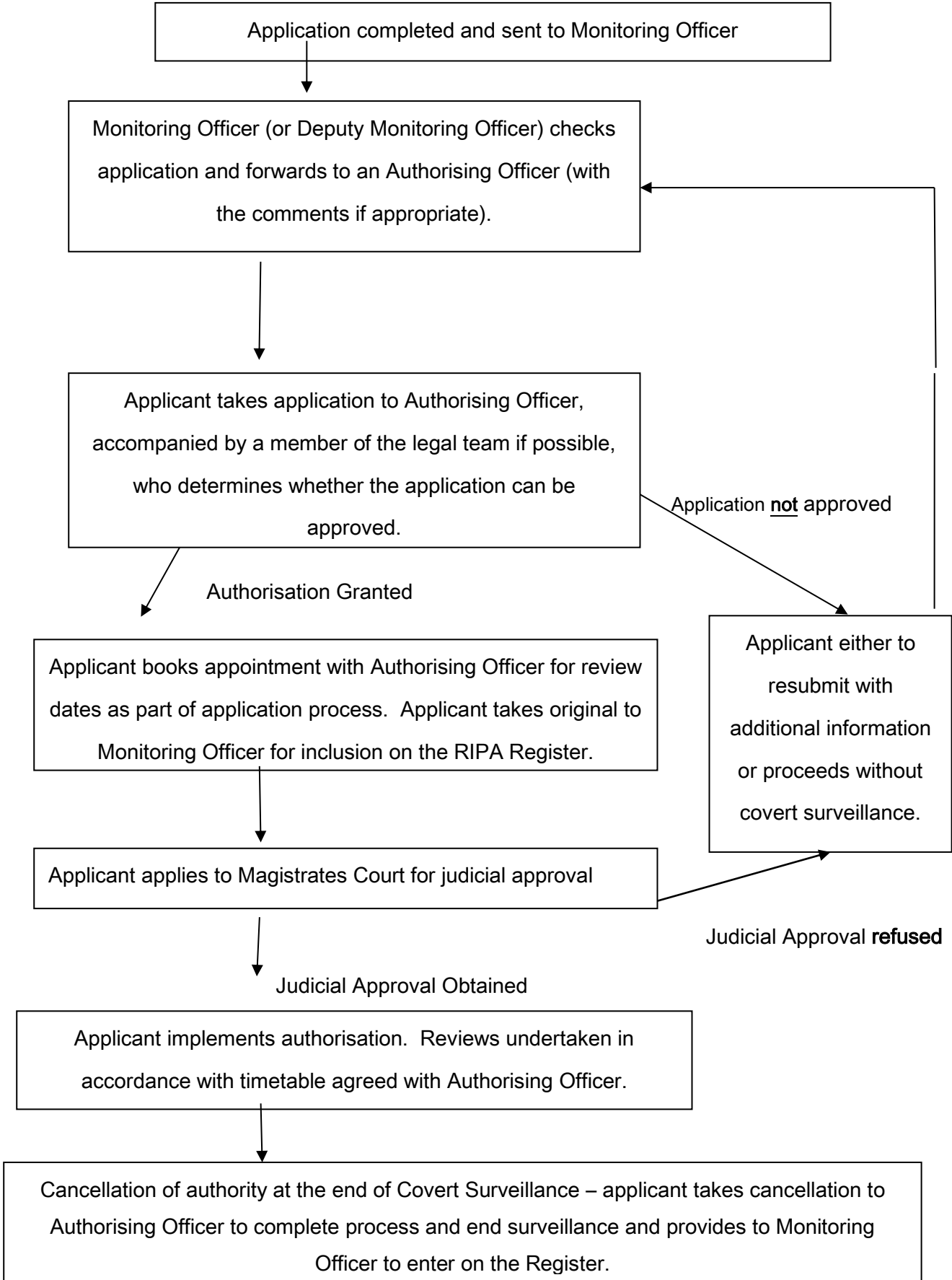
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2.25 Surveillance products

- 2.25.1 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.
- 2.25.2 Particular attention is drawn to the requirements of the Code of Practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.
- 2.25.3 There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. The Council will ensure that adequate arrangements are in place for the handling and storage of material obtained through the use of covert surveillance to facilitate its use in other investigations.
- 2.25.4 Material obtained through the use of directed surveillance or CHIS containing personal information will be protected by the Data Protection Act ~~1998~~2018 (DPA) and in addition to the considerations above must be used, stored and destroyed in compliance with the appropriate requirements of the DPA and the Council's Data Protection, Information Security and Records Management Policies.
- 2.25.5 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. See section 9 of the Home Office Code of Practice for more detail of the safeguards that must be in place. Particular protection must be given to confidential or privileged information.

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APPENDIX A - RIPA PROCESS



**RIPA PART 1 – CHAPTER 2
ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA**

3.1 Permitted Purposes for Acquisition and Disclosure of Communications Data

3.1.1 Local authorities are only permitted to acquire communications data for the purposes of preventing or detecting serious crime. Other purposes are permitted for other public bodies.

3.1.2 A ‘serious crime’ is an offence that is punishable by a maximum term of imprisonment of 12 months or more.

3.1 Communication Service Providers (“CSPs”)

3.1.1 CSPs are organisations that are involved in the provision, delivery and maintenance of communications such as postal, telecommunication and internet service providers but also, for example, hotel or library staff involved in providing and maintaining email access to customers. The Council must obtain communications data from CSPs in strict compliance with RIPA.

3.2 Types of Communications Data

3.2.1 Communications data is the “who”, “where”, “when” and “how” of a communication such as a letter, phone call or email but not the content, not what was said or written. The Council is not able to use RIPA to authorise the interception or acquisition of the content of communications. There are three types of communication data:-

Service Use Information

3.2.2 This is data relating to the use made by any person of a postal or telecommunications, internet service, or any part of it. For example itemised telephone call records, itemised records of connection to internet services, itemised timing and duration of calls, connection/disconnection/reconnection data, use of forwarding or re-direction services, additional telecom services and records of postal items.

Subscriber information

3.2.3 This is information held or obtained by the CSP about persons to whom the CSP provides or has provided a communications service. For instance, subscribers of email and telephone accounts, account information including payment details, address for installing and billing, abstract personal records and sign up data.

Traffic Information

3.2.4 This is data that is comprised in or attached to a communication for the purpose of transmitting it and which identifies a person or location to or from which it is transmitted. **The Council is not permitted to access traffic data.**

Section: Acquisition and Disclosure of Communications Data

3.3 Authorisation and Notices

3.3.1 RIPA provides for acquisition and disclosure of communications data by two alternative means:-

- authorisation of a person within the Council to engage in specific conduct, in order to obtain communications data (a section 22(3) RIPA authorisation); and
- a notice issued to a CSP requiring them to collect or retrieve and then provide the communications data (a section 22(4) RIPA notice).

3.3.2 A Section 22(3) RIPA authorisation is appropriate where (for instance) there is an agreement in place between the Council and the relevant CSP regarding the disclosure of communications data which means a notice is not necessary (currently the Council does not have any such agreements in place); or the Council needs to identify an individual to whom communication services are provided but the relevant CSP is not yet known to the Council, making it impossible to issue a notice.

3.3.3 A Section 22(4) RIPA notice is appropriate where the Council receives specific communications data from a known CSP. A notice may require a CSP to obtain any communications data, if that data is not already in its possession. However, a notice must not place a CSP under a duty to do anything which is not reasonably practicable for the CSP to do.

3.3.4 As a local authority the Council must fulfil two additional requirements when acquiring communications data. Firstly, in accordance with the Home Office Acquisition and Disclosure of Communications Data Code of Practice, the request must be made through a SPeG-qualified Single Point of Contact at NAFA (see more about NAFA at 3.5 and 3.9). Secondly, the request must receive prior judicial approval.

3.3.5 Under Sections 23A and 23B of RIPA the Council must ~~also~~ obtain judicial approval for all requests for communications data. Judicial approval must be requested once all the Council's internal authorisation processes have been completed, including consultation with a NAFN SPoC, but before the SPoC requests the data from the CSP. The authorisation must be provided by a magistrate.

3.3.6 The Home Office Acquisition and Disclosure of Communications Data Code of Practice can be found on the Home Office website and on the intranet.

3.4 Authorisation Procedures

Authorisations given by Designated Persons are subject to approval by the Magistrates Court (See para 3.10 below)

3.4.1 Designated Persons are responsible for considering applications for obtaining communications data, assessing and approving authorisations and notices.

3.4.2 It is the responsibility of Designated Persons to ensure that when applying for authorisation the principles of necessity and proportionality (see 3.8.2 and 2.13) are adequately considered and evidenced; and that reviews and

Section: Acquisition and Disclosure of Communications Data

cancellations of authorisations are carried out as required under this Policy (3.14 – 3.17 below).

3.4.3 The list of designated persons is set out below. Any requests for amendments to the lists must be sent to the Monitoring Officer.

3.4.4 The designated persons for Bolsover and North East Derbyshire District Councils are as follows:

Joint Chief Executive Officer – Dan Swaine (01246 242401/217155)

Joint Strategic Director – Lee Hickin (01246 217218)

Joint Strategic Director – Karen Hanson (01246 217053)

Joint Head of Finance and Resources – Dawn Clarke(01246 217658)

3.4.5 Schedule 2 of statutory instrument No 480 (2010) prescribes the rank or position of designated person for the purposes of Section 25(2) of RIPA (access to communications data). For Local Authorities they prescribe a “Director, Head of Service, Service Manager or equivalent”.

3.4.6 The Monitoring Officer designates which officers can be designated persons. Only these officers can authorise the acquisition and disclosure of Communications data. **All authorisations must follow the procedures set out in the Policy.** Designated persons are responsible for ensuring that they have received RIPA training prior to authorising RIPA activity. When applying for or authorising RIPA activity under the Policy, officers must also take into account the corporate training and any other guidance issued from time to time by the Monitoring Officer.

~~3.5~~ **Single Point of Contact (SPoC)**

~~3.5.1~~ ~~SPoCs are responsible for advising officers within the Council on how best to go about obtaining communications data, for liaising with CSPs, and advising whether applications and notices are lawful. As required under the latest Acquisition and Disclosure of Communications Data Code of Practice, the Council has engaged the National Anti-Fraud Network (NAFN). NAFN’s SPoC services relate only to communications data. For information on using NAFA, see 3.9 below.~~

~~3.56~~ **Authorisation of Acquisition and Disclosure of Communications Data**

~~3.65.1~~ ~~Any potential use of RIPA should be referred to the Monitoring Officer for preliminary advice.~~

~~3.5.2~~ RIPA applies to all acquisition and disclosure of communications data whether by Council employees or external agencies engaged by the Council. Authorisations or notices in relation to communications data should be referred to NAFN.

~~3.56.3~~ The rules on the granting of authorisations for the acquisition of communications data are slightly different from directed surveillance and CHIS authorisations and involve three roles within the Council. The roles are:-

- Applicant

Section: Acquisition and Disclosure of Communications Data

- Designated Person
- Single Point of Contact

3.67 Applicant

3.76.1 This is the officer involved in conducting an investigation or operation who makes an application in writing for the acquisition of communications data. The application form must:-

- Set out the legislation under which the operation or investigation is being conducted. This must be a statutory function of the Council for the prevention or detection of serious crime ~~or preventing disorder~~;
- Describe the communications data required i.e. the telephone number, email address, the specific date or period of the data and the type of data required. If the data will or may be generated in the future, the future period is restricted to no more than one month from the date on which the authorisation is granted.
- Explain why the conduct is necessary and proportionate.
- Consider and describe any meaningful collateral intrusion. For example, where access is for “outgoing calls” from a “home telephone” collateral intrusion may be applicable to calls made by family members who are outside the scope of the investigation. The applicant therefore needs to consider what the impact is on third parties and try to minimise it.

3.78 Designated Person

3.87.1 This is the person who considers the application. A designated person’s role is the same as an authorising officer’s role in relation to directed surveillance and CHIS authorisations. The designated person assesses the necessity for any conduct to obtain communications data taking account of any advice provided by the single point of contact (SPoC). If the designated person believes it is necessary and proportionate in the specific circumstances, an authorisation is granted or a notice is given.

3.78.2 **The Designated Person must refer the criteria set out at paragraph 2.13, as the same principles of necessity and proportionality apply to the use of cover directed surveillance and CHIS.**

3.78.3 Designated persons should not be responsible for authorising their own activities, i.e. those operations/investigations in which they are directly involved. However, it is recognised that in exceptional circumstances this may sometimes be unavoidable. The Monitoring Officer should be informed in such cases.

3.87.4 Particular consideration should be given to **collateral intrusion on or interference with the privacy of persons who are not the subject(s) of the investigation.** Collateral intrusion occurs when an officer gains information relating to a person who is not the subject of the investigation. An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference and measures must be taken to avoid or minimise it. This must be taken into account by the designated person, particularly when considering the proportionality of the surveillance.

Section: Acquisition and Disclosure of Communications Data

- 3.87.5 Particular care must be taken in cases where **confidential information** is involved e.g. matters subject legal privilege, confidential personal information, confidential journalistic material, confidential medical information, and matters relating to religious leaders and their followers. In cases where it is likely that confidential information will be acquired, officers must specifically refer this to the Monitoring Officer for advice.
- 3.78.6 At the time of authorisation the designated person must set a date for review of the authorisation and review it on that date (see 3.14), prior to authorisation lapsing as it must not be allowed to lapse.
- 3.78.7 The original completed application and authorisation form must be forwarded to the Monitoring Officer as soon as possible. In the case of a section 22(4) RIPA notice requiring disclosure of communications data a copy of the notice must be attached to the application form. The Monitoring Officer will maintain a central register of the Council's RIPA activity and a unique reference number will be allocated to each application.

3.8 Single Point of Contact (SPoC)

3.8.1 SPoCs are responsible for advising officers within the Council on how best to go about obtaining communications data, for liaising with CSPs, and advising whether applications and notices are lawful. As required under the latest Acquisition and Disclosure of Communications Data Code of Practice, the Council has engaged the National Anti-Fraud Network (NAFN). NAFN's SPoC services relate only to communications data.

3.8.2 More details on NAFN are available at www.nafn.gov.uk

~~3.9 Single Point of Contract (SPoC)~~

~~3.9.1 The accredited SPoCs at NAFN scrutinise the applications independently, and provide advice to applicant officers and designated persons ensuring the Council acts in an informed and lawful manner.~~

3.10 Approval by Magistrates Court

- 3.10.1 Under the Protection of Freedoms Act 2012, there is an additional stage in the process for the acquisition of communications data. After the authorisation form has been countersigned by the designated person, the Council is required to obtain judicial approval for either the authorisation or a renewal of an authorisation.
- 3.10.2 The Council has a protocol for the Magistrates' approval process, including out of hours procedures, which is held by the Governance Team.
- 3.10.3 The magistrate will have to decide whether the Council's application to grant or renew an authorisation to use RIPA should be approved and it will not come into effect unless and until it is approved by the Magistrates Court.

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- 3.10.4 *A separate application should be completed when the Council is requesting judicial approval for the use of more than one of the surveillance techniques (i.e. Directed Surveillance, CHIS and Communications Data) at the same time.*
- 3.10.5 It should be noted that only the initial application and any renewal of the application require magistrates' approval.
- 3.10.6 There is no requirement for officers presenting authorisations to the Magistrates Court to be legally qualified but they do need to be authorised by the Council to represent it in court. **Generally the applicant should be accompanied to Court by the designated person and a member of the legal team.**

3.11 The Role of the Magistrates Court

- 3.11.1 The role of the Magistrates Court is set out in Section 23A RIPA (for communications data).
- 3.11.2 These sections provide that the notice, shall not take effect until the Magistrates Court has made an order approving such notice. The matters on which the Magistrates Court needs to be satisfied before giving judicial approval are that:-
- There were reasonable grounds for the local authority to believe that the authorisation or notice was necessary and proportionate;
 - The local authority application has been authorised by a designated person;
 - The grant of the notice was not in breach of any restriction imposed by virtue of an order made under sections 25(3) (for communications data) of RIPA:

Summary of procedure for applying for acquisition of communications data:

- Applicant obtains preliminary legal advice from Monitoring Officer;
- Applicant officer creates an application using the Cycomms Web Viewer on the NAFN website;
- SPoC Officer at NAFN triages and accepts the application into the Cyclops system;
- SPoC Officer uses Cyclops to update the application details and completes the SPoC report;
- Approval is sought from the Designated Person (DP);
- If approval given, Monitoring Officer organises paperwork for court and the applicant and the DP proceeds to court, accompanied by a member of the legal team wherever possible;
- SPoC receives signed court documents and sends requests to Communications Service Provider (CSP);
- SPoC receives results back from CSP and returns results to Applicant;
- Applicant accesses the Web Viewer and downloads results;
- Original copy of application lodged with Governance Team.

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3.12 Urgent Authorisations

3.12.1 By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrates Court, urgent oral authorisations are not available.

3.13 Application Forms – Acquisition and Disclosure of Communications Data

3.13.1 Only the RIPA Forms listed below can be used by officers applying for RIPA authorisation.

- Application for a Section 22(4) RIPA Notice
- Notice under Section 22(4) RIPA requiring Communications Data to be Obtained and Disclosed

3.14 Duration of the Authorisation

3.14.1 A communications data notice remains valid for a **maximum of one month**.

3.14.2 Notices should not be permitted to expire, they must be either renewed or cancelled when the activity authorised has been completed or is no longer necessary or proportionate in achieving the aim for which it was originally authorised. This is a statutory requirement which means that all notices must be reviewed to decide whether to cancel or renew them.

3.15 Review of Authorisations

3.15.1 As referred to at 3.8.6, designated persons must make arrangements to periodically review any authorised RIPA activity. Officers carrying out RIPA activity, or external agencies engaged by the Council to carry out RIPA activity, must periodically review it and report back to the designated person if there is any doubt as to whether it should continue. Reviews should be recorded on the appropriate Home Office Form (see 3.13).

3.15.2 A copy of the Council's notice of review of an authorisation must be sent to the Monitoring Officer as soon as possible to enable the central record on RIPA to be authorised.

3.16 Renewal of Authorisations

3.16.1 If the designated person considers it necessary for an authorisation to continue they may renew it for a further period, beginning with the day when the authorisation would have expired but for the renewal. They must consider the matter again taking into account the content and value of the investigation and the information so far obtained. Renewed authorisations will normally be for a period one month in the case of a communications data authorisation or notice. Authorisations may be renewed more than once, provided they are considered again and continue to meet the criteria for authorisation. The reasoning for seeking renewal of a communications data authorisation or RIPA notice should be set out by the applicant in an addendum to the application form which granted the initial authorisation.

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3.16.2 All renewals will require an order of the Magistrates Court in accordance with the requirements in para 3.10 above.

3.16.3 A copy of the Council's notice of renewal of an authorisation must be considered by the Monitoring Officer before it is made and all original copies lodged with the Governance Team together with a copy of the Magistrates Court order renewing the authorisation to enable the central record on RIPA to be updated.

3.17 Cancellation of Authorisations

3.17.1 The person who granted or last renewed the authorisation must cancel it when they are satisfied that the communications data authorisation or notice no longer meets the criteria for authorisation. Cancellations must be made on the appropriate Home Office Form (see 8.6). In relation to a Section 22(4) notice to a CSP, the cancellation must be reported to the CSP by the designated person directly or by the SPoC on that person's behalf.

3.17.2 A copy of the Council's notice of cancellation of an authorisation must be sent to the Monitoring Officer within one week of the cancellation to enable the central record on RIPA to be updated.

3.18 What happens if the acquisition of communications data has unexpected results?

3.18.1 Those involved in the acquisition of communications data should inform the designated person if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation. In some cases the original authorisation may not be sufficient to cover the activity required or information likely to be gathered and in such cases, consideration should be given as to whether a separate authorisation is required.

3.19 Records and Documentation

Departmental Records

3.19.1 Applications, renewals, cancellations, reviews and copies of notices must be retained by the Council in written or electronic form, and physically attached or cross-referenced where they are associated with each other. These records will be confidential and should be retained for a period of at least five years from the ending of the authorisation. Where it is believed that the records could be relevant to pending or future court proceedings, they should be retained and then destroyed five years after last use.

3.19.2 In relation to communications data, records must be held centrally by the SPoC. These records must be available for inspection by ICCP and retained to allow the Investigatory Powers Tribunal, established under Part IV of the Act, to carry out its functions.

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Central Record of Authorisations, Renewals, Reviews and Cancellations

- 3.19.3 A joint central record of access to communications data authorisations is maintained by the Monitoring Officer at the District Council Offices, Mill Lane, Wingerworth for both Bolsover and North East Derbyshire District Councils.
- 3.19.4 See paragraph 2.24 for more information on the central records, which also applies relation to covert surveillance and CHIS.

3.20 Communications data related to pending of future proceedings

- 3.20.1 Where the communications data acquired could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.
- 3.20.2 Particular attention is drawn to the requirements of the Code of Practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.
- 3.20.3 There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. The Council will ensure that adequate arrangements are in place for the handling and storage of material obtained through the use RIPA to facilitate its use in other investigations.
- 3.20.4 Material obtained through acquisition of communications data containing personal information will be protected by GDPR and the Data Protection Act (DPA) and in addition to the considerations above must be used, stored and destroyed in compliance with the appropriate requirements of the GDPR/DPA and the Council's Data Protection, Information Security and Records Management Policies.

Bolsover District Council

Standards Committee

11 March 2019

Annual Review of Gifts and Hospitality 2018

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- Once a year the Gifts and Hospitality Register for the Council is checked by the Monitoring Officer to ensure that it is being used correctly.
- This is the fifth Calendar Year that the annual report has been compiled using the figures presented on the central Gifts and Hospitality register which the Legal Support Officer maintains for the entire Council. The results of the review are contained on the attached spreadsheet.
- Provide feedback from the Audit of the Internal Audit Consortium of the Gifts & Hospitalities register.

1 Report Details

- 1.1 The review shows that all the offers were accepted with the exception of 1 gift that was accepted but then donated to the Chairman's Charity. The register is attached to this report as Appendix A and is summarised below.
- 1.2 Most of the gifts are relatively small in value but there was one declaration which relates to an IPAD Mini with a monetary value of £399. As per the Gifts & Hospitalities procedure the Monitoring Officer was immediately alerted and she was able to discuss with the recipient of the gift and their Line Manager. The IPAD Mini was a prize from a prize draw for completing a CIPFA training questionnaire, the recipient wanted to declare this on the register to ensure transparency even though it was a prize.
- 1.3 The following departments showed no registrations: - Economic Growth, Planning & Environmental Health, Street Scene, Community Safety, ICT, Health & Wellbeing, Leisure, Human Resources, Bolsover Contact Centre, South Normanton Contact Centre and Customer Service & Improvement.

- 1.4 In May 2018 the Internal Audit Consortium conducted an audit of the register. The conclusion of the audit was 'Substantial Assurance' with three Low Priority recommendations made, these were as follows:-
- **R1** – It should be ensured that the annual inspection report is presented to the Standards Committee during the year following the inspection.
 - **R2** – Consideration be made to adding 'Print name', 'Position' and 'date of authorisation' to the Gifts & Hospitality Declaration form and to check the Gifts & Hospitality forms upon receipt for appropriate authorisation signatures.
 - **R3** – It should be ensured that the most recent version of the Members Code of Conduct matches with the wording in the Council's Constitution, any previous versions which vary in content should be removed.
- 1.5 All three recommendations have been agreed to. Attached at Appendix B is the revised Gifts and Hospitality Declaration form which shows the implemented changes as specified in **R2**. The form was updated and replaced on the Council's website within a month of receiving the recommendation. **R3** was also implemented upon receipt of the report.
- 1.6 Members may recall that following consideration of last year's register, it was agreed at a meeting on 2nd July 2018 that in future years the register would be published on the council's website. The Council is currently looking at various providers of committee management software, with a view to go out to tender later this year. All the systems looked at to date have a facility for an online register of Gifts and Hospitality for members which can be viewed on the website. It is therefore proposed that we do not publish the 2018 register at this time, rather we wait for a new system to be implemented and include then.

2 Conclusions and Reasons for Recommendation

- 2.1 The outcome of the annual review as shown on the spreadsheet attached.
- 2.2 It is good governance to check this register once a year to ensure it is being used and that entries are appropriate. It is an appropriate time for the review.

3 Consultation and Equality Impact

- 3.1 No consultation required and no Equality Impact Statement needed.

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

5.1.1 None

5.2 Legal Implications including Data Protection

5.2.1 As in the report.

5.3 Human Resources Implications

5.3.1 None

6 Recommendations

6.1 That the review of the Gifts and Hospitality Register be noted.

7 Decision Information

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:</i> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <i>NEDDC:</i> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	This is a matter of good governance

8 **Document Information**

Appendix No	Title	
A	Gifts and Hospitality Register 2018	
B	Revised Gifts and Hospitality Corporate Declaration Form	
<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>		
<p>Audit Report – Gifts and Hospitality</p>		
Report Author		Contact Number
Rebecca Rowley		2428

Report Reference –

Gifts & Hospitality Inspection - January 2018 to December 2018

Department	Total amount of declared gifts	Description of gifts/hospitalities	Electronic Declarations - Total	Paper Declarations - total
Members	1	Invitation to an awards ceremony where the Council has been nominated for 3 awards;	1	1
GROWTH DIRECTORATE				
CEO	1	Refreshments and buffet lunch (£5);	1	1
CEPT	1	Refreshments and buffet lunch (£5);	1	1
Economic Growth			0	0
Planning & Env. Health			0	0
Legal & Governance	2	Stainless Steel Watch (£5-£10 - <i>donated to Chairmans Charity</i>); Bottle of Wine (£6) ;	2	2
OPERATIONS				
		Ipad Mini (£399 won via prize draw for completion of Cipfa training questionnaire - Alerted SEAS to this declaration 10/9/18 confirmed that Dawn Clarke is aware of this and has signed off the form as approved.);		
Finance	1		1	1
Revenues			0	0
Street Scene			0	0

			10cl Bottle Whisky (£5); Bottle of White Wine (£5) ; £5 Cash received in Birthday Card(entered into communal funds for Woburn House); Box of Chocolates (£5) ; 2 x Boxes of Chocolates (£8); Home grown Tomato Plant (50P) ; Butterfly Broach (Unsure of value); Box of Chocolates (under £5); Handmade wooden small flower holder with flower x3 (£5) ; Small Candle (£4); Tin of Heros chocolates (£4) ; Box of Milk Tray (£4); Small Candle (£4) ; Perfume (£8); Biscuits (£3) ; Biscuits (£3); Diary Box (£5) ; Heros (£4); Box of Chocolates (x7) ; Box of Biscuits (x7); Flowers (£10) ; Chocolates (£3); Ornament (£10) ; Dove Gift Set (£3); Gift Sets (x5)(£3) ; Small bottle of Snowball(£3) ; Chocolates (£3) ; Toffees (£5); Impulse (£3) ; Chocolates (£4); Chocolates (£5) ; Cream Drink (£6); Christmas Plant (£3) ; Box of Chocolates (x5) (£10)	56	56	56
Housing		56				
Community Safety		2	2 Small Easter eggs (£1-£2);	2	2	2
Estates & Properties		2	Invitation to an awards ceremony where the Council has been nominated for 3 awards (x2);	2	2	2
TRANSFORMATION						
ICT		1	Christmas Chocolate Hamper;	1	1	1
Health & Wellbeing				0	0	0
Leisure				0	0	0
Human Resources				0	0	0
Shirebrook Contact Centre		1	Box of Thorntons Mint Chocolates (£5);	1	1	1
Bolsover Contact Centre				0	0	0
Clowne Contact Centre		4	Bottle of Whisky; French Cacao truffles Gift Set (x2) ; Roses Chocolates;	4	4	4
South Normanton Contact Centre				0	0	0
Customer Service & Improvement				0	0	0

For

APPENDIX B

Gifts and Hospitality Declaration.

GIFT/HOSPITALITY REGISTER	
Name and Extension number of the recipient:	Department:
Date of Offer	
Description of gift or hospitality and approximate value	
Donor of the gift or hospitality	
Accepted or Refused	
Reason for Acceptance or Refusal and the benefit to the Authority where accepted.	
TO BE COMPLETED IN FULL BY AUTHORISING OFFICER	
For Acceptance of Gift or Hospitality, Authorisation Signature.	
PRINT NAME:	
JOB TITLE:	
DATE OF AUTHORISATION	

Please complete the above form and get the relevant Authorising Officer to sign/date the document if the gift or hospitality is being accepted. Once signed (or if being refused – without the signature) please scan the form and email to the Legal Support Officer – Rebecca Rowley

Please also forward THIS original form to the Legal Support Officer also.

Bolsover District Council

Standards Committee

March 2019

<p>Parliamentary Committee on Standards in Public life – Review into Local Government Ethical Standards</p>
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Report of the Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To report to Members on the findings and recommendations of Parliamentary Committee on Standards in Public Life review in to Local Government Ethical Standards.

1 Report Details

BACKGROUND

- 1.1 The Parliamentary Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders and promotes the 7 principles of public life.
- 1.2 The Localism Act 2011 introduced significant changes to the way that conduct of elected Councillors was handled. It abolished a national framework headed by a regulator and a national Code of Conduct and removed powers to suspend or disqualify Councillors for serious breaches of the Code of Conduct. Instead it placed a duty on Councils: to adopt their own local Code; to put local procedures in place to investigate allegations the Code may have been broken (with principal authorities carrying out that duty for parish councils; and to appoint at least one Independent Person (IP) whose views they had to take into account when considering matters under investigation.
- 1.3 CSPL undertook to review the effectiveness of the arrangements once they had bedded in. In May 2018, the Bolsover District Council Standards Committee gave consideration to the terms of reference for this review. The review sought evidence from all interested stakeholders and the recommendations were published on 30 January 2019. A copy of their full report has not been appended to this report due to its length, however it is available on request.

- 1.4 This report summarises the key findings of the review and recommendations that have been made.

ISSUES AND RECOMMENDATIONS

- 1.5 CSPL looked at four specific areas of operation of the system:
- the Code of Conduct and arrangements for declarations of Interest;
 - the available sanctions;
 - the role of the IP, MO (Monitoring Officer) and Standards Committee; and
 - support for parishes.
- In addition it looked more widely at how authorities could better promote high standards of conduct.

OVERALL FINDINGS

- 1.6 CSPL found there was no appetite to return to a centrally-regulated system as local arrangements on the whole were most effective at handling the majority of cases and that standards were high. However, there were issues with a small handful of serious or persistent offenders and with governance arrangements in some Parish Councils.
- 1.7 There also needed to be a more consistent approach taken to standards and MOs and Councils needed some more effective tools to allow them to handle those serious cases.

CODES OF CONDUCT

- 1.8 CSPL felt there was too much variation among local Codes. This led to inconsistencies, with some Members who sat on more than one authority being subject to different rules and the public being confused about what standards applied. These inconsistencies were particularly marked when it came to interests that needed to be registered and declared.
- 1.9 They were also critical of Codes that were based around models produced by LGA and CLG in 2012 and felt that Code should be simpler and more 'rules-based'.
- 1.10 They also felt the scope of the Code should be widened so that it also captured statements made by Members in public, particularly on social media, and circumstances where Members were purporting to act as a Member in order to advantage themselves or disadvantage others.

1.11 Below are the CSPL recommendations in relation to the Code of Conduct:

- There should not be a compulsory national Code but there should be a new model rules-based Code produced by the LGA which councils should generally follow but add local variations to if needed
- There should be the same Code across a geographical area with parishes being under a requirement to adopt the principal authority code
- There needed to be a more comprehensive system for registering and declaring interests which goes wider than the current statutory minimum
- The criminal offence for non-registration and non-declaration of Disclosable Pecuniary Interests should be abolished
- There should be a rebuttable presumption that any public action by a councillor is within the scope of the Code
- The Code should also cover circumstances where a member is purporting to act as a member.

SANCTIONS

1.12 CSPL found Councils needed greater sanctions available to deal with serious and persistent misconduct. They therefore recommend that Councils should be given the power to suspend Members for up to six months without allowances. However, safeguards would need to be built into the system to avoid it being used politically.

1.13 Below are the CSPL recommendations in relation to Sanctions:

- Councils should have the power to suspend members for up to six months without allowances
- The IP would need to agree that there had been a breach of the Code and that a suspension was a proportionate outcome
- A suspended Member could appeal to the Local Government Ombudsman against the outcome of the case
- The Government should make clear what other administrative sanctions are available to Councils.

THE ROLE OF THE IP, MO AND STANDARDS COMMITTEES

1.14 If there are to be tougher sanctions, CSPL concluded there needs to be greater independence in the system so the role of the IP should be enhanced, and the MO should be better supported and protected so that they feel free to act without fear or favour. In addition the role of Standards Committees should be enhanced as the guardians of a Council's duty to promote and maintain high standards.

1.15 Below are the CSPL recommendations in relation to IPs, MOs and Standards Committees:

- The IP should be given a legal indemnity by Councils if they are to have a role in agreeing to suspension of members
- IPs should be appointed for a two-year term, renewable once, to ensure they are seen to be independent
- Any views expressed by an IP should be published as part of a decision notice
- Statutory protection for MOs should be extended to include any disciplinary action not just dismissal
- Councils should have a standards committee
- Standards committees should be able to co-opt independent members and parish representatives with voting rights if they so choose

PARISH COUNCILS

1.16 While the majority of Parish Councils operate to the highest standards, CSPL found that a minority have significant problems and can absorb a lot of time and resources. There therefore needs to be a recognition that they need greater support and access to training and Councils need to allow MOs sufficient resource to support them.

1.17 Below are the CSPL recommendations in relation to Parish Councils:

- Sanctions against a parish council should be imposed by the principal authority rather than referred back to the Parish Council
- Parish Clerks should hold a suitable qualification
- There should be greater recognition of the role of the MO in supporting parishes and they should be resourced accordingly

PROMOTION OF HIGH STANDARDS

1.18 CSPL also made some wider recommendations about how Councils should seek to put high standards at the heart of the organisation. It believed, for example, that political parties should make Member training on standards a requirement of their model group rules, and that there needs to be a much greater recognition in all authorities of the importance of the role of the MO as part of corporate management arrangements, and standards should be seen as the responsibility of all not just the MO.

NEXT STEPS

- 1.19 The Government will respond to the report in the coming months setting out whether or not it accepts some or all of the recommendations. Some of the recommendations – for example increased sanctions, or the abolition of the DPI criminal offence, would require primary legislation.
- 1.20 However, many other recommendations are good practice which Councils can just implement or adopt.
- 1.21 It is therefore suggested, in light of the findings of the review, that the recommendations made are considered in line with a review of the Standards Committees Terms of Reference. This could be built in to the review of the Constitution for the 2019/2020 municipal year.

2 Conclusions and Reasons for Recommendation

- 2.1 This report is to inform Members of the review into Local Government Ethical Standards. The recommendations that are summarised within may inform a planned review of the terms of reference for the committee.

3 Consultation and Equality Impact

- 3.1 There are no equalities issues arising from this report.
- 3.2 Standards are informed of this review in line with their responsibilities contained within their terms of reference.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None arising from this report.

5.2 Legal Implications including Data Protection

- 5.2.1 None arising from this report.

5.3 Human Resources Implications

- 5.3.1 None arising from this report.

6 Recommendations

6.1 That Standards Committee

- a) note the findings of the review and the recommendations of the Parliamentary Committee on Standards in Public Life – Review in to Local Government Ethical Standards; and
- b) request that the findings and recommendations of the review be considered in line with a review of the Committee’s Terms of Reference, to be presented to a future meeting of the Standards Committee.

7 Decision Information

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>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed?	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
None	

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)	
CSPL – Review Report in to Local Government Ethical Standards	
Report Author	Contact Number
Nicola Calver, Governance Manager	01246 217753

Bolsover District Council

Standards Committee

11th March 2019

Review of Standards Committee – Operational Review

Report of the Monitoring Officer

This report is public

PLEASE NOTE:

Attached is the report that was considered by Executive on 18th February 2019.

Also attached is a Minute extract from that meeting in relation to this item.

Standards Committee are asked to give this report consideration and note its content and the recommendations made therein.

Bolsover District Council

Executive

18th February 2019

Review of Standards Committee – Operational Review

Report of the Customer Service & Transformation Scrutiny Committee

This report is public

Purpose of the Report

- To present to Executive the completed report for the recent Review of Standards Committee – Operational Review.

1. Report Details

- 1.1 The Customer Service and Transformation Scrutiny Committee agreed to undertake a Review of Standards Committee – Operational Review, as part of the 2018/19 work plan following consideration of a range of topics suggested at the Annual Scrutiny Conference.
- 1.2 The aims of the review were:
- To consider the BDC response to the consultation by the Committee on Standards in Public Life review and suggest areas for review;
 - To examine a range of concerns raised by Standards Committee.

The key issues identified were as follows:

- Do Elected Members know what the Standards Committee does?
- How can we more effectively ensure that the public is aware of the work of Standards Committee in how District and Parish Councillors conduct themselves?
- Are the Standards Committee's processes clear and is the role of the Independent Person and the co-opted Chair of Standards Committee understood both externally by the public and internally by Elected Members?
- Does having an independent co-optee Chair add value to the work of the Standards Committee?
- Are there other work areas the Standards Committee should deal with in addition to the statutory and other remits in its current terms of reference?
- Should Standards Committee do more to engage Elected Members in their work?

- Should there be additional protocols or processes to help everyone understand the work of the Standards Committee?

1.3 This mini-review came about as a result of a request from BDC Standards Committee for an external review of how the Committee operated. During the 2017/18 municipal year, BDC Standards Committee responded to the national consultation by the Committee on Standards in Public Life on their 'Review of Local Government Ethical Standards'. As a result of their own review, the BDC Committee felt it was pertinent to also have an external opinion of how they operated and requested that scrutiny complete a review.

1.4 A range of concerns were raised by Standards Committee and these were considered as part of the scoping process. The review was completed outside of the usual meeting programme via a small Working Group, with regular reports back to Committee.

2. Conclusions and Reasons for Recommendation

2.1 The Committee have put together seven recommendations which will hopefully assist the Council in improving existing approaches to Member training and engagement on Standards.

2.2 The key issues arising from the review are:

- The introduction of a more formalised approach to training, particularly at Parish level;
- Consideration of Article 9 of the Constitution and the Committee Terms of Reference (Part 3.6) as part of the annual review process – see benchmarking exercise at 5.5 and 5.6 which highlights areas for consideration;
- Improved public information, both web-based and hard-copy, to ensure the role of Standards Committee is clear.

2.3 It is hoped that the recommendations set out in this review report will help the Authority to further improve the advice and training given to Councillors at District and Parish level in relation to compliance with accepted standards.

3. Consultation and Equality Impact

3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.

3.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

3.3 A key consideration has been that both Parish and District Councillors have equal access to the same information and training.

4. Alternative Options and Reasons for Rejection

4.1 Executive could choose not to endorse the recommendations of the review, where they feel the course of action recommended is beyond the delivery capacity of the Authority.

5. Implications

5.1 Finance and Risk Implications

5.1.1 None from this report.

5.2 Legal Implications including Data Protection

5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

5.2.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

5.3 Human Resources Implications

5.3.1 None from this report.

6. Recommendations

6.1 That the Executive endorses the recommendations of the review outlined in section 2 of the attached report.

6.2 That for recommendations approved by Executive, monitoring by Committee takes place over a twelve month period via the PERFORM system with an update report to Committee at the end of the monitoring period.

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>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	N/A
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Aim: Transforming Our Organisation</p> <p>Priority: Demonstrating good governance</p>

8. Document Information

Appendix No	Title
5A.1	Review of Standards Committee – Operational Review
<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>	
<p>Please contact Scrutiny & Elections Officer where further information is required.</p>	
Report Author	Contact Number
Joanne Wilson, Scrutiny & Elections Officer	01246 242385

EXECUTIVE

Minute Extract

Minute Extract of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday 18th February 2019 at 1000 hours.

0670. ITEMS RECOMMENDED BY SCRUTINY COMMITTEES REVIEW OF STANDARDS COMMITTEE BY CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

Councillor R. Bowler, Chair of the Customer Service and Transformation Scrutiny Committee, presented the report of the Scrutiny Committee on the Review of Standards Committee completed during 2018/19.

During the 2017/18 municipal year, the Standards Committee responded to the national consultation by the Committee on Standards in Public Life on their 'Review of Local Government Ethical Standards'. As a result of their own review, the Standards Committee felt it was pertinent to also have an external opinion on how they operated and requested that scrutiny complete a review.

A range of concerns were raised by Standards Committee and these were considered as part of the scoping process. The review was completed outside of the usual meeting programme via a small Working Group, with regular reports back to Committee.

The key issues arising from the review were:

- The introduction of a more formalised approach to training, particularly at Parish level;
- Consideration of Article 9 of the Constitution and the Committee Terms of Reference (Part 3.6) as part of the annual review process; and
- Improved public information, both web-based and hard-copy, to ensure the role of Standards Committee is clear.

The Scrutiny Review put forward seven recommendations which were intended to assist the Council in improving existing approaches to Member training and engagement on Standards.

The report outlined the recommendations and the responses received by officers, which included some amendments. The Scrutiny Committee supported the amendments and therefore presented the following recommendations to Executive for consideration:

- 1.1 That training in relation to Code of Conduct and DPIs is programme as part of the District Member Induction Programme, with a refresher course two years later, to accommodate any changes in legislation/Council membership.

- 1.2 That training in relation to Code of Conduct and DPs is programme on a minimum annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.
- 1.3 That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:
 - Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers);
 - A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication.(This recommendation had a revised target date of October 2019)
- 1.4 That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.
- 1.5 That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.
- 1.6 That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.
- 1.7 That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed District and Parish Councillors.
(This recommendation had a revised target date of September 2019)

Executive welcomed the report and the constructive recommendations and thanked Scrutiny for their work undertaken during the review.

Moved by Councillor M.J. Dooley and seconded by Councillor B.R. Murray-Carr
RESOLVED that:

- (1) Executive approve the recommendations of the review outlined in section 2 of the report as amended above.
- (2) the recommendations be monitored by the Customer Service and Transformation Scrutiny Committee over the next 12 months.

REASON FOR DECISION:

To further improve the advice and training given to Councillors at the District and Parish level in relation to compliance with accepted standards.

OTHER OPTIONS CONSIDERED:

There were no alternative options considered and rejected by Executive.

(Scrutiny and Elections Officer)



**Review of Standards Committee –
Operational Review
July – November 2018
CUSTOMER SERVICE & TRANSFORMATION
SCRUTINY COMMITTEE**

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Chair's Foreword

This review topic has had a different focus, in that we have looked at our internal and external processes with Members rather than front-facing services. However, for Standards Committee to request a review by Scrutiny, it shows that our independent opinion as Scrutiny Members is valued.

Our analysis has shown that while current practices and processes comply with the Seven Principles, there are areas that Standards Committee could consider for further improvement. In particular, we have noted the Committee's response to the national consultation by the Committee on Standards in Public Life and we are in agreement with the conclusions in their response.

Nevertheless, we have made recommendations based on our benchmark assessment and our current experience as District and Parish Councillors, as to where we feel we could further improve our approach.

Councillor Rose Bowler
Chair of the Customer Service & Transformation Scrutiny
Committee

1. Introduction

This mini-review came about as a result of a request from BDC Standards Committee for an external review of how the Committee operated. During the 2017/18 municipal year, BDC Standards Committee responded to the national consultation by the Committee on Standards in Public Life on their 'Review of Local Government Ethical Standards'. As a result of their own review, the BDC Committee felt it was pertinent to also have an external opinion of how they operated and requested that scrutiny complete a review.

A range of concerns were raised by Standards Committee and these were considered as part of the scoping process. The review was completed outside of the usual meeting programme via a small Working Group, with regular reports back to Committee.

1.1 National Context

At a national level, the Committee on Standards in Public Life was established in 1994 by the then Prime Minister, Rt Hon John Major MP, to address widespread concerns about declining standards in public life. At the time of its creation, there were concerns about cash for questions, the politicisation of public appointments and relationships between politicians and commercial organisations.

Their remit was extended in 1997 by Rt Hon Tony Blair MP, to include review of issues in relation to funding of political parties. Then in 2013, their terms of reference was further extended as follows:

“...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies’ and ‘...the Committee’s remit to examine “standards of conduct of all holders of public office” [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office. ([Hansard \(HC\), 5 February 2013, Col 7WS](#))”

In addition, the House of Lords clarified that the committee:

“...can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office. (Hansard Column WA347). You can view the [Parliamentary Question answered by Lord Wallace on 28th February 2013.](#)”

The Committee is a standing, independent, non-partisan and non-statutory Committee.

The Committee’s First Report set out Seven Principles to guide the behaviour of those active in public life. These Principles (often now called the Nolan Principles) -

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership - have been accepted by the public and those active in public life as appropriate determinants of behaviour, and now underpin much of the UK public sector ethical infrastructure. These are embedded within Bolsover District Council's Constitution, within the Members' Code of Conduct.

This first report also set out three ways in which the Committee could work to expand knowledge of, and adherence to, the Seven Principles:

- The integration of the Principles into Codes of Conduct for all those in public life and delivering public services.
- Independent scrutiny/evaluation of those in public life and their adherence to the Seven Principles.
- Provision of guidance, education and induction to introduce and ingrain the standards expected of those in public life.

Within the Localism Act 2011, s.27 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the Authority. In particular, all local authorities are required by s.28 of the Act to adopt a code that is consistent with the Seven Principles when outlining the conduct that is expected of members and co-opted members of the Authority.

The Act also requires local authorities to publish a register of pecuniary interests to give practical effect to the principles.

Scrutiny is a core function of the Committee and the mechanism by which they assess how ethical standards are being upheld. They regularly commission independent research and publish reports to aid the adoption of best practice approaches.

As at a local level, they complete both short/mini and longer in-depth reviews. In addition, when required they provide evidence to parliamentary and other inquiries. They also follow-up on recommendations made with a monitoring period.

In relation to the third aspect of their work – education, training and induction – the Committee actively encourages local Councils to hold induction sessions, as a prime opportunity to create familiarity with and respect for the Seven Principles of Public Life. It is interesting to note that at a national level, there is also varied take-up in attendance at Induction Programmes. In her speech to the 2017 NALC Annual Conference, Dr Jane Martin CBE, noted:

“UK Parliament induction programmes were held following the 2010, 2015 and 2017 General Elections. As an indication of the merits of consistently offering this service, [in 2010]¹ only 19% of the 227 new MPs attended; in 2015, 93% of 177 new MPs attended the induction programmes. The recent election saw this drop back to 63% of all new MPs, a drop we are following up with Party Whips to underline the importance of ethical standards awareness for all members, new and highly experienced alike.

¹ Date added to text for clarity.

Our Committee believe that this significant upturn in numbers [in 2015]² was due to the support of the Whips and the then Prime Minister in encouraging MPs to attend.”

This shows that there is varying buy-in by those newly elected at a national level, to complete induction training. Anecdotal evidence gathered during the review from Working Group Members and the wider Scrutiny Committee indicates that this is also an issue at a local level. The narrative within section 5, acknowledges the importance of training for both newly elected and existing Members and this is identified as a potential area for improvement.

² Date added to text for clarity.

2. Recommendations

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.1	That training in relation to Code of Conduct and DPs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.	Improved knowledge of both newly elected and existing Members of the minimum standards expected of them.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Officer time. Production and printing of training materials.	Agreed. This will help to improve not only the knowledge of Councillors but the standing of the Standards Committee and its role. This is also the same for the Monitoring Officer and Deputy Monitoring Officer.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.2	That training in relation to Code of Conduct and DPs is programmed on a minimum bi-annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.	Improved knowledge of both newly elected and existing Members of the minimum standards expected of them.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Officer time. Production and printing of training materials.	Whilst two sessions a year would be good, there is a capacity issue. It is also a concern that those who come to Parish Council Liaison are generally knowledgeable on the ethical framework so could be training the same Parish Councillors twice. Preference would be for once a year training at Parish Council Liaison, and a second session later in the year for Parish Clerks so they can train their own Parish Councillors.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.3	<p>That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:</p> <ul style="list-style-type: none"> • Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers); • A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication. 	<p>Greater clarity around the work of the Standards Committee and the functions that the Council is required to oversee – both for the public and District/Parish Elected Members.</p>	April 2019	Governance Manager/ Communications, Marketing & Design Manager	Officer time	<p>This is welcomed. It is clear we need to spend more time on the contents of the website to make it more user friendly. In terms of timescale for delivery, it may not be practical to implement all changes for the start of the new municipal year in May 2019. However, much of this should be addressed once the proposed committee management system is fully operational in late summer/early autumn 2019.</p>

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.4	That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.	That the findings of the scrutiny review supports the Standards Committee's annual review of the Constitution.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Member/Officer time as Constitution Working Group	Agreed. The data collected will be very helpful in this task.
CS&TSc18/19 1.5	That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.	That BDC is seen to adhere to the Seven Principles of Public Life and where possible go above the required standards expected.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Officer time/ Designated Allowance for Co-opted Members	Agreed. This would be dealt with formally at the Annual Council Meeting in May 2019.
CS&TSc18/19 1.6	That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.	That the findings of the scrutiny review supports the Standards Committee's annual review of the Constitution.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Member/Officer time as Constitution Working Group	Agreed. This would be very helpful to the Standards Committee.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CS&TSc18/19 1.7	That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed District and Parish Councillors.	Improved knowledge of both newly elected and existing Members of the Code of Conduct and the Seven Principles of Public Life.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Member/Officer time Production and printing of training materials	The induction is put together by the Member Development Working Group. One of the first sessions is for the Monitoring Officer and Deputy Monitoring Officer to train all the Councillors on the ethical framework. It is a problem that Councillors reach overload at this time if given too much information. Therefore we would suggest a reminder in Sept 2019 by sending out a pack.

3. Scope of the Review

The Customer Service & Transformation Scrutiny Committee agreed to undertake a Review of Standards Committee – Operational Review, as part of the 2018/19 Work Programme. This was agreed following a request for an external review by the Standards Committee.

The request came as a result of the Standards Committee responding to the Committee on Standards in Public Life review on ‘Local Government Ethical Standards’.

The aims of the review were:

- To consider the BDC response to the consultation by the Committee on Standards in Public Life review and suggest areas for review;
- To examine a range of concerns raised by Standards Committee.

The key issues identified were as follows:

- Do Elected Members know what the Standards Committee does?
- How can we more effectively ensure that the public is aware of the work of Standards Committee in how District and Parish Councillors conduct themselves?
- Are the Standards Committee’s processes clear and is the role of the Independent Person and the co-opted Chair of Standards Committee understood both externally by the public and internally by Elected Members?
- Does having an independent co-optee Chair add value to the work of the Standards Committee?
- Are there other work areas the Standards Committee should deal with in addition to the statutory and other remits in its current terms of reference?
- Should Standards Committee do more to engage Elected Members in their work?
- Should there be additional protocols or processes to help everyone understand the work of the Standards Committee?

The Committee comprised the following Members:

Councillor R. Bowler (Chair)

Councillor P. Cooper

Councillor E. Stevenson

Councillor A. Joesbury

Councillor R. Heffer

Councillor J. Smith (Vice Chair)

Councillor P. Bowmer

Councillor M. Crane

Councillor R. Turner

Support to the Committee and Working Group was provided by the Scrutiny & Elections Officer.

4. Method of Review

The Committee had an initial meeting to agree the scope of the review, and agreed to complete the review via a small Working Group. The Working Group then met on two occasions to consider how to address the scope of the review; key issues they wanted to examine; carry out document analysis and complete evidence gathering. The Working Group presented back to Committee on two occasions.

Members sought information by way of verbal and written evidence with Members of the Standards Committee and completed a document review of a range of Local Authority Constitutions and webpages. A series of questions were posed to Standards Committee, with the Scrutiny & Elections Officer attending on 15 October 2018, on behalf of the Working Group, to obtain their response.

Members also reviewed documents in relation to the national review:

- BDC Response to the Review of Local Government Standards by Committee on Standards in Public Life
- Minutes of Standards Committee – 8th May 2018
- Summary note of 18 April 2018 roundtable (national meeting)
- 24 April roundtable transcript (national meeting)
- Document review – Constitutions of neighbouring Authorities (including online information on their respective websites)

Equality and Diversity

Within the process of the review, the Committee has taken into account the impact of equalities. A key consideration has been that both Parish and District Councillors have equal access to the same information and training.

5. Analysis of evidence and key findings

5.1 BDC Response to the Review of Local Government Standards by Committee on Standards in Public Life

As part of the mini-review, Members reviewed the response from Standards Committee to the questions posed as part of the Review undertaken by the Committee on Standards in Public Life on 'Local Government Ethical Standards'.

Members noted the following issues identified:

Question	Issue(s) identified by Standards Committee	Potential Action suggested by Review Working Group
(a) Are the existing structures, processes and practices in place working to ensure high standards of conduct by local Councillors, if not, please say why?	Better communication around roles and responsibilities to the public.	Review of website content; review of existing training and agreement of regular training programme (particularly around DPIs).
(b) What, if any, are the most significant gaps in the current ethical standards regime for local government?	Better communication with the public around ethical standards. Acknowledgement of DPIs and Members removing themselves from meetings/discussions.	Review of website content; review of existing training and agreement of regular training programme (particularly around DPIs).
(c) Are local authority adopted Codes of Conduct for Councillors clear and easily understood? Do the Codes cover an appropriate range of behaviour? What examples of good practice, including induction processes, exist?	Acknowledgement of DPIs and Parish Members removing themselves from meetings/discussions.	Additional training for Parish Members around DPIs.
(d) A local authority has a statutory duty to ensure that its adopted Code of Conduct for Councillors is consistent with the Seven Principles of Public Life	Officer support to PCs in relation to declaring DPIs on a bi-annual basis	Additional training for Parish Members around DPIs. Information gathered during the review has

Question	Issue(s) identified by Standards Committee	Potential Action suggested by Review Working Group
and that it includes appropriate provision (as decided by the local authority) for registering and declaring Councillors' interests. Are these requirements appropriate as they stand? If not, please say why.		shown that Officers have met with Derbyshire Association of Local Councils (DALC) in relation to training at Member Induction. An offer has also been made for DALC to use Council facilities for their wider training programme. Aware that an offer has been made to Parish Cllrs and Clerks in relation to Code of Conduct training. Members have been briefed on the potential purchase of a Committee Management software system, which would enable improved maintenance and visibility of DPI records.
(e) Are allegations of Councillor Misconduct investigated and decided fairly and with due process?	None	Clearer acknowledgement in the Constitution/on the website of the current Independent Persons.
(f) Are existing sanctions for Councillor misconduct sufficient?	Development and application of incremental sanctions.	None at this stage, awaiting national guidance on the potential use of sanctions.
(g) Are existing arrangements to declare Councillors' interests and manage conflicts of interest satisfactory? If not, please say why.	Where a DPI exists the Cllr should remove themselves completely – this is beyond the requirement to not discuss/vote.	None – Working Group acknowledge BDC endeavour to go above and beyond the required standards. Query if this is the same at parish level.
(h) What arrangements are in place for whistleblowing, by the public, Councillors and officials? Are these satisfactory?	None	None

Question	Issue(s) identified by Standards Committee	Potential Action suggested by Review Working Group
(i) What steps could local authorities take to improve Local Government Ethical Standards?	Scrutiny to conduct a review of Standards work as an additional measure	See discussion throughout the report
(j) What steps could Central Government take to improve Local Government Ethical Standards?	Standardisation of management of Local Government Ethical Standards at a national level.	None at this stage, awaiting national guidance on the potential use of sanctions.
(k) What is the nature, scale and extent of intimidation towards Local Councillors?	Committee to commission a report in relation to intimidation towards Local Councillors. Feel measures are in place but wider debate needed at both national and local level.	None at this stage. The Working Group is aware that the Committee has chosen not to commission work at a local level due to national work already taking place. Local Councillors have been encouraged to respond to the national consultation on new Election laws in relation to candidates and campaigns.

In summary, the following potential action has been identified as a means of addressing the issues identified by Standards Committee:

- Review of website content; review of existing training and agreement of regular training programme (particularly around DPIs).
- Additional training for Parish Members around DPIs.
- Clearer acknowledgement in the Constitution/on the website of the current Independent Persons.
- Greater emphasis to Parish Councils on endeavouring to go above and beyond the required standards, in relation to declaring DPIs/Interests i.e. complete removal from the meeting.

Recommendations in relation to these issues are detailed in the following sections.

5.2 Do Elected Members know what the Standards Committee does?

Members of the Working Group, as existing Parish and District Councillors, believe that new Members are less aware of the Committee's remit than established Members. Following lengthy discussions by the Working Group, the consensus was that regular training is key, at least annual, which could then be either refresher training, or revised to account for new legislation/guidance.

In terms of how this training is then relayed to Parish Councillors, the Working Group felt that this was currently quite ad-hoc. They agreed that there should be a clear protocol of how and when training is delivered to Parish Councillors. This training could be via Parish Council Liaison or specifically scheduled to coincide with a local Parish meeting, if necessary. It is noted that the Standards Committee also recognise this in their response to questions outlined previously in section 5.1.

While Working Group Members acknowledge that training does take place, they feel certain elements could form part of a more structured training programme. They also appreciate however, that some training may take place on a more ad-hoc basis, as legislation/guidance changes.

These findings mirror the response by Standards Committee to the questions discussed in 5.1, where they acknowledge better communication and additional training would improve the local approach.

As part of the evidence gathering process, Governance Officers confirmed that current training takes place via Parish Council Liaison on an ad-hoc basis.

When reviewing training at a District level, it was noted that the only formal training currently programmed was via Member Induction Programme following local District Elections. There was mixed opinion as to whether this was sufficient or needed to be supplemented 'mid-term'. Officers leading Member training, including the Monitoring Officer felt that formalising additional training mid-way through the four-year term would be very beneficial and allow Officers to reinforce good practice approaches and disseminate any changes in legislation. As such, there is a recommendation to supplement existing training at a District level, to ensure that Members remain fully informed as to the standards expected and the work of the Committee.

Recommendations:

That training in relation to Code of Conduct and DPs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.

That training in relation to Code of Conduct and DPs is programmed on a minimum bi-annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.

5.3 How can we more effectively ensure that the public is aware of the work of Standards Committee in how District and Parish Councillors conduct themselves?

Due to Members experience as Parish Councillors, the Working Group was aware of anecdotal evidence to suggest that the public, in the majority, are not aware of the Standards Committee work. Public awareness of how Members conduct is regulated is vital, to instil confidence in local democratic processes.

The benchmarking exercise completed by the Working Group shows that other Authorities make far more use of their websites to explain the work of the Committee and the role of Independent Persons. This includes greater publicity of the Members involved in this process. A range of examples are listed within the Bibliography section of this report.

In light of this we recommend that Standards Committee should review the examples found and strongly consider a refresh of the webpages for this area. In addition, publication of the Standards Annual Report on the website (on refreshed pages) would add further transparency.

In answering this element of the review, Members assessed documentation currently produced for public consumption. The Working Group became aware of a series of guides that are produced by North-East Derbyshire District Council. In particular Guide 2 – Local Democracy, incorporates a section on ‘The Council’ and the Code of Conduct. Members queried whether this may prove a useful guide that residents could pick up from the Contact Centres. On exploring this further with the Communications team, it became apparent that this was already in place, but in an electronic format. Within the Customer Service Standards section of the website, a series of eight Customer Information Booklets can be accessed. In particular, Booklet 8 has information about ‘Parish and Town Councils’ and ‘The Council’: [1](#)

The Working Group feel that reference to the Standards Committee within ‘The Council’ insert could be greatly expanded. Members note how this information is presented on other Authorities websites, particularly where they have an electronic committee management system for example ‘Mod.Gov’ and are concerned that our information is quite limited in comparison. It was noted that the North-East Derbyshire equivalent information sheet contained more information and Members feel this disparity should be rectified, given our work as an Alliance.

Recommendation:

That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:

- **Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers);**
- **A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication.**

5.4 Are the Standards Committee's processes clear and is the role of the Independent Person and the co-opted Chair of Standards Committee understood both externally by the public and internally by Elected Members?

The Localism Act 2011 made substantial changes to the ethical framework which governs Members' behaviour when appointed to public office. Section 28 of the Act requires the Council to appoint at least one independent person, however Members follow the Officer recommendation that two persons are appointed to give some resilience in this role. The new role gives a check and balance on the consideration of allegations against members at various states of the process. Consequently, since 2012, Bolsover District Council has appointed two Independent Persons via a recruitment process. The Independent Persons are not members of the Standards Committee. The appointment of Independent Persons as a consequence of the Localism Act 2011, was originally approved by Council in June 2012 and has been maintained since that point with recruitment exercises when required.

Under the new system introduced by the Act, there is no requirement for co-optees or Parish Council representatives and the new Committee put in place as of 1st July 2012 is required to be politically balanced. Nevertheless, the Council still have the power to put co-optees and Parish Council representatives, and any number of them, on the Standards Committee but they would have no voting powers.

A co-optee can be Chair of the Committee, but is not be able to exercise a casting vote on any issue. In July 2012, Members approved that a Standards Committee be established which consists of six elected members (with political balance), in addition to two non-elected persons formally co-opted, as per the previous Standards Committee which operated prior to the Localism Act 2011. It was suggested that the previous Chair and Vice Chair (non-elected independents), be appointed as the co-optees providing continuity in our approach, which Members have been keen to maintain. Members have chosen not to incorporate Parish Council representatives to date.

Section 28 (6)(b) of the Act requires that the Council has arrangements in place for dealing with complaints. However, there is no requirement to have a Standards Committee. Following informal discussions with Members, it was established that the easiest way for hearing complaints was by way of a Standards Committee and Members wished to retain this practice, albeit revised, to comply with the new Act.

Following the death of the Chair of Standards in early 2016, who had been a long-serving co-opted Member, in November 2016, BDC Council approved that remaining Independent Co-opted Member be elected Independent Chair of the Standards Committee for the remainder of the year. At the Council AGM in May 2017, Members formally approved the continuation of the Independent Co-opted Member as Chair with the Vice-Chair appointed from the lead political group. Subsequently, a replacement for the second Co-opted Member has not taken place with Members happy with the status quo.

As previously stated, the benchmarking exercise completed by the Working Group shows that other Authorities make far more use of their websites to explain the work of the Committee and the role of Independent Persons. A range of examples are listed within the Bibliography section of this report.

In light of this we recommend that Standards Committee should review the examples found and strongly consider a refresh of the webpages for this area. In addition, publication of the Standards Annual Report on the website (on refreshed pages) would add further transparency.

Furthermore, as mentioned in the previous section, the Working Group became aware of a series of guides that are produced by both North-East Derbyshire District Council (hard-copy) and Bolsover District Council (electronic). As discussed in 5.3, Members feel that the Bolsover guide on the website is in need of a refresh.

Recommendation:

That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:

- **Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers);**
- **A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication.**

5.5 Does having an independent co-optee Chair add value to the work of the Standards Committee?

Members have found that use of the Independent co-optee Chair is relatively unique. Bolsover is the only Authority within the benchmark exercise to take this approach. Members feel that this shows we are open and transparent as an Authority and we believe this is good practice and should be maintained.

While we do work with other independent co-opted persons, Members of the Working Group and wider Scrutiny Committee, acknowledge the Council’s current desire to maintain the number of independent seats on the Committee as ‘one’.

The table below shows a comparison of Committee Memberships:

Authority	Committee Membership
Bolsover D. C.	6 Cllrs (5 Labour, 1 Independent); 1 co-opted Independent Person as Chair of the Committee. Vice-Chair from lead party.
Chesterfield B. C	5 Cllrs, 1 Parish rep, 3 co-opted Independent persons. Chair is from lead party and Vice is opposition.

Authority	Committee Membership
	They have a whole webpage on independent persons: https://www.chesterfield.gov.uk/your-council/the-council/independent-persons-for-standards-matters.aspx
Mansfield D. C.	9 Cllrs, 3 non-elected independents. Chair is an Elected Member. Limited explanation on website. Share their Independent members with Ashfield DC (share the retainer fee).
Bassetlaw D. C.	Sub-Committee of Audit & Risk Scrutiny Committee. Chair and membership appointed from Audit & Risk Scrutiny Committee.
Amber Valley B. C	At least 3 Cllrs (political balance), 1 Independent Person, 1 Parish rep. (non-voting). Chair is taken from lead group. *Note: there are currently 7 Cllrs. Operates as Standards & Appeals Committee (4 meetings per year) with a Standards & Appeals Panel (1 meeting per year).
Rushcliffe B. C	6 Cllrs and 3 co-opted Independent persons. They have a Standards Hearing Panel (Sub-Committee) which has 3 Cllrs and 2 independents. Membership of this Sub-Committee is not exclusively drawn from the Standards Committee, but there is currently some overlap.
Erewash B. C	9 Cllrs (political balance), 3 Independent Persons; 2 Parish reps. Chair and Vice from the lead group. Appointments from this Committee to Appointments Sub-Committee.

When comparing the number of Independent Members appointed by the neighbouring authorities reviewed, it is clear that they have more designated seats for independent persons, than we currently have at Bolsover. In addition, Members are aware that the Authority works with two other co-opted independent persons, in relation to individual standards reviews. This is not reflected in Article 9 of the Constitution, where other Authorities would acknowledge this within their Articles. Standards Committee should consider whether this is an unintentional omission from Article 9, when reviewing the Constitution. This is particularly apparent, when considering the wording on Article 9.2(2), which implies there is more than one co-opted Member.

Recommendations:

That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.

That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.

5.6 Are there other work areas the Standards Committee should deal with in addition to the statutory and other remits in its current terms of reference?

As part of the Review, the Working Group completed a benchmarking exercise across the following authorities:

- Bolsover D. C.
- Chesterfield B. C
- Mansfield D. C.
- Bassetlaw D. C.
- Amber Valley B. C
- Rushcliffe B. C
- Erewash B. C

This has involved a review of each Council's Constitution, Committee Terms of Reference and the Council's website. A number of similarities and differences have been found, with the key points for consideration noted in the table below:

Local Authority	Item for consideration within Terms of Reference	Current Bolsover approach
Chesterfield B.C	Range of Non-Exec functions delegated via Local Choice: (b) Review/Approval of Employee Code of Conduct	This is dealt with by the Union/Employee Consultation Committee, but subsequently reported to Standards for information and recommendation to Council as part of the Constitution review process.
	(f) Council complaints and LGO	This information is reported to Scrutiny and Executive for further oversight/ recommended action.

Local Authority	Item for consideration within Terms of Reference	Current Bolsover approach
	(g) Power to investigate and impose sanctions for misconduct (s.111 LGA 1972) – Member Code of Conduct; Planning Code of Conduct; Member/Officer Relations Protocol	<p>Member Code of Conduct = Standards Committee</p> <p>Planning Code of Conduct = Should be reviewed by an Informal Planning Committee followed by consideration by Standards as part of Constitution review process.</p> <p>Member/Officer Protocol = Standards Committee as part of Constitution review process.</p>
Mansfield D.C.	Reference to the conduct of the Mayor	Not applicable to Bolsover.
	Point (f) – Consider reports from the MO.	Embedded within existing terms. Reports typically relate to current court cases; recent judgements; legislation changes
	Point (k) – Review Members' functions and responsibilities	Standards Committee forms a Constitutional Working Group to complete an annual review but this is not formally acknowledged in part 3.6 of the Constitution.
	Point (l) – Specific reference to the public's awareness of the Code of Conduct	We do not make specific reference currently but have highlighted this as an area for improvement.
	Point (m) – Promote similar standards in relationships with outside bodies	This is incorporated in the normal declaration procedure and part of existing practice.
Bassetlaw D.C.	None	All items under the Standards of Conduct section are reflected in Bolsover's Terms of Reference.
Amber Valley B.C	Point 9A.4 – Parish Clerks notified when papers available.	Not part of current approach as no direct Parish representation.
	Point 9A.5 – Considering matters referred by the MO where it is inappropriate for them to take a decision.	This is not part of current Local Choice under the Scheme of Delegation.

Local Authority	Item for consideration within Terms of Reference	Current Bolsover approach
	Point 9A.5 – Monitoring performance	This is a function of Scrutiny and Executive.
	Point 9A.5 – Entering joint arrangements with other Standards Committees	This would not be part of existing joint working arrangements as outlined in the Constitution.
	Point 9A.6 – Overview of Complaints and LGO	This information is reported to Scrutiny and Executive for further oversight/ recommended action.
	Point 9A.6 – Overview of Code of Planning Conduct and Practice	Should be reviewed by an Informal Planning Committee followed by consideration by Standards as part of Constitution review process.
	Point 9A.6 – s.85 LGA 1972, approval/non-approval of Member non-attendance.	Approval of non-attendance (dispensation of the six month rule) is a function of Executive and Council.
Rushcliffe B.C	Point (i) – Non-attendance of Members leading to suspension of allowances unless reasons for non-attendance is approved.	Approval of non-attendance (dispensation of the six month rule) is a function of Executive and Council.
	Review of Member/Officer Protocol	Standards Committee as part of Constitution review process.
Erewash B.C	Point 9 – Council Complaints and LGO reports	This information is reported to Scrutiny and Executive for further oversight/ recommended action.
	Point 10 – Failure of Member to attend meetings s.85 LGA 1972 (approval/non-approval)	Approval of non-attendance (dispensation of the six month rule) is a function of Executive and Council.

It should be noted that it also became apparent during the course of the review, as a result of attending Standards Committee on 15 October that the reporting of Complaints data had commenced as an information item. This was as a result of good practice advice from the Local Government Ombudsman and the report is planned to become a regular agenda item (for information only), following formal consideration by Scrutiny and Executive. Standards Committee should consider acknowledging the review of complaints data as of one of the Committee's functions, as part of the Constitution review process.

Furthermore, additional information gathered during the review related to the potential to purchase a Committee Management software system, as part of the refreshed Transformation Programme. This would have the potential to further enhance how information was presented on the website in relation to Council functions; Member DPs; Member attendance and could potentially be extended to incorporate Parish Councillors. It was also noted that presentation of statistics to Standards Committee, in relation to Members attendance, is common practice and this could be a useful addition to current reporting.

Within Bolsover’s Terms of Reference the following differences are noted:

Item within Terms of Reference	Current approach to this within the benchmark authorities
Point 12 – RIPA monitoring	<ul style="list-style-type: none"> • Amber Valley – no reference • Mansfield – CEO/delegated Officer • Rushcliffe – Responsibility of Executive Manager Neighbourhoods
Point 13 – Oversee whistle blowing policy.	<ul style="list-style-type: none"> • Chesterfield – Standards & Audit • Mansfield – Audit Committee • Amber Valley – Standards and Appeals Committee • Erewash – Standards

As part of the annual review process of the Constitution, the benchmark exercise may prove of use to Members when reviewing the Standards Committee Terms of Reference. Moreover, as it is apparent that this is a regular function of the Standards Committee, either the formation of the Constitution Working Group and/or the process of completing the annual review of the Constitution, should potentially be acknowledged at 3.6 of the Constitution.

Recommendation:

That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.

5.7 Should Standards Committee do more to engage Elected Members in their work?

Members addressed this area of concern via a group discussion around current training and engagement/communications at both District and Parish level; access to Committee paperwork; and current reporting arrangements via Council AGM.

At a District level, Members felt that they had sufficient access to the reports considered by the Committee and felt that the annual report at Council AGM gave a good overview of the Committee’s delivery. Alongside the training received by District Members as part of the Member Development Programme, it was agreed

that the current approach was sufficient and that Members did not feel that additional steps needed to be taken to further engage District Members.

When considering engagement at a Parish level, as a number of the Committee Members are local Parish Councillors, Members concluded that they were satisfied with the information that they received from Standards Committee. While Members have identified that Induction Training would benefit from a review, they feel that there is no need to alter the current approach to engagement for day-to-day business.

5.8 Should there be additional protocols or processes to help everyone understand the work of the Standards Committee?

Following initial consideration of evidence for the review, the CST Working Group raised the following questions with Standards Committee at their meeting on 15 October 2018:

Question	Response
<p>Is there a process in place with parish clerks to ensure new parish councillors receive necessary training following election (inc. Code of Conduct)?</p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>How does this process differ from those elected following a main Local Election and a By-Election?</p>	<p>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</p>

Question	Response
	<p>and this could also include co-opted Members at parish level.</p> <p>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.</p>

Members of Standards Committee resolved within the meeting that it would be useful to 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.

As such this confirms the Working Group’s conclusions that currently there is not a ‘recommended process’ that all Parish Clerks can use as a guide when a new Cllr commences office. This would ensure a common approach to induction/training across the District before commencing office/attendance at meetings.

Recommendation:

That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed District and Parish Councillors.

6. Conclusions

The Committee have put together seven recommendations which will hopefully assist the Council in improving existing approaches to Member training and engagement on Standards.

The key issues arising from the review are:

- The introduction of a more formalised approach to training, particularly at Parish level;
- Consideration of Article 9 of the Constitution and the Committee Terms of Reference (Part 3.6) as part of the annual review process – see benchmarking exercise at 5.5 and 5.6 which highlights areas for consideration;
- Improved public information, both web-based and hard-copy, to ensure the role of Standards Committee is clear.

It is hoped that the recommendations set out in this review report will help the Authority to further improve the advice and training given to Councillors at District and Parish level in relation to compliance with accepted standards.

Appendix 1: Stakeholders

Stakeholders engaged during the Review:

- Members of Bolsover District Council Standards Committee
- Joint Head of Corporate Governance & Monitoring Officer, Bolsover District Council/North East Derbyshire District Council
- Team Leader (Contentious)/ Deputy Monitoring Officer, Bolsover District Council/North East Derbyshire District Council
- Governance Manager, Bolsover District Council/North East Derbyshire District Council

Stakeholders impacted by the Review:

- Members of Bolsover District Council Standards Committee
- Joint Head of Corporate Governance & Monitoring Officer, Bolsover District Council/ North East Derbyshire District Council
- Team Leader (Contentious)/ Deputy Monitoring Officer, Bolsover District Council/ North East Derbyshire District Council
- Governance Manager, Bolsover District Council/North East Derbyshire District Council
- All Bolsover District Councillors
- All Parish Councillors serving the Bolsover District Council area.

Appendix 2: Bibliography

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Bolsover District Council

Standards

11th March 2019

Revised Members Code of Conduct

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To consider a revised Member Code of Conduct

1 Report Details

- 1.1 The Localism Act 2011 (“the Act”) places a statutory duty upon Councils to promote and maintain high standards of conduct amongst its own Elected Members and any co-opted Members. Strong ethical governance is critical to the corporate governance of the authority and also supports the Council’s decision making processes across the organisation.
- 1.2 The Member Code of Conduct was adopted by the Council in 2012 following the introduction of the Localism Act but hasn’t been formally reviewed since. The monitoring officer has therefore carried out a review and arising from that review this report recommends some changes to the Council’s Member Code of Conduct.
- 1.3 The proposed changes are shown by way of track changes in the revised Member Code of Conduct attached to the report as Appendix A.
- 1.4 In summary the key changes are
 - (a) General Conduct - additions to the general conduct expected of members to ensure that this addresses issues around equality, safeguarding and conduct when speaking public or to the media, as a councillor. This section also addresses the requirement to adhere to the Councils Social Media Guidance for Councillors.
 - (b) Training - a section has been added to set out the requirement to attend mandatory training and has within the Code as an appendix is a list of training and frequency of attendance.
 - (c) Predetermination or bias - an explanation as to what constitutes predetermination or bias and what a member is required to do if they have concerns.

- (d) Member Interests - with a greater and clearer explanation as to what constitutes a Disclosable Pecuniary Interest (DPI), with a note contained in an appendix to aid members. This also refers to the register of interests, what to do if you have a sensitive interest, the rules concerning non participation when there is a DPI, and how to request a dispensation.

2 Conclusions and Reasons for Recommendation

- 2.1 The revised Code of Conduct provides greater clarity to members, officers and the public on the standards to which members are required to adhere to and complies with legal requirements.

3 Consultation and Equality Impact

- 3.1 None.

4 Alternative Options and Reasons for Rejection

- 4.1 The Code of Conduct has not been updated since the amendments in 2012 to reflect the changes to the standards regime under the Localism Act 2011. The Code needs to be brought up to date, and provide additional clarity for members on the issue of Disclosable Pecuniary Interest.
- 4.2 To not update the code, is not considered appropriate given that this was last reviewed in 2012.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 As in the report.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That the revised Member Code of Conduct as set out at Appendix A be considered and recommended to Council for adoption, replacing the existing Code of Conduct.

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>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	N/A

8 Document Information

Appendix No	Title
A	Revised Member Code of Conduct
<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>	
None	
Report Author	Contact Number
V Dawson	2231

5

CODES AND PROTOCOLS

5.1 MEMBERS' CODE OF CONDUCT

Introduction

As a member or co-opted member of the District Council I have a statutory responsibility to have regard to the following principles when representing the community and working constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

The Seven Statutory Principles

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out below:

In accordance with the Localism Act provisions, when acting or appearing to act in my capacity as a councillor I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council.

~~*The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, Naps, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.*~~

The Seven Principles

SELFLESSNESS: Holders of public office should act solely in terms of the public interest.

INTEGRITY: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their families, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY: Holders of public office should be truthful.

LEADERSHIP: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

General Conduct

As a Member or Co-opted Member of the Council, I will ensure my conduct is in accordance with the statutory principles of the code of conduct by:

- Dealing with people representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interest of the Council or the good governance of the Authority in a proper manner.
- Complying with the requirements of the Council's Protocol on Gifts and Hospitality by registering with the Monitoring Officer any item of hospitality that I receive.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of my Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

- Contributing to making the Council's decision-making processes as open and transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account.
- Restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.
- Promoting equality by not discriminating against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability
- Promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirement, by leadership and example.
- Acting in accordance with the requirements set out in the Social Media Guidance for Councillors.
- Must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are acting in a personal capacity.
- Report a safeguarding issue to the appropriate authority,

Training

You must attend the mandatory training set out in **Appendix A** and any other training the Council may deem is required from time to time.

You must attend the training detailed above as soon as reasonably practicable:

- (a) after your election; and
- (b) after your re-election;
- (c) after your appointment to a relevant Committee or Sub-Committee; and
- (d) as required after changes in legislation, policy or procedure affecting the relevant Committee or Sub-Committee outlined above; and/or
- (e) as frequently as set out in Appendix A

You must attend training if you are instructed to do so by a Standards Hearing Sub-Committee. If you fail to do so after 3 months or having been offered training on two occasions the fact of your failure will be reported to the Committee.

Pre determination or bias

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member, however **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) your Authority's Chief Finance Officer; or
- (b) the Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.

Members Interests

As a public figure, your public role, may, at times, overlap with your personal and/or professional life and interests, however, when performing your public role as a member, **do** act solely in terms of the public interest and **do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests

Disclosable Pecuniary Interests (under the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012)

The Regulations detailing the precise nature and circumstances where a specified pecuniary interest must be disclosed are set out in **Appendix B** of this Code.

You must

(a) within 28 days of taking office as a Councillor or co-opted member, notify the Monitoring Officer of any 'disclosable pecuniary interests'

(b) Ensure that your register of interest is kept up to date and notify the monitoring officer in writing with 28 days of becoming aware of any changes in respect of your disclosable pecuniary interest.

(c) Make verbal declarations of the existence and nature of any Disclosable Pecuniary Interest at any meeting you are present which affects or relates to the subject matter of that interest is under consideration, or before the consideration of the item or as soon as the interest becomes apparent.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

('M' means you and 'relevant person' means you and your partner, as above)

(a)

I also agree to abide by the following rules:

Where you have a Disclosable Pecuniary Interest (under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012) in any business of the Authority you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

(a) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- You may not participate in any discussion of the matter at the meeting.
- You may not participate in any vote taken on the matter at the meeting.
- If the interest is not registered, you must disclose the interest to the meeting.
- If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Procedure Rule 18A.1 requires you to leave the room where the meeting is held while any discussion or voting takes place.

(b) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Requests for dispensation must be made, in writing to the Monitoring Officer, on one of the following grounds:

- That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business.
- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- That the Authority considers that the dispensation is in the interests of persons living in the Authority's area;
- That, without a dispensation, no member of the Cabinet would be able to participate in the matter; or
- That the Authority considers that it is otherwise appropriate to grant a dispensation.

7. In addition the following Non Statutory Interests (other interests) will apply:

Non Statutory Interests (other interests)

(a) You must, within 28 days ~~of this Code being adopted by the Council; or within 28~~ days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other interests, where they fall within the following descriptions, for inclusion in the register of interests.

(b) You have an interest in any business of your authority where either it relates to or is likely to affect:

~~(aa)~~ any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or,

~~(bbb)~~-any body:

~~(1)~~ exercising functions of a public nature;

~~(2)~~ directed to charitable purposes; or

(3) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;

(c) You also have an interest in any business of your authority:

~~(i)~~ where a decision in relation to that business might reasonably be regarded as affecting your financial position or the financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

~~(i)~~
(ii) it relates to or is likely to affect any of the interests you have registered as an interest.

(d) ~~(A relevant person is a member of your family or any person with whom you have a close association; or any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or any body of a type described in paragraphs 7 (b) (aa) or (bb)(1)(2)(3) above).~~

~~(e)~~ You must, within 28 days of becoming aware of any new interest or change to any interest notify the Monitoring Officer of the details of that new interest or change.

Licences

(e) You must within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of any licences held by yourself or your partner such as any premises, hackney carriage, private hire vehicle or similar related licences which you or their spouses hold from the Council or from other local authorities.

8. Disclosure of interests

(a) Subject to sub paragraph 7(b) and (c) where you have an interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, where it is not on your register of interests.

(b) Where you have an interest but sensitive information (as defined below) relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have an other interest, but need not disclose the sensitive information to the meeting.

9 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

10 Sensitive interests

∴ Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld)

11. Non participation in case of significant other interest:

(a) Where you have an interest in any business of your authority you also have a significant other interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- Affects your financial position or the financial position of a person or body described in paragraphs 7(d)
- ~~(a) or (b)(1)(2)(3) (i) or (ii) above.~~

- (b) Where you have a significant other interest in any business of the Council you may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting. If your interest is not registered, you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place (subject to the following paragraph).
- (c) Where you have significant other interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (d) Where your significant other interest arises as the result of your nomination to a body by the Council and following declaration of the interest you may stay to present the report and answer questions provided that:-
- You have stated your intention to remain in the Chamber at the time of making your declaration
 - Your contribution is limited to presenting the report and answering any questions
 - You do not become involved in the debate
 - You do not attempt to move a motion
 - You leave the Chamber before a vote is taken.
- (e) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of your authority in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

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Appendix A

Mandatory Training

<u>Training</u>	<u>Scope</u>	<u>Frequency</u>
<u>Planning Committee</u>	<u>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee.</u> <u>Role of a Member of Local Planning Authority</u> <u>Planning Code of Good Practice</u> <u>Relationship to Members' Code of Conduct</u> <u>Development proposals and Interests under Members' Code of Conduct</u> <u>Fettering Discretion in the Planning Process</u> <u>Lobbying of and by Councillors</u> <u>Contact with applicants, developers and objectors</u> <u>Role of Officers</u> <u>Decision Making</u> <u>Public Speaking at Meetings</u> <u>Site Visits</u> <u>How to determine Planning Applications</u>	<u>Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.</u>
<u>Licensing Committee and its Sub-Committees</u>	<u>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</u> <u>General Principles of each Act</u> <u>Role of Members</u> <u>Ward Member Role</u> <u>Licensing Objectives</u> <u>Determining Licensing Applications</u>	<u>Prior to sitting on the Committee or its Sub-Committees minimum of every 12 months.</u>
<u>Joint Employment and Appeals Committee and its Sub-Committees</u> <u>Employee Appeals Committee</u>	<u>Recruitment and selection.</u> <u>HR Legislation, policies and practice within the remit of the Committee and its Sub-Committee</u>	<u>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</u>
<u>Standards And its Sub-Committees</u>	<u>Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees</u>	<u>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</u>
<u>Code of Conduct / Ethical Governance</u>	<u>Understanding of the Members' Code of Conduct and the governance of the Council.</u> <u>Responsibilities and role as a Councillor.</u> <u>Outline of Constitution</u> <u>Promoting and maintaining high standards of conduct by Members</u> <u>Code of Conduct (including Gifts and Hospitality)</u> <u>The Register of Interests</u> <u>Protocols</u> <u>Guidance</u>	<u>At the point of election and on subsequent re-election(s)</u>

	<u>Dispensations</u> <u>Political Publicity – rules</u> <u>Data Protection</u> <u>Freedom of Information</u>	
<u>Equalities and Diversity</u>	<u>To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.</u>	<u>After each election</u>
<u>Safeguarding</u>	<u>To provide guidance and advice to elected Members on:</u> <ul style="list-style-type: none"> • <u>roles and responsibilities in relation to safeguarding children and vulnerable adults and</u> • <u>how Members should raise any concerns and receive assurance about children and adults who may be at risk</u> 	<u>Every 2 years.</u>
<u>Lone Worker</u>	<u>Ensuring Members keep themselves safe</u>	<u>After election or re-election.</u> <u>Refresher (online) annually.</u>
<u>Fraud Awareness</u>	<u>To raise awareness of where fraud may occur in District Councils and what actions should be taken.</u>	<u>After each election and bi-annually thereafter</u>
<u>Chairperson (if appointed as a Chair)</u>	<u>To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.</u>	<u>Following initial appointment to position and subject to previous training or experience.</u>
<u>Audit Committee / Budget Scrutiny Committee</u>	<u>Understanding of Local Government Finances Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees</u>	<u>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</u>

APPENDIX B

SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Sections 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to disclosable pecuniary interests. These provisions are enforced by criminal sanction.

<u>Subject</u>	<u>Prescribed description</u>
<u>Employment, office, trade, profession or vocation</u>	<u>Any employment, office, trade, profession or vocation carried on for profit or gain.</u>
<u>Sponsorship</u>	<p><u>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</u></p> <p><u>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</u></p>
<u>Contracts</u>	<p><u>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</u></p> <p><u>(a) under which goods or services are to be provided or works are to be executed; and</u></p> <p><u>(b) which has not been fully discharged.</u></p>
<u>Land</u>	<u>Any beneficial interest in land which is within the area of the relevant authority.</u>
<u>Licences</u>	<u>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</u>
<u>Corporate tenancies</u>	<p><u>Any tenancy where (to M's knowledge)—</u></p> <p><u>(a) the landlord is the relevant authority; and</u></p> <p><u>(b) the tenant is a body in which the relevant person has a beneficial interest.</u></p>

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Bolsover District Council

Standards

11th March 2019

Social Media Guidance for Councillors

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To consider the introduction of a Social Media Guidance document for Councillors.

1 Report Details

- 1.1 Social media is the collective term used to describe online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge and interest.
- 1.2 Social media increases access to audiences and improves accessibility of communication. It is a powerful and effective method for Councillors to interact with residents, however guidelines are needed.
- 1.3 The draft social media guidance for councillors is attached as appendix A but can be summarised as follows;
 - (a) The guidance is designed to encourage the use of social media sensibly and responsibly and to ensure that use does not adversely affect the Council or its business, nor be damaging to the Councils reputation and credibility or otherwise violate any council policies.
 - (b) The guidance is to advise Councillors with particular regard to issues such as standards, libel, copyright, data protection, bias and pre-determination as well as encouraging good manners online.
 - (c) The guidance makes explicit reference to how aspects of the Code of Conduct for Members will apply to online activity in the same way as they do to any other councillor's use. This is important especially where an individual has a social media account and they comment both as a councillor and as an individual.

2 Conclusions and Reasons for Recommendation

- 2.1 It is considered good practice to have guidance on councillor's use of social media, and the draft guidance builds upon guidance issues by the Local Government Association. It will provide clarification and guidance to members as to how they should be conducted themselves in their use of social media.

3 Consultation and Equality Impact

- 3.1 None.

4 Alternative Options and Reasons for Rejection

- 4.1 We do not have any current guidance on the use of social media by councillors. This use of social media is on the increase as this becomes a popular method of communication for councillors to be able to engage with residents, guidance is needed for the protection of councillors and the Council.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 As in the report.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That the Social Media Guidance for Councillors as set out in Appendix A be considered and recommended to Council for adoption as part of the Review of the Constitution.

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>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	N/A

8 Document Information

Appendix No	Title
A	Draft Social Media Guidance for Councillors
<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>	
None	
Report Author	Contact Number
V Dawson	2231

Social Media Guidance for Councillors

1. Introduction

Social media is the term used for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests. This guidance covers social media issues over the internet and by email, smart phones, social networking sites, blogging, and tweeting.

Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback, ultimately helping to improve the services we provide.

For the purposes of this guidance, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, MySpace, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis and any sites which may emerge after the creation of this guidance where Bolsover District Council could be represented via online participation.

Bolsover District Council acknowledges social media as a useful tool however, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose the Council to security risks, reputational damage or breach the Data Protection Act.

2. Policy Statement

This guidance provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks.

Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

3. Purpose

This guidance applies to councillors and co-opted members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated. The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- Damage to the Council's reputation.
- Social engineering attacks (also known as 'phishing').

- Bullying or “trolling”. An internet “troll” is a person who starts arguments or upsets people, by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, councillors, partners and the people it serves. As such this guidance aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Council information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines and relevant legislation.
- The Council’s reputation is not damaged or adversely affected.

4. Responsibilities of Councillors

1. You are personally responsible for the content you publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action for which you will be personally liable.
2. Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
3. Make use of stringent privacy settings if you don’t want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.
4. Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council’s Data Protection Policy.
5. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone’s business – if you have any concerns about other site users, you have a responsibility to report these.
6. Do not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or exempt reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985). Use of social media in

meetings must comply with the protocol for the use of recording devices during any meeting held under the auspices of Bolsover District Council.

7. Copyright laws still apply online. Placing images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
8. Don't send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside the work environment.
9. In any biography, the account should state the views are those of the councillor in question and may not represent the views of the Council.
10. Do not use the Council's logo, or any other Council related material on a personal account or website.
11. Social media must not be used for actions that would put councillors in breach of the Council's Code of conduct for members. For example, don't publish on social media something you wouldn't say face to face, or at a public meeting.
12. Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.
13. Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, the Monitoring Officer and/or the police.
14. It is recommended that you have separate social media profiles for your role as a Councillor or Co-opted Member and your private life.

5. Conduct

Councillors are reminded that in respect of social media, they are governed by the Code of conduct for members and relevant law. You are acting in your "official capacity" and any conduct may fall within the Code whenever you:

- Conduct the business of the Authority; or
- Act, claim to act or give the impression you are acting as a representative of the Authority; or
- Act as a representative of the Authority.

Breaches of this guidance may amount to a breach of the Council's code of conduct for members.

Other violations of this guidance such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council or the individual(s) involved.

The Council reserves the right to request the removal of any content that is deemed to be in breach of the code of conduct for members.

6. Principles for Using Social Media

You should follow these five guiding principles for any social media activities:

1. **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.
2. **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
3. **Be honest about who you are** – it’s important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role.
4. **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you can’t. Respond to questions and comments in a timely manner.
5. **Be confident** – don’t be scared of participating. Follow these rules and seek further guidance if you need it. If you’re about to publish something that makes you even the slightest bit uncomfortable, pause to think about it. Feel confident in what you say before you say it – and say it as clearly as you can.

7. Guidance on Capturing Social Media Posts

Posts made using third party sites such as Facebook or Twitter are not held or within the control of the Council - posts can be deleted by site administrators without knowledge or consent of the Council. In exceptional circumstances, copies of posts may be made and retained by the Council, in line with relevant Council procedures. These copies will be held for a period dependent on the type of investigation they are subject to.

Where inappropriate use is suspected, it is suggested that you should pro-actively attempt to capture any inappropriate posts before they might be deleted. Copies should be made and reported to the Monitoring Officer within the Council, as well as following the social media sites own reporting procedures where appropriate.

8. Relationship to the Member Code of Conduct

This guidance should be read in conjunction with the Member Code of Conduct which regulates the standards of conduct of elected members of Bolsover District Council, as well as the Councillor Complaints Procedure which outlines the arrangements for investigating and deciding upon complaints against members.

9. **Examples of the Use of Social Media**

❖ **Can I comment/respond to questions posted on my social media page regarding general local issues?**

Yes. The Social Media guidance is not intended to restrict the use of social media, it is a guidance tool to make Councillors aware of the risks and pitfalls. Social media is an excellent method for Councillors to interact with members of the public and should be encouraged.

❖ **Can I comment/respond to questions posted on my social media page regarding upcoming Council matters such as licensing or planning applications?**

Councillors can take a view and express opinions or concerns, however, they must not show bias or pre-determination. Councillors are reminded to remain impartial and open minded and listen to all the facts before coming to a decision. Evidence of any kind of bias or pre-determination could leave the decision open to challenge.

❖ **I find comments on my social media page posted by a third party insulting and/or confrontational. How should I respond?**

If at all possible, don't respond at all. Internet "trolls" are people who often try to "wind-up" public figures on purpose to get a reaction. It is best to not "feed the trolls" by ignoring the post.

If it is clear that the person is a serious, concerned member of the public then a suitably non-confrontational reply may be appropriate. Remember that you remain a representative of the Council online and should not do or say anything that you wouldn't do face-to-face or in a letter.

If the post is potentially defamatory or illegal then it should be reported to the site administrators and/or the police.

❖ **I discover information that is incidental to my role as a Councillor (for example, information relating to a planning application). Can I disclose this information via social media?**

Yes, however, you should take great care in doing so. Posting information obtained as Councillor will be seen as you acting in your official capacity of a Councillor even if this is on your personal account. You should also remember that publishing anything regarding forthcoming or on-going decisions could be seen as pre-determination or bias. If the information is confidential then releasing the information may be a breach of the Code of Conduct.

❖ **Someone has posted a racially aggravated comment on my personal blog, what can I do? Can I be held liable?**

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site you should consider reporting the comment to the Police. You should keep evidence of the post and then ensure it is taken down. Providing a Councillor takes reasonable care and reports the potential offence quickly they are unlikely to be held liable for someone else's breaches.

❖ **I publish a post on my personal page regarding a matter that I will be making a decision on (such as a planning or licensing application). As this is my personal blog do the rules for pre-determination and bias still apply?**

Yes, they do. The Social Media guidance also extends to personal blog where the content/comment relates to Council matters. Councillors should take care when publishing information regarding a Council matter as this may leave the decision open to challenge.

❖ **Do any special rules apply to social media posts and blogs during a local election period?**

During an election period Councillors should take particular care as legislation relating to electoral matters will apply to the online publication of electoral material or statements relating to the election. For example, if you publish a statement on your personal blog regarding another candidate the Representation of the People Act 1983 may apply. Under this legislation it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

❖ **What happens if I breach the Social Media Guidance?**

It depends upon the nature of the breach. However, punishment for a serious breach of the guidance may lead to a code of conduct complaint or even personal liability or criminal charges.

Bolsover District Council

Standards Committee

11th March 2019

**Review of the Council's Constitution – The Council's Governance
Arrangements for Discharging its Licensing Responsibilities.**

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

PLEASE NOTE:

Attached is the report that is due to be considered at the forthcoming meeting of Licensing Committee on 11th March 2019 at 9am.

The discussion and recommendations of the Licensing Committee will be reported verbally to the meeting of the Standards Committee

Bolsover District Council

Licensing Committee

11 March 2019

Review of the Council's Constitution – The Council's Governance Arrangements for Discharging its Licensing Responsibilities.

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To enable Members to contribute to the review of the Constitution and to recommend new governance arrangements for discharging the Council's licensing responsibilities.

1 Report Details

- 1.1 Standards Committee is considering the Council's governance arrangements for licensing as part of its review of the Constitution; and, in particular, whether in the light of legal opinion the current arrangements ought to be revised.
- 1.2 The Council has received legal advice that it should establish a specific governance body to deal solely with the Licensing Act 2003 and Gambling Act 2005. This ought to be separate from the committee exercising responsibility for all other aspects of the licensing function, such as taxi and scrap metal licensing.
- 1.3. Different authorities have responded to the need for specific Licensing Act and Gambling Act governance arrangements in a variety of ways. But a common approach has been to simply establish two committees, covering the different legal strands of responsibility.
- 1.4 It is proposed that Council be asked to do this by establishing a 'General Licensing Committee', which would deal with taxi and scrap metal licensing etc. and a 'Licensing and Gambling Acts Committee', with responsibility for licensed premises and club / gaming machine permits etc.
- 1.5 The existing Licensing Committee has fifteen Members. It is proposed that the two new committees consist of 14 Members each. The membership would be politically proportionate to the Council as a whole.

- 1.6 It is important to ensure that the different aspects of licensing continue to be dealt with holistically under the new governance arrangements. For this reason it is recommended that both committees have the same membership, so that their Members can continue to oversee all aspects of the licensing function.
- 1.7 In practice, the committees would meet two or three times a year on the same date. The General Licensing Committee would take place first, followed immediately by the Licensing and Gambling Acts Committee. Consequently, it would continue to feel like a single meeting.
- 1.8 The functions of the new committees would have to be incorporated into the Council's constitution. It is suggested that the functions of the General Licensing Committee be:
- (a) To consider all licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005, including Private Hire and Hackney Carriage Drivers, Vehicles and Operators;
 - (b) To make any minor changes and updates to the Council's Hackney Carriage and Private Hire Vehicles, Drivers and Operators Policy following adoption by Council;
 - (c) To make any minor changes and updates to other relevant licensing policies as required
- 1.9 It is also suggested that the functions of the Licensing and Gambling Acts Committee be:
- (a) To consider all licensing matters related to the Licensing Act 2003 and the Gambling Act 2005;
 - (b) To make any minor changes and updates to the Statements of Policy under both the Licensing Act 2003 and the Gambling Act 2005 that are required following the adoptions by Council of both statements;
 - (c) To recommend to Council to resolve whether to issue a Casino Licence

The Sub-Committee Arrangements

- 1.10 Both of the new committees would have their own sub-committees, which would discharge specific responsibilities of the parent committees. Under this approach, the membership of the two sub-committees would be determined at Annual Council. Seven Members would be appointed to serve on one of the sub-committees and seven on the other, or alternatively, all 14 Members can be appointed to the sub-committee with the membership of 7 meeting in two halves and alternating meeting to meeting.
- 1.11 The General Licensing Sub-Committee (which is likely to face an ongoing high volume of taxi licensing work) will meet monthly – as the current Licensing Sub-Committee (Taxis) generally does. These meetings would be included in the Council's schedule of meetings. The Licensing and Gambling Acts Sub-Committee, by contrast, would have a far more limited workload and therefore meet less frequently. Its meetings would be organised as and when required.

- 1.12 The Council's quorum rules would apply to the meetings of both sub-committees. This means that only three of the seven Members would have to attend for it to be quorate. This should help to reduce the pressure on Members – often at very short notice – to attend sub-committee meetings to ensure that they can take place.
- 1.13 Again, The functions of the sub-committees would have to be incorporated into the Council's constitution. It is suggested that the functions of a General Licensing Sub Committee be:
- (a) To consider all hackney carriage and private hire licensing issues which are referred to it;
 - (b) To consider matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended);
 - (c) To consider scrap metal sites and operators licences.
- 1.14 The suggested functions of a Licensing and Gambling Acts Sub-Committee should be:
- (a) To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003;
 - (b) To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005

2 Conclusions and Reasons for Recommendation

- 2.1 Revising the Council's licensing governance arrangements in this way would bring them into line with best practice under the legislation.

3 Consultation and Equality Impact

- 3.1 The proposed changes have no equality impact implications.
- 3.2 Licensing Committee are consulted by way of this report. Any proposals submitted by Licensing Committee to change the licensing governance arrangements will be reported to Standards Committee. Standards Committee will consider this matter as part of the review of the constitution and recommend changes to Council for adoption and implementation in May 2019.

4 Alternative Options and Reasons for Rejection

- 4.1 The no-change option is not recommended. Maintaining the current governance arrangements, of a single, all-purpose Licensing Committee, would leave the Authority open to appeals against its decisions on Licensing Act and Gambling Act issues, because these decisions had not been taken by a committee with specific responsibility for them.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None

5.2 Legal Implications including Data Protection

1.3 The Council has received legal advice that it should establish a specific governance body to deal solely with the Licensing Act 2003 and Gambling Act 2005. This ought to be separate from the committee exercising responsibility for all other aspects of the licensing function, such as taxi and scrap metal licensing. We currently do not comply with this legislation.

5.3 Human Resources Implications

5.3.1 None

6 Recommendations

6.1 That Licensing Committee endorses the proposed revision to the licensing governance arrangements, along the lines set out in this report;

6.2 That the proposed revised governance arrangements be submitted to Standards Committee for consideration as part of the Council's Constitution Review.

7 Decision Information

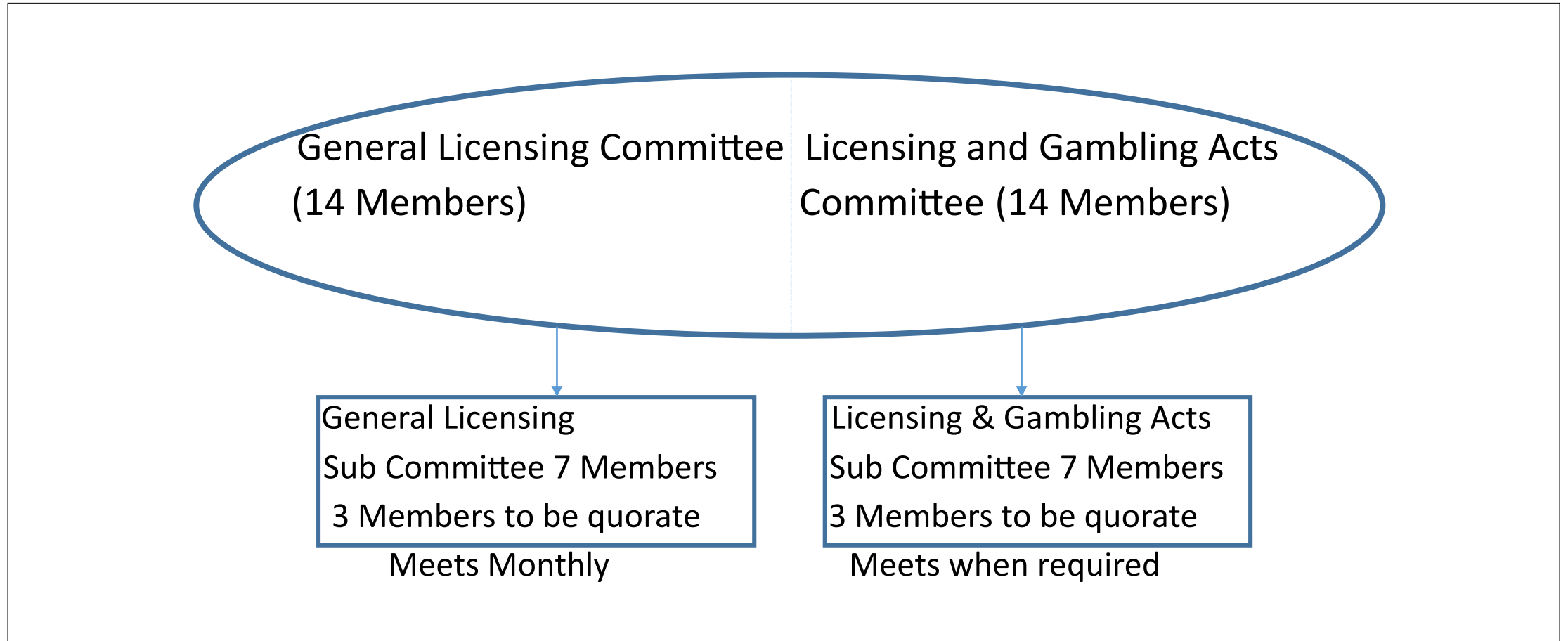
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <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>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes

District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	This is a matter of good Governance.

8 Document Information

Appendix No	Title
1	Diagram of the two committee model
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	01426 217753

Proposed BDC Licensing Governance Arrangements – May 2019



Bolsover District Council

Standards Committee

11th March 2019

Review of the Constitution: Members Register of Interests

Report of the Joint Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To invite the Committee to consider whether the Council's Code of Conduct ought to be amended to make it necessary for Members to declare any premises, hackney carriage, private hire or similar related licences which they hold from the Council or from other local authorities.

1 Report Details

- 1.1 The Council's current Code of Conduct requires Members to declare 'Disclosable Pecuniary Interests' (DPIs). These DPI's are set out in the legislation and Members are legally obliged to declare them.
- 1.2 Local authorities can also require their Members to declare any 'Other Interests' which they determine are appropriate. The Other Interests which the Council currently requires Members to declare are listed on the Register of Interest form. All Councillors are required to complete this and keep up to date. The form explains that Members are required to provide details of their membership or their occupation of a position of general control or management in any:
 - (a) Bodies which you have been appointed or nominated by the authority as its representative. *Example: Any outside organisation that you have been appointed to by the Council: e.g. Dragonfly Development Ltd Board, Bolsover Countryside Partnership;*
 - (b) Public authorities or bodies exercising functions of a public nature. *Example: Parish Council, School Governors.*
 - (c) Bodies directed to charitable purposes. *Example: Friends of the Earth, Local Hospice.*
 - (d) Bodies one of whose principal purposes include the influence of public opinion or policy. *Example: Political Party, Trade Union.*

- 1.3 One interest which Members are not required to declare is whether they hold any premises, hackney carriage, private hire or similar related licences, granted to them either by the Council or by another other local authority. Because this information is not registered, we do not know how many elected Members or their spouses or partners have held these licences or will do so in the future.
- 1.4 There would be several advantages if this requirement was now included in the Code of Conduct.

FIRST – It would be prudent. Although the legislation is not specific on this, the fact remains that being granted a licence to sell alcohol or to drive a private hire or hackney carriage vehicle places duties on those who are granted them – in terms of how they should behave in their professional capacity. These duties sit alongside the duties in the ‘Code of Conduct’ setting out how individuals should behave in their capacity as elected Members. It is important that these different duties are understood fully to ensure that they do not lead to any potential conflicts of interest.

SECOND – It would be transparent. The Council and Councillors do have high standards of openness and transparency, but we also need to be consistently seen as open and transparent. Given the financial and other benefits that an individual and their families can potentially gain as a result of holding a licence, many people would probably expect their elected representatives to make this known in advance and might at the very least wonder why they had not. They might also wonder why the Council had not required this information to be made public.

THIRD – It would be line with the seven principles of public life identified by the Nolan Committee in the 1990’s and in particular, the principle of Integrity. This states that: “Holders of public office must avoid placing themselves under any obligation to people or organisations that might try to inappropriately influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.” By being clear that they hold licences, Members can prevent accusations that they have obligations that could impact on their role as an elected Member and which they have not made explicit to the wider public.

2 Conclusions and Reasons for Recommendation

- 2.1 It is good practice for the Council’s to review its Code of Conduct and especially, to review what Non-Pecuniary, or Other Interests Members are required to register with the Monitoring Officer. Making provision for Members to register licences issued to them or their spouse or partners by the Council or by other authorities would have benefits for the reasons set out above.

3 Consultation and Equality Impact

- 3.1 NA

4 Alternative Options and Reasons for Rejection

- 4.1 No requirement could be introduced for Members to register any personal or other licences which they hold from the Council or other local authorities. However, this would mean that a potentially important improvement to the Council's governance arrangements was not made.
- 4.2 The option of requiring Members who submit license applications to appear before a Licensing Sub-Committee as a way of ensuring transparency was considered, but found to be impractical. This is because the legislation states that if an application has been made lawfully and if no representations have been made that the licensing authority must grant the application. Where representations are received, the relevant policy will be followed and Licensing Sub-Committees would be convened as required.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 Legal issues are dealt with in the report. There are no Data Protection issues.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That as part of the review of the Constitution, Council be recommended to include in the Code of Conduct a requirement for Members to declare any premises, hackney carriage, private hire or similar related licences which they or their spouses hold from the Council or from other local authorities.
- 6.2 That the Council's Register of Interest Form for elected Members be revised accordingly.

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>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	Matter of good governance

8 Document Information

Appendix No	Title
1	Members Register of Interests Form
<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>	
None	
Report Author	Contact Number
Nicola Calver, Governance Manager	01246 717753

Entry No.



**Bolsover District Council
Members' and Co-opted Members'
Disclosable Pecuniary and Other Interests**

Declaration:

I, [please state name]....., a Member of Bolsover District Council, give notice that I have set out my interests below in the appropriate areas and have put '**NONE**' where I have no such interest in any area.

I understand and acknowledge that:-

1. I must complete, sign and return this notice within 28 days of the Authority's Local Code of Conduct being adopted or within 28 days of my election or appointment to office. I understand that I must register my disclosable pecuniary interests and other interests by providing written notification to the Council's Monitoring Officer of the details required as set out in this form.
2. If my circumstances change I must, within 28 days of becoming aware of any changes to my interests, provide written notification to the Monitoring Officer of that change.
3. Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner, so far as I am aware of the interests of that person.
4. The Localism Act 2011 created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this form). I understand it is a criminal offence to:-
 - (a) Fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;
 - (b) Take part in the debate or vote at any meeting where I have a registered or unregistered DPI;
 - (c) Fail to declare at a meeting and/or take part in the debate or vote if I am aware I have a DPI which is not yet registered or notified to the Monitoring Officer;
 - (d) Fail to register unregistered DPIs that I have declared at meetings within 28 days of that declaration;
 - (e) Provide false or misleading information in relation to any registration or be reckless as to its accuracy;
 - (f) Take any steps or further action on a matter in which I have a DPI other than referring it elsewhere;

in each case without reasonable excuse, and I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence; and may be investigated

by the Police and referred to the Director of Public Prosecutions. I understand that upon conviction a Member or Co-optee may be fined up to a maximum of £5,000.

5. If I feel I have an interest which, if disclosed on a public register, could lead to myself or a person connected to me being subject to violence or intimidation, then I must disclose this as a sensitive interest to the Monitoring Officer and need not declare it on this form.
6. I must, in my capacity as a Member, provide written notification within 28 days of receiving any gift or hospitality that is above the value of £100 (including details of the person(s) from whom it was received) by completing the Registration of Gifts and Hospitality form and return it to the Monitoring Officer. (Members may declare any gift or hospitality that is below the stated value if they prefer to have it on record).

The Monitoring Officer
Bolsover District Council
The Arc, High Street
Clowne
S43 4JY

Member's Signature	
Date	
Monitoring Officer's Signature	
Date	

**Bolsover District Council
Members' and Co-opted Members'
Disclosable Pecuniary and Other Interests**



Councillor's Full Name: -----

Address: -----

Note - Throughout this document the "Authority or Authority's area" refers to the whole of the area covered by Bolsover District Council rather than the ward the Member represents.

Date of Completion	Date of Amendment(s)

1. Disclosable Pecuniary Interests

Please answer all parts of this form. You must enter information in every box. If you do not have an interest in a particular question please put "**None**".

Your '**partner**' refers to a spouse, a person with whom you are living with as husband or wife, or a person with whom you are living as if they were a civil partner.

Please provide details of :-

a) Employment, office, trade, profession or vocation (carried on for profit or gain.)

Please include the role or job title and the name and address of the employer

You:

Your partner:

b) Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Complete this box if you received financial assistance from a political party with your election expenses.

You:

Your partner:

c) Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority —

- i. under which goods or services are to be provided or works are to be executed; and
- ii. which has not been fully discharged.

You:

Your partner:

d) Land

Any beneficial interest in land which is within the area of the relevant Authority.

You should state the address of all the property you occupy, own, lease or rent within Bolsover District, including your home address.

You:

Your partner:

e) Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

For example, an allotment or land for fishing purposes occupied for more than a month.

You:

Your partner:

f) Corporate tenancies

Any tenancy where (to your knowledge)—

- i. the landlord is the relevant Authority; and
- ii. the tenant is a body in which the relevant person has a beneficial interest.

Complete this section if your business or company has a tenancy in a property owned by Bolsover District Council.

You:

Your partner:

g) Securities

Any beneficial interest in securities of a body where —

- i. that body (to your knowledge) has a place of business or land in the area of the relevant Authority; and
- ii. either—
 - a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - b. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

You:

Your partner:

2. Other Interests

Please answer all parts of this form. You must enter information in every box. If you do not have an interest in a particular question please put “None”. All of your interests must be properly recorded in the appropriate areas.

Please provide details of your membership of, or your occupation of a position of general control or management in any – **you only need to complete this regarding yourself (not your partner)**

<p>a) Bodies to which you have been appointed or nominated by the Authority as its representative</p> <p><i>Example: Any outside organisation that you have been appointed to by Council</i></p>	<p>You:</p>
<p>b) Public authorities or bodies exercising functions of a public nature</p> <p><i>Example: Parish Council, School Governors</i></p>	<p>You:</p>
<p>c) Bodies directed to charitable purposes</p> <p><i>Example: Friends of the Earth, Ashgate Hospice</i></p>	<p>You:</p>
<p>d) Bodies one of whose principal purposes include the influence of public opinion or policy</p> <p><i>Example: Political Party, Trade Union</i></p>	<p>You:</p>

3. Licences

Please enter details of any licences held by yourself or your partner such as any premises, hackney carriage, private hire vehicle or similar related licences which you or their spouses hold from the Council or from other local authorities.

Your ‘**partner**’ refers to a spouse, a person with whom you are living with as husband or wife, or a person with whom you are living as if they were a civil partner.

Example: Premises Licence and Personal Licence at The Red Lion, issued by X District Council

<p>You:</p>	<p>Your partner:</p>
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Bolsover District Council

Standards Committee

11th March 2019

**RECOMMENDATION FROM THE STANDARDS COMMITTEE – AMENDMENT TO
COUNCIL PROCEDURE RULE 21.1**

Report of the Head of Corporate Governance and Monitoring Officer

This report is public

PLEASE NOTE:

Attached is the report that was deferred from the Meeting of Council on 20th February 2019 pending further consideration by the Standards Committee.

Members are asked to considered its content and make recommendations for inclusion in the Review of the Constitution Report to Council on 22nd May 2019

Bolsover District Council

Council

20th February 2019

**RECOMMENDATION FROM THE STANDARDS COMMITTEE – AMENDMENT TO
COUNCIL PROCEDURE RULE 21.1**

Report of the Chairman of the Standards Committee

This report is public

Purpose of the Report

- For Council to give consideration to an item of recommendation from the Standards Committee in relation to amending the requirement to ‘stand’ at meetings of Council.

1 Report Details

- 1.1 The Standards Committee have the responsibility for reviewing the contents of the Council’s constitution and recommending any necessary changes to the Council for adoption. This is normally submitted as one singular report to Council on an annual basis.
- 1.2 In this instance, the Standards Committee have considered that Council should be offered the opportunity to adopt a recommendation made separately to the annual report that would be forthcoming to Council in the coming months.
- 1.3 At their meeting on 14th January, the Standards Committee were presented with the following option to consider:

<i>Area of Review</i>	<i>Proposal and Rationale</i>	<i>Sections of the Constitution to be revised</i>
<i>Councillors’ Conduct – Speaking at Meetings</i>	<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</p>	<i>Part 4 – Council Procedure Rules – Rule 21.1 (Page 91 of the current version)</i>

	<p>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>It is proposed that the relevant Council Procedure Rule, rule 21.1, be amended as follows:</p> <p style="padding-left: 40px;">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>	
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1.4 The debate of the Standards Committee is set out below. Please note that the Minute presented is in draft format, as a further meeting of the Committee has not been held to formally approve the content.

Councillors Conduct: Speaking at Meetings (Part 4 Council Procedure Rules (Rule 21.1))

It was proposed that the procedure rules for Councillors when they speak at Council meetings be revised to require them to state their name before speaking and also to use the microphones. It is was also proposed that the requirement to stand be removed.

Requiring Councillors to state their name before speaking would assist the public and all Members in following the meeting. It was important that Members used the microphones to ensure that they could be heard by all participants and observers in the meeting.

Microphones would be more effective if Members were seated as their voices would be closer to the microphone receiver, which would also assist those participating in, or observing the meeting who had a hearing impairment.

The requirement for Members to stand could also be considered as discriminatory against Members who may struggle with a disability or a mobility issue, particularly if they needed to stand and sit down at regular intervals during a meeting.

It was therefore proposed that Council Procedure Rule 21.1 be amended as follows;

*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 microphone.***

A Member welcomed this change and noted that in meetings, Members and observers with hearing impairments struggled to hear Members speaking into the microphones if they were in a standing position.

The Monitoring Officer suggested that this recommendation be taken to the next Council meeting ahead of Annual Council so that it could be implemented sooner.

Moved by Councillor T. Munro and seconded by Councillor H.J. Gilmour
RECOMMENDED that Council approve an amendment to Procedure Rule 21.1 of the Council's Constitution as follows;

*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 microphone.***

(Governance Manager)

2 Conclusions and Reasons for Recommendation

2.1 It is therefore proposed that the Council be requested to give consideration to the recommendations of the Standards Committee.

3 Consultation and Equality Impact

3.1 Standards Committee have been consulted as part of the review of the Constitution.

3.2 There are equalities issues raised within this report:

- 1) The requirement for Members to stand could 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.
- 2) 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.

4 Alternative Options and Reasons for Rejection

4.1 Members do not have to accept the recommendations of the Standards Committee and continue status quo on this matter.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None

5.2 Legal Implications including Data Protection

5.2.1 None

5.3 Human Resources Implications

5.3.1 None

6 Recommendations

6.1 That Council give consideration to the recommendation of the Standards Committee and agree an approach.

7 Decision Information

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>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	All

8 **Document Information**

Appendix No	Title	
None		
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

Bolsover District Council

Standards Committee

11 March 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:

- Edits to the Constitution proposed by the Portfolio Holder for Corporate Governance resulting from Member discussions (Virements) (deferred from previous meeting)
- Joint Employment Committee and Joint Appeals Committee Terms of Reference
- Updating of the Proper Officer Provisions

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
- Standards Committee Terms of Reference
- Review of Employee Code of Conduct
- Employment Rules
- Minor wording changes or updating of job titles (housekeeping)

- 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.

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Proper Officer Provisions	<p>During review of this area of the Constitution it was found that a number of the regulations specified under Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to proper officer provisions were not titled correctly and that several of the regulations that have ‘proper officer’ provisions were not included within the list detailed at pages 170 - 175.</p> <p>This section has been amended as set out in Appendix 2 in line with the legislation.</p>	<p>Pages 170 – 175 Part 4 – Scheme of Delegation Proper officer Provisions</p>
Joint Employment Committee and Joint Appeals Committee	<p>At the Meeting of Council on 6th March, Members will give consideration to the report attached as Appendix 3. The changes proposed suggest for the JEC and the JAC become one Committee entitled the Joint Employment and Appeals Committee (JEAC). The JEAC would sit as an 8 member Committee to deal with appointments of SAMT members.</p> <p>The rational for the change is that, in the current arrangements, any appeal against a decision by the JEC would be made to the JAC. The JAC’s membership also comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council. An appeal cannot be heard by the same Members that heard the original disciplinary or capability case so revised arrangements are required.</p> <p>The terms of reference as amended are set out as part of Appendix 3.</p> <p>Further, amendment to the Scheme of Delegation to officers is also proposed to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive Officer, or the Strategic Directors in his absence. The would amend paragraph 10.28 (ii) as follows:</p>	<p>Pages 61 and 62 Part 3 Responsibility for Functions</p> <p>Scheme of Delegation Page 164 CX Delegation 28</p>

	<p><i>To determine all staffing matters including but not limited to:</i></p> <p>...</p> <p>(ii) <i>the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, in the case of statutory officers, their dismissal.</i></p> <p>This has the effect of removing the power to dismiss statutory officers only from the delegation, leaving all other dismissal decisions within the scope of the power.</p> <p>This matter is subject to Council discussion, and the decisions of the meeting on 4th March will be presented to this meeting.</p>	
<p>Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders</p>	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p><i>Virements</i></p> <p><i>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.</i></p> <p>DEFERRED from last meeting. Section 151 Officer will be in attendance to answer queries.</p>	<p>Part 4 Budget and Policy Framework (pages 103 and 104 in current version)</p>

APPENDIX 2

Appendix 2

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Proper Officer Provisions And Designation Of Officers To Statutory Functions/Roles

The relevant post holders listed below have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive Officer Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Chief Executive Officer
S. 96	Disclosure of Members Interests	Monitoring Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100 (B) (2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100 (B) (7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100 (C) (2)	The officer to prepare a written summary of the	Monitoring Officer

Commented [CD1]: Provision repealed

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	proceedings at committees and sub-committees	
S.100(D)(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer
S.100(D)(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100(F)(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
S.115(2)	Receipt of money due from officers	Head of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Head of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs - Deputy	Chief Account (BDC) and Chief Account (NEDDC)
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Head of Corporate Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	

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		Head of Finance & Resources and S.151 Officer.
S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Chief Executive Officer Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Chief Executive Officer
S.248	Officer who will keep the Roll of Freeman	Chief Executive Officer
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Chief Executive Officer
Local Government Act 1972 – Schedule 16		

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Para 28	Deposits of lists of buildings of special architectural or historic interest	Chief Executive Officer
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Strategic Director – Place Head of Property and Commercial Services
Representations of the People Act 1983		
S.8	Registration Officer	Chief Executive Officer
S.8	Deputy Registration Officer	Head of Corporate Governance and Monitoring Officer Elections-Electoral Services Manager (BDC) Elections-Electoral Services Manager (NEDDC)
S.35	Returning Officer for Local Elections	Chief Executive Officer
S.35	Deputy Returning Officer for Local Elections	Head of Corporate Governance and

Commented [CD2]: Repealed Planning (Listed Buildings and Conservation Areas) Act 1990 does not contain proper officer provisions or require designation of any person

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		Monitoring Officer Elections Manager (BDC) Elections Manager (NEDDC)
S.24	Acting Returning Officer for a Parliamentary Election	Chief Executive Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer Elections Manager (BDC) Elections Manager (NEDDC)
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Chief Executive Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Chief Executive Officer
S. 200	Publication of Notices under the Act	Chief Executive Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Chief Executive Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Chief Executive Officer

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Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Chief Executive Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive Officer except as specifically provided in this scheme
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulation 2	Determination of documents constituting Background Papers	Monitoring Officer
Regulation 123	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Monitoring Officer
Regulation 145	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 156	Inspection of background papers	Monitoring Officer
Regulation 139	Individual Executive decisions	Monitoring Officer
Regulation 447	Access to agenda and connected reports	Monitoring Officer
Regulation 12	Publicity in connection with Key Decisions	Monitoring Officer

APPENDIX 2

Regulation 1045	General exception relating to Key Decisions	Monitoring Officer
Regulation 1647	Members' rights of access to documents	Monitoring Officer
Regulation 2024	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Head of Property and Commercial Services
Public Health (Control of Disease) Act 1984		
S.31	Certification by officer of need for disinfection of premises	Head of Housing and Community Safety
S.32	Certification by officer of need to remove person from infected house	Head of Housing and Community Safety
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Head of Housing and Community Safety
Public Health Act 1961		
S.37	Control of any verminous article	Head of Housing and Community Safety
Localism Act 2011		
S. 33	Submission of written requests for Standards Dispensations	Monitoring Officer

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APPENDIX 2

S. 81	Administration of Community Right to Challenge	Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Monitoring Officer
Freedom of Information Act 2000		
S. 36	Qualified Person <u>determining prejudice to effective conduct of public affairs</u>	Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.3A	Employers certificate for exemption from politically restricted posts	Monitoring Officer <u>Head of Paid Service</u>
S.4	Head of Paid Service	Chief Executive Officer
S.5	The Monitoring Officer	Assistant Director of Governance <u>Head of Corporate Governance</u>
S. 5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
S.15	Officers to receive notices relating to membership of political groups	Monitoring Officer
S. 19	Keeping the Register	Monitoring Officer

Commented [CD4]: Specified in the Act

Commented [CD5]: Provisions covered by the 1990 regulations below.

Commented [CD6]: Repealed

APPENDIX 2

Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will <u>be given</u> written notice of appointment or dismissal of officers listed in Schedule 2, Part <u>II</u> 44, paragraph 3	Chief Executive Officer
General Data Protection Regulation (EU) 2016/679 Data Protection Act 2018		
Article 37S. 69	Data Protection Officer	Information, Engagement and Performance Manager

Bolsover District Council

Council

6th March 2019

Joint Employment Committee and Joint Appeals Committee

Report of the Monitoring Officer

This report is public

Purpose of the Report

- To revise the process for the hearing of disciplinary and capability matters in relation to members on the Strategic Alliance Management Team (SAMT) to ensure the process is fit for purpose.

1 Report Details

- 1.1 Members of the Strategic Alliance Management Team (SAMT) are subject to a disciplinary and capability process that requires disciplinary and capability hearings to be heard by the Joint Employment Committee (JEC). The JEC's membership comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council.
- 1.2 Any appeal against a decision by the JEC would be made to the Joint Appeals Committee (JAC). The JAC's membership also comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council. An appeal cannot be heard by the same Members that heard the original disciplinary or capability case so revised arrangements are required.
- 1.3 In order to resolve the issue the following proposals are recommended.
- The JEC and the JAC become one Committee entitled the Joint Employment and Appeals Committee (JEAC). The JEAC would sit as an 8 Member Committee to deal with appointments of SAMT members. This membership proposed is as follows.

Bolsover District Council (BDC)	North East Derbyshire District Council (NEDDC)
Leader	Leader
Deputy	Deputy
Cabinet Member	Cabinet Member
Leader of principal opposition	Leader of principal opposition

- In order to address the issues set out at para 1.2, capability and disciplinary cases for Directors and Heads of Service would be heard by a more senior officer, with a right of appeal to Members. If an appeal against any decision as a result of such a hearing is made then a sub-committee of the JEAC would be arranged. This sub-committee would comprise of 4 members, being 2 members from each Council (including at least one Opposition Member) in order to provide an equal representation of Elected Members from each Council. In such cases the sub-committee could comprise of the following:

Option 1	Option 2
Leader BDC	Leader NEDDC
Deputy NEDDC	Deputy BDC
Cabinet member BDC	Cabinet member NEDDC
Leader of principal opposition NEDDC	Leader of principal opposition BDC

- The proposals as set out in the report require amendment to the terms of reference for the JEC removing reference to dealing with disciplinary and capability matters for members of SAMT other than in relation to appeals against the initial decision. An amended set of the Terms of Reference is attached at **Appendix 1**.
- Amendment to the Scheme of Delegation to officers is also proposed to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive officer, or the Strategic Directors in his absence. This would amend paragraph 10.28 (ii) as follows

To determine all staffing matters including but not limited to:

- ...
- (ii) *the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, **in the case of statutory officers**, their dismissal.*

This has the effect of removing the power to dismiss statutory officers only from the delegation, leaving all other dismissal decisions within the scope of the power.

- For dismissals arising from the decision of the senior officer there would be a right of appeal to this sub-committee of the JEAC.
- 1.6 The proposed changes as set out in the report outline a mechanism for ensuring Members remain independent by not being engaged in the matter prior to any appeal. This ensures a fair and transparent process with a clear and separate appeal process.

2 Conclusions and Reasons for Recommendation

- 2.1 The current arrangements for hearings of disciplinary and capability issues relating to SAMT Members must be changed to meet the requirements of Natural Justice by providing a fair and independent appeal mechanism.

2.2 In addition there is need for a formal procedure to be agreed.

3 Consultation and Equality Impact

3.1 The Unions will be consulted as part of the process before this matter comes to the Council.

3.2 Equality implications are dealt with within the proposed documents.

4 Alternative Options and Reasons for Rejection

4.1 The existing arrangements are unreasonable and therefore an alternative mechanism that provides an independent appeal mechanism is required.

5 Implications

5.1 Finance and Risk Implications

5.1.1 There are no Finance implications.

5.2 Legal Implications including Data Protection

5.2.1 These are dealt with in the report.

5.3 Human Resources Implications

5.3.1 There are no direct Human Resources implications.

5.3.2 Members of SAMT are already subject to the JNC Conditions of Service in their contracts of employment.

6 Recommendations that Council

That Council:

6.1 Merge the Joint Employment Committee and the Joint Appeals Committee so that it becomes the Joint Employment and Appeals Committee (JEAC);

6.2 Approve the proposed membership and Terms of Reference for the JEAC appended to this report and the proposed amendment to the Scheme of Delegation to Officers;

6.3 Refer the Terms of Reference and the amendment to the Scheme of Delegation to the Standards Committee to note and for inclusion in the Constitution;

6.4 Approve the membership of the Committee as 8 members, 4 from each of the two Councils;

6.5 Appoints the additional Cabinet member representative to Committee; and

- 6.7 Give delegated authority to the Chief Executive and Head of Paid Service to make any minor alterations required to the process.

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>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All indirectly
<p>Links to Corporate Plan priorities or Policy Framework</p>	All indirectly

8 Document Information

Appendix No	Title
Appendix 1	Proposed Terms of Reference for the Joint Employment and Appeals Committee (JEAC)
<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>	
None	
Report Author	Contact Number
Sarah Sternberg Joint Head of Corporate Governance and Monitoring Officer.	01246 242414

JOINT MEMBER PANELS FOR STAFFING MATTERS

(1) Joint Employment and Appeals Committee (JEAC)

There will be a Joint Employment and Appeals Committee (JEAC) of four Councillors from North East Derbyshire District Council and four Councillors from Bolsover District Council.

One named substitute is made for each appointed Member of the Committee who can be called upon to replace an existing Member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed.

The membership from Bolsover District Council shall include the Leader of the Council and Deputy Leader, a Cabinet Member and the Leader of the Largest Minority Group. The Members shall be appointed at the Annual Meeting. The rules of proportionality shall apply to this Committee.

The Joint Employment and Appeals Committee will meet as a Committee in relation to all appointments of the Strategic Alliance Management Team which includes the Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions).

The Joint Employment and Appeals Committee will meet as a Sub Committee of 4 comprised as one of the options below when dealing with a disciplinary or capability issue:

Option 1	Option 2
Leader BDC	Leader NEDDC
Deputy NEDDC	Deputy BDC
Cabinet member BDC	Cabinet member NEDDC
Leader of principal opposition NEDDC	Leader of principal opposition BDC

The Joint Employment and Appeals Committee will have the following roles and functions:-

- (a) To interview candidates for posts within the Strategic Alliance Management Team
- (b) To appoint candidates to posts within the Strategic Alliance Management Team, with the exception of the Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (c) To recommend to the Councils' the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (d) To deal with the final stages of the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers

- (e) To deal with appeals from the Chief Executive Officer and Chief Officers/Deputy Chief Officers including Statutory Officers, against action taken against them

- (f) In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment and Appeals Committee shall make a recommendation to the Councils which will be supported via a report from two of the Councils' Standards Committee Independent Persons

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	All completed in line with the work programme.

14 January 2019	<p>Review of Constitution</p> <p>Complaints Update</p> <p>Work Programme</p>	All completed in line with the work programme.
11 th March 2019	<p>Appointments to Outside Bodies</p> <p>Standards Committee Review</p> <p>Gifts & Hospitality Review 2018</p> <p>Joint Whistleblowing Policy Annual Report</p> <p>Review of Constitution</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>RIPA Policy 2nd Review</p> <p>Complaints Update</p> <p>Work Plan 2018/19 - Achievements</p> <p>Work Programme 2019/2020</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>Terms of Reference to be considered in new municipal year.</p> <p>To roll forward to new municipal year See Minutes of Standards – 8th May 2018</p> <p>To roll forward to new municipal year</p>

BDC STANDARDS COMMITTEE WORK PROGRAMME 2019/20		
Meeting date	Item	Comments
1 July 2019	Standards Committee Annual Report Review of Standards Committee Terms of Reference Review of Public Questions Complaints Update Work Programme	Ref: 8 May 18 Standards Committee Minutes
23 September 2019	Local Government Ombudsman Annual Report Review of Constitution Part 1 Complaints Update Work Programme	
25 November 2019	Review of Constitution Part 2 Complaints Update Work Programme RIPA Policy Annual Review	

27 January 2020	Gifts & Hospitality Review 2019 Joint Whistleblowing Policy Annual Report Review of Constitution – Part 3 Complaints Update Work Programme	
20 April 2020	Review of Constitution – Part 4 Complaints Update Work Programme 19/20 - Achievements Work Programme 2020/2021	

STANDARDS WORK PROGRAMME 2019-20