

STANDARDS COMMITTEE

AGENDA

MONDAY 1st July 2019 at 1000 hours in the Council Chamber, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS.	
1.	<u>Apologies for absence</u>	
2.	<u>Urgent Items of Business</u> To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	<u>Declarations of Interest</u> Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a Standards Committee meeting held on 11 th March 2019.	3 to 13
5.	Role of Standards Committee and work undertaken to date. Attached is the; <ul style="list-style-type: none">• Terms of Reference for Standards Committee.• Scrutiny Review of Standards Committee – Operational Review.• Parliamentary Committee on Standards in Public life – Review into Local Government Ethical Standards.	14 15 16 to 47 48 to 54
6.	Review of the Council's Constitution.	55 to 59
7.	Member Champions.	60 to 62
8.	Draft Standards Committee Annual Report.	63 to 72
9.	Complaints against Members Update.	Verbal Update
10.	Standards Work Programme 2019/20.	73 to 74

STANDARDS COMMITTEE

Minutes of a meeting of a meeting of a Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, High Street, Clowne on Monday 11th March 2019 at 1000 hours.

PRESENT:-

Members:-

R. Jaffray (Independent Member) in the Chair

Councillors J. A. Clifton, H. J. Gilmour, C. R. Moesby and B. Watson

Officers:-

S.E.A. Sternberg (Joint Head of Corporate Governance and Monitoring Officer),
V. Dawson (Team Manager – Contentious) and N. Calver (Governance Manager).

Also in attendance at the meeting was Councillor D. S. Watson observing

0772. CHANGE TO ORDER OF BUSINESS

At the commencement of the meeting a suggestion was made to vary the order of the agenda in order to give consideration to item 9C after item 3 as a Member of the Licensing Committee was in attendance and wished to hear the debate on this matter.

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

RESOLVED that the order of business on the agenda be changed.

0773. APOLOGIES

Apologies for absence were received on behalf of Councillors M. J. Dooley and T. Munro.

0774. URGENT ITEMS OF BUSINESS

There were no urgent items of business considered at the meeting.

0775. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

STANDARDS COMMITTEE

0776. MINUTES OF A MEETING HELD ON 14th JANUARY 2019

Councillor Gilmour referred Members to page 11 of the reports pack which set out the resolutions made in respect of the review of the Constitution. Whilst no amendments were suggested Councillor Gilmour wished for it to be noted that when seconding the recommendations she was unaware that she seconded all recommendations and this matter would be rectified going forward taking movers and seconders for each element of the review of the Constitution.

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

RESOLVED that the Minutes of a Standards Committee Meeting held on the 14th January 2019 be approved as a correct record.

0777. JOINT WHISTLEBLOWING POLICY

The Solicitor – Team Manager (Contentious) advised Members that North East Derbyshire District Council and Bolsover District Council currently had in place a Joint Whistleblowing Policy. The Council was committed to updating this policy on a regular basis to ensure that it was fit for purpose and it was advised that the last review took place in May 2018. A further review was conducted in February 2019 and no changes had been recommended.

Further, in accordance with the Joint Whistleblowing Policy, the Monitoring Officer had overall responsibility for the maintenance and operation of the policy, and would maintain a record of concerns raised and the outcomes. The Monitoring Officer was also required to report as necessary to both Councils on instances relating to Whistleblowing and it was noted by Members of the Standards Committee that there had been no instances to report for the 2018/19 municipal year.

Moved by Council B. Watson and seconded by Councillor H. J. Gilmour

RESOLVED that

- 1) the Joint Whistleblowing policy be agreed as fit for purpose; and
- 2) it be noted that no instances of Whistleblowing had been made since the May 2018 review.

(Solicitor – Team Manager (Contentious))

0778. REVIEW OF JOINT RIPA POLICY

The Head of Corporate Governance and Monitoring Officer advised Members of the recent review that had been undertaken on the Joint RIPA Policy - which covers the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA). It was advised that the Council was periodically inspected by the Office of Complaints Commissioners with the last inspection taking place in 2015/16 and the next inspection due to take place that week.

Since the last review new Codes of Practice had been issued and some legislative changes had been made arising from the Investigatory Powers Act 2016 and the

STANDARDS COMMITTEE

Regulation on Investigatory Powers Order 2018 and these had been incorporated into the policy.

Previous inspections had focused on the need for regulatory training and, in response, a training session had been delivered for the Strategic Alliance Management Team including those Officers who were appointed as Authorising Officers and Designated Persons and further training had been issued to officers within areas such as Planning Enforcement, Licensing and Environmental Health.

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

RESOLVED that;

- 1) the update provided on the use of the policy be noted; and
- 2) the revised Joint RIPA Policy and Procedure document be recommended for adoption by the Strategic Alliance Joint Committee.

(Governance Manager)

0779. GIFTS AND HOSPITALITY ANNUAL REVIEW

Members gave consideration to the annual review for Gifts and Hospitality which showed that all offers as set out in the Appendix of the report were accepted, with the exception of one gift that was donated to the Chairman's Charity. Most of the gifts were relatively small in value but there was one declaration which related to an iPad Mini with a monetary value of around £399. As per the Gifts and Hospitality procedure, the Monitoring Officer was alerted and was able to discuss with the recipient of the gift and their line manager. It was noted that the iPad Mini was a prize from a prize draw for completing a training questionnaire, and the recipient wished to declare this on the register to ensure transparency even though it was a prize.

In May 2018 the Internal Audit Consortium conducted an audit of the register with three low priority recommendations made, the first being that the annual inspection report presented to the Standards Committee during the year following the inspection also that consideration be made to adding fields to the declaration form and lastly, that the Members Code of Conduct reflect the wording within the Councils Constitution. All three recommendations had been agreed.

In July 2018 the Standards Committee requested that the register of Gifts and Hospitality be published on the Council's website. It was suggested that in light of the Council's view to go out to tender for a Committee Management Software, which would have a facility for an online version of the Gifts and Hospitality Register, that this be implemented once the new system was in place in 6 months' time.

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

RESOLVED that the outcome of the Gifts and Hospitality review be noted.

(Solicitor – Team Manager (Contentious))

STANDARDS COMMITTEE

0780. PARLIAMENTARY COMMITTEE REPORT ON STANDARDS IN PUBLIC LIFE – REVIEW INTO LOCAL GOVERNMENT ETHICAL STANDARDS

The Localism Act 2011 introduced significant changes to the way that conduct of Elected Councillors was handled. It abolished a national framework and the National Code of Conduct, and removed powers to suspend or disqualify Councillors for serious breaches and instead placed a duty on Local Councils to adopt their own and to appoint Independent Persons to assist with matters under investigation. The Parliamentary Committee on Standards in Public Life (CSPL) undertook to review the effectiveness of the arrangements once they had bedded in and in May 2018 the Bolsover District Council Standards Committee gave consideration to the Terms of Reference for this review.

The recommendations of the review were published in January 2019 and the key findings and recommendations made were summarised within the report. Some of the recommendations made would require Primary Legislation, however many of the other recommendations were considered good practice from which Councils could just implement or adopt.

The four areas of the review covered:

- Code of Conduct,
- arrangements for Declarations of Interest,
- the available sanctions, and
- the role of the IPMO and the Standards Committee and support for Parishes.

In addition, it looked more widely at how Authorities could better promote high standards of conduct. Overall, the CSPL found that there was no appetite to return to a centrally regulated system, and on the whole, local arrangements were effective at managing the majority of cases. However, there was some issues with governance arrangements for some Parish Councils. There was a need for a more consistent approach taken to Standards and Monitoring Officers and Councils needed more effective tools to help them to handle more serious cases or persistent offenders. Set out below are some of the key recommendations of the CSPL:

- Council should have the power to suspend Members for up to 6 months without allowances;
- Independent Persons should be appointed for a two year term renewable once to ensure they are seen as independent;
- Statutory protection for MO's should be extended to include any disciplinary action not just dismissal;
- Standards Committee should be able to co-opt independent Members and Parish representatives with voting rights;
- There should be greater recognition of the role of the MO in supporting Parishes and they should be resourced accordingly;
- Parish clerks should hold a suitable qualification; and
- There was a need for a more comprehensive form for registering and declaring interests going wider than the statutory minimum.

STANDARDS COMMITTEE

Moved by Councillor B. Watson and seconded by Councillor H. J. Gilmour

RESOLVED that:

- 1) the findings of the review and the recommendations of the Parliamentary Committee on Standards in Public Life – Review into Local Government Ethical Standards be noted; and
 - 2) the findings of recommendations from the review be considered in line with the Committee's Terms of Reference to be presented to a future meeting of the Standards Committee.
- (Governance Manager)

0781. SCRUTINY REVIEW OF THE WORK OF THE STANDARDS COMMITTEE

At its meeting on the 22nd February 2019 the Executive considered a report of the Customer Service and Transformation Scrutiny Committee setting out the work of a review that they had undertaken into the Standards Committee and its operations. The review came about as a request from the Standards Committee for an external review of how the Committee operated during the 2017/18 Municipal year. The Standards Committee had responded to the national consultation by the CSPL on their review of the Local Government Ethical Standards and as a result of their own review the Committee felt it pertinent to have an external opinion on how they operated and requested that Scrutiny carry out this review.

The full review report was set out within the documents submitted to the meeting and the seven recommendations set out therein were considered.

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

RESOLVED that the content of the operational review be noted and the recommendations made therein form a basis for review for the Committee's Terms of Reference.

(Governance Manager)

0782. REVISED MEMBERS CODE OF CONDUCT

The Members' Code of Conduct was adopted by Council in 2012 following the introduction of the Localism Act but hadn't been formally reviewed since. A review was therefore being carried out and the proposed changes were set out to Members by way of tracked changes attached to the report as Appendix A.

In summary the changes were:

1. General Conduct – additions to the general conduct expected of Members to ensure that areas around equalities, safeguarding and conduct when speaking to the media would be addressed;
2. Training – a section had been added to set out the requirements to attend mandatory training (as requested at a previous meeting of the Standards Committee) within the Appendix, including a list of training and the frequency of attending;

STANDARDS COMMITTEE

3. Predetermination / Bias – an explanation had been included as to what constituted predetermination or bias and details added around what a Member is required to do should they have any concerns; and
4. Member Interests – greater explanation of what constituted a Disclosable Pecuniary Interest (DPI) with notes contained within an Appendix to assist Members. This included sensitive interests and the rules concerning non-participation where there was a DPI or how to request a dispensation.

Clarification was given that officers were unable to enforce attendance at training sessions even where they were agreed as mandatory and these powers lay with political groups to enforce.

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

RESOLVED that the revised Members' Code of Conduct be recommended to Council for adoption, as part of the review of the Council's Constitution.

(Governance Manager)

0783. SOCIAL MEDIA GUIDANCE FOR MEMBERS

Consideration was given to a report proposing the introduction of a guidance document for Social Media for Councillors which gave helpful suggestions and clarification to Members on how they should conduct themselves on the use of Social Media.

The Council currently did not issue any guidance on the use of Social Media for Councillors, and, with Social Media increasingly becoming a more popular form of communication for Elected Members to engage with residents, there was a need for guidance to enable protection for both Councillors and the Authority.

It was noted that this was not a formal policy nor protocol, but a document based on best practice designed to encourage the use of Social Media sensibly.

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

RESOLVED that the Social Media Guidance for Councillors be recommended to Council for adoption as part of the Review of the Constitution.

(Governance Manager)

0784. MEMBERS REGISTER OF INTERESTS

As part of the review of the Declarations of Interest Form it was noted that one interest Members were not required to declare was whether or not they held any Premises, Hackney Carriage, Private Hire or similarly related licenses, granted to them either by the Council or by another Local Authority. Because this information is not registered the Authority would not then know how many Elected Members or their partners and spouses have held these licenses or would do in the future. It was therefore suggested that this was a requirement that now needed to be included within the Code of Conduct and on the Declarations of Interest Form in order to be transparent and in line with the seven principles of public life, in particular the principal of integrity. An amended form was appended to the report.

STANDARDS COMMITTEE

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

RESOLVED that:

- 1) the Constitution be amended to include a requirement for Members to declare any Premises, Hackney Carriage, and Private Hire or similarly related licenses which they or their spouses hold from the Council or other Local Authorities; and
- 2) that the Council's Register of Interests form be revised accordingly.

(Governance Manager)

0785. RECOMMENDATIONS FROM THE STANDARDS COMMITTEE – AMENDMENT TO COUNCIL PROCEDURE RULE 21.1

At the previous meeting of the Standards Committee, Members gave consideration to proposals for revisions to Council Procedure Rule 21.1 requiring Members to state their name before speaking and to also use the microphones. It was further proposed that the requirement to stand be removed. It was recommended that this matter be referred to the following Meeting of Council for consideration and be subsequently deferred from the Meeting of Council on the 6th March pending reconsideration by the Standards Committee.

Councillor C. R. Moesby advised the Committee that Members wished to retain the requirement to stand at Council in order to show respect to the Chairman, any Member that was less able to do so would not be required to stand when addressing the Chairman.

Councillor J. Clifton questioned whether it was appropriate to request Members to disclose information about their disabilities and the wording of the proposal for amendment to Procedure Rule 21.1 was amended to reflect this concern. It was 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 using a microphone and stand where possible.

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

RESOLVED that the amendment to Procedure Rule 21.1 as discussed be recommended to Council for adoption as part of the Review of the Constitution.

(Governance Manager)

0786. REVIEW OF THE CONSTITUTION

The Standards Committee gave consideration to the final report of the Municipal Year setting out the review of the Councils Constitution with proposed amendments for consideration prior to submission to Annual Council for adoption. Member's discussed the proposed amendments attached at Appendix 1 to the report considering the rationale behind each proposal.

STANDARDS COMMITTEE

The Councils Governance arrangements for discharging its Licensing responsibilities.

The Standards Committee had previously requested a review of the Council's governance arrangements for Licensing as part of its annual review of the Constitution. The Council was in receipt of Legal advice that its current governance arrangements for Licensing Committees did not meet requirements as set out in the Licensing Act 2003 and the Gambling Act 2005. On further research by the Legal department it was found that both these pieces of legislation specify that a separate Governance body (i.e. a Committee) should be established to deal solely with Licensed Premises and Club / Gambling permits and other similar functions.

The proposals within the report were two fold, firstly to establish two Committees to comply with the Legislation comprised of a membership of 14 Members that would serve both committees, meeting 2 to 3 times a year. Secondly, both of the new Committees were to 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. However, it was suggested that either seven Members be appointed to serve on one of the Sub-Committees and seven on the other or, all 14 Members be appointed on both of the Sub-Committees meeting in two halves and alternating meeting to meeting. The functions of each Committee and Sub-Committee were set out within the report.

Prior to this meeting the Licensing Committee had met to discuss the proposals which were to be put to the Standards Committee and considered that initially a reduction to 14 Members was unnecessary and the membership should remain at 15. The Licensing Committee agreed that it was prudent to comply with the legislation and to establish two Committees as set out in the report, however they requested the legal rationale of this to be presented to the Standards Committee. The Team Manager (Contentious) advised that the legislation indeed dictated that the Committee exercising responsibility for aspects of the Licensing function detailed within the Licensing Act 2003 and the Gambling Act 2005 ought to be separate from all other aspects of the Licensing Functions such as taxi and scrap metal licensing. Whilst it may seem that establishing two separate Committees meeting directly after each other made of the same membership may be paying lip service to the legislation a common approach had simply been to establish the two Committees to cover the different legal strands of responsibility.

On consideration of the Sub-Committees some Members of the Licensing Committee felt that they wished for the Sub-Committees to be composed of the full 15 membership of the parent Committee. The Governance Manager offered advice to the Licensing Committee (at their special meeting) and Standards Committee in regard to the rationale behind a reduction to 7 Members to hear matters around Hackney Carriage and Private Hire Licensing and referred to the report where a suggestion was made for a membership of 14 alternating each meeting they attended.

The Standards Committee gave consideration to the recommendations within the report and the Terms of Reference therein. Members concurred with the views of the Licensing Committee and were happy to accept their recommendations.

Moved by Councillor B. Watson and seconded by Councillor H. J. Gilmour

RESOLVED that the proposals for the revision of the Licensing governance arrangements be recommended to Council for adoption as follows;

STANDARDS COMMITTEE

1. Establishing a General Licensing Committee comprising of 15 Members in line with the Terms of Reference as set out in the report;
2. Establishing a Licensing and Gambling Acts Committee comprised of the same 15 members in line with the Terms of Reference as set out in the report;
3. Establishing a General Licensing Sub-Committee comprised of 15 Members in line with the Terms of Reference as set out in the report; and
4. Establishing a Licensing and Gambling Acts Sub-Committee comprised of the same 15 Members in line with the Terms of Reference as set out in the report.

(Governance Manager)

Proper Officer Provisions

It had been identified that a number of the regulations specified under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to Proper Officer Provisions were not titled correctly within the Constitution and that several of the regulations that had Proper Officer Provisions had been omitted from the lists detailed at pages 170 to 175 of the Council's Constitution. Appendix 2 to the report set out a tracked changes amended version of the Proper Officer Provisions for agreement.

Moved by Councillor J. Clifton and seconded by Councillor C. R. Moesby

RESOLVED that the Proper Officer Provisions be amended as proposed for recommendation to Council as part of the Review of the Constitution.

(Governance Manager)

Joint Employment Committee and Joint Appeals Committee

At the Meeting of Council on the 6th March 2019 Members gave consideration to a proposal for the Joint Employment Committee and Joint Appeals Committee to be amalgamated to create a Joint Employment and Appeals Committee (JEAC). The rationale for the change proposed was that within the current arrangements any appeal against the decision of the JEC would be made to the JAC, however both Committees were comprised of the same Membership which was a breach of natural justice. It was further proposed that the Scheme of Delegation to Officers be amended to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive Officer.

This item was deferred from consideration from the Meeting of Council on the 6th March 2019 pending Standards Committee consideration, consultation with the Unions by way of UECC on the 25th March 2019 and would be reconsidered by Council on the 3rd April 2019. Councillor C. R. Moesby expressed the concerns of the Administration around the changes proposed and acknowledged that the current system was not fit for purpose. It was felt that it was prudent to ensure that consideration of this matter was done in open and transparent manner and followed correct procedure to ensure that Standards, the Unions and Council had an opportunity to review the proposals put forward. Members were recommended to accept the changes proposed on the basis that the Terms of Reference for the Committees were reviewed as a matter of urgency within the new municipal year and that the Union recommendations were presented to Council in April.

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

STANDARDS COMMITTEE

RESOLVED that (1) the proposals be agreed on a temporary basis pending a full review by the Standards Committee in July 2019,

(2) the recommendations of UECC be presented to Council in April 2019 for adoption.

(Governance Manager)

Budget and Policy Framework Rules – inclusion of informing Portfolio Holders

Moved by Councillor B. Watson and seconded by Councillor H. J. Gilmour

RESOLVED that Council be recommended to accept pages 103 and 104 of the Constitution be amended to include the requirement to inform the relevant Portfolio Holder when a virement was in excess of £25,000.

(Governance Manager)

In addition to the proposals contained within the report, Members gave consideration to the proposals that would be put forward for amendment following May 2019 and were invited to suggest any further areas to review at this time or at any point going forward.

RESOLVED that the proposals for amendments to the Council's Constitution as amended be supported and be submitted to Council as part of the Constitution Review and that the list of areas within the Constitution to be reviewed in the forthcoming Municipal Year be agreed.

(Governance Manager)

0787. COMPLAINTS UPDATE

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

Five complaints against Members had been received since January 2019 and all five complaints had been closed with no further action taken. One complaint was with an Independent Person for consideration.

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

RESOLVED that the update be noted.

0788. OUTSIDE BODIES

Councillor C. R. Moesby gave a verbal update to the Committee on process of review for Outside Bodies undertaken by the Labour Group in advance of submission to Annual Council. Consultation was underway with all Members of the Council to ensure that the list was as up to date as possible and Outside Bodies were added and removed as appropriate. It was requested that the list of Executive Functions be amended in order to refer to the 'Cabinet Member with responsibility' for each function.

Councillor J. Clifton suggested that Members should be required to feedback on the work of Outside Bodies and the value added to them. Councillor B. Watson confirmed that

STANDARDS COMMITTEE

whilst Cabinet Portfolio Holders reported back informally there may be scope for formalisation of this going forward.

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

RESOLVED that:

- 1) the Review of Outside Bodies be added to the work plan for 2019/2020; and
- 2) feedback on outside bodies be considered as a good mechanism for assessing value.

(Governance Manager)

0789. WORK PROGRAMME FOR 2018/19

The Committee gave consideration to their work plan for the 2018/19 Municipal Year and noted their achievements and those items that would role forward for consideration during the next municipal year.

Moved by Councillor B. Watson and seconded by Councillor H. J. Gilmour

RESOLVED that the work plan for 2018/19 be noted.

0790. WORK PROGRAMME FOR 2019/20

The Committee gave consideration to their work programme for the forthcoming municipal year and requested that it be amended to add consideration of the Terms of Reference for the JEAC at their meeting on the 1st July 2019, that the Review of Outside Bodies be considered at their Meeting in September 2019 and that the review of the Standards Committee Terms of Reference be split over two meetings.

Moved by Councillor B. Watson and seconded by Councillor H. J. Gilmour

RESOLVED that the work plan for 2019/2020 be approved as amended.

(Governance Manager)

The meeting concluded at 1114 hours.

Role of Standards Committee and work undertaken to date

	Pages
• Standards Committee Terms of Reference.	15
• Customer Service and Transformation Scrutiny Committee Review of Standards Committee – Operational Review.	16 to 47
• Parliamentary Committee on Standards in Public life – Review into Local Government Ethical Standards (Report to Standards Committee on 11 th March 2019).	48 to 54

STANDARDS COMMITTEE – TERMS OF REFERENCE

Promoting and maintaining high standards of conduct by Members and co-opted Members of the Council.

Assisting Members and co-opted Members of the Council to observe the Bolsover Members' Code of Conduct.

Advising the Council on the adoption or revision of a Code of Conduct.

Monitoring the operation of the Bolsover Members' Code of Conduct.

Advising, giving training and arranging to train Members and co-opted Members of the Council on matters relating to the Bolsover Members' Code of Conduct.

Member Training, (including the attendance of Members at courses), in relation to matters affecting their conduct and probity.

All matters relating to dispensations for Members to speak and vote where the Members concerned have interests.

To conduct determination hearings into complaints against Members.

To promote and maintain high standards of conduct within town/parish councils and to assist them in following their own Codes of Conduct.

To deal with complaints against town and parish councillors in accordance with 8 above.

To grant exemptions for politically restricted posts.

Responsibility for the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and procedures, to include monitoring, revisions and approval.

To Recommend to Council with regard to:-

Overseeing the Council's "Whistle Blowing" Policy and arrangements and to amend them as appropriate.

Changes required to the Constitution as a result of the monitoring and reviewing undertaken by the Committee.



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

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Contents

Chair's Foreword	4
1. Introduction	5
1.1 National Context.....	5
2. Recommendations.....	8
3. Scope of the Review	13
4. Method of Review	14
5. Analysis of evidence and key findings	15
5.1 BDC Response to the Review of Local Government Standards by Committee on Standards in Public Life	15
5.2 Do Elected Members know what the Standards Committee does?.....	18
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?	19
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?.....	20
5.5 Does having an independent co-optee Chair add value to the work of the Standards Committee?	21
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?	23
5.7 Should Standards Committee do more to engage Elected Members in their work?	26
5.8 Should there be additional protocols or processes to help everyone understand the work of the Standards Committee?	27
6. Conclusions	28
Appendix 1: Stakeholders	29
Appendix 2: Bibliography.....	30

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 DPls 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 DPLs).
(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 DPLs and Members removing themselves from meetings/discussions.	Review of website content; review of existing training and agreement of regular training programme (particularly around DPLs).
(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 DPLs and Parish Members removing themselves from meetings/discussions.	Additional training for Parish Members around DPLs.
(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 DPLs on a bi-annual basis	Additional training for Parish Members around DPLs. 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 DPLs).
- Additional training for Parish Members around DPLs.
- 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 DPLs/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 DPLs 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 DPLs 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 DPLs; 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
Is there a process in place with parish clerks to ensure new parish councillors receive necessary training following election (inc. Code of Conduct)?	<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>
How does this process differ from those elected following a main Local Election and a By-Election?	<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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językiem**

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**Rozprávame
Vaším jazykom**

Chinese

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01246 242424

Bolsover District Council

Standards Committee

March 2019

Parliamentary Committee on Standards in Public life – Review into Local Government Ethical Standards

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: 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	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

1st July 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 consider the list of areas for review within 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:
- 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
 - JEAC Terms of Reference
 - Questions and Motions to Council (limitations)
 - Delegation Scheme (MO Delegations)
 - Minor wording changes or updating of job titles (housekeeping)

- 1.3 Members of Standards Committee are requested to give these areas some consideration prior to detailed changes being brought back for debate, and make any changes to the list as they see fit.

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 any proposals put forward, where legally permitted.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

5.2 Legal Implications including Data Protection

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

5.3 Human Resources Implications

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

6 Recommendations

- 6.1 That the Committee give consideration to the list of areas of the constitution to be reviewed in the forthcoming municipal year, edit it as necessary and agree for a further report to be submitted to a future meeting.

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: BDC: Revenue - £75,000 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	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the portfolio holder been informed	Yes
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	Demonstrating good governance

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

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>	
Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p><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>	Part 4 Budget and Policy Framework (pages 103 and 104 in current version)

Bolsover District Council

Standards Committee

1st July 2019

Member Champions

Report of the Governance Manager

This report is public

Purpose of the Report

- To give consideration to a role profile to establish Member Champions.

1 Report Details

Introduction

- 1.1 Member Champions are Councillors who act as an advocate or spokesperson for a specific area of the Council's business and activities. The main responsibility of each Member Champion is to encourage communications and positive action over the issue they represent.

Role of Member Champions

- 1.2 All Member Champions will have an allocated area of responsibility agreed at Council on an annual basis or when changes arise.
- 1.3 All Member Champions must act reasonably in their role and recognise and work within the political management and working arrangements adopted by the Council. As such the Member Champion must work with and communicate regularly with the relevant Portfolio Holders.
- 1.4 A Member Champion cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.
- To represent their area of interest both within and outside the Council in line with Council policy;
 - To contribute to the review and development of policies pertaining to their area of interest;
 - To challenge and question the Council, the Leader and the Portfolio Holders on issues relevant to their area of responsibility;
 - To act as a catalyst for change and improvement in service delivery;
 - To monitor the forward plan and seek information from the Leader, Committee Chairs and Officers about forthcoming business and exert influence on behalf of the interest;
 - To keep councillors of all parties up to date with activities in relevant to the

area of interest;

- To network with Member Champions from other local authorities with the same interest to keep up to date with current developments;
- To provide positive support and on occasions constructive challenge to officers in driving forward the Council agenda on relevant issues.
- To act as the Council's representative on relevant external bodies where appointed to by the Council.

Leader and Portfolio Holders

1.5 The Leader and Portfolio Holders will:

- a) acknowledge the right of Member Champions to be consulted on matters relating to their area of interest;
- b) take full account of any views offered by the Member Champions prior to making decisions relating to the their area of interest;
- c) co-operate with Member Champions in the formulation of action plans they have developed with lead officers;
- d) consider nominating Champions to represent the Council at relevant conferences/seminars on the subject matter of the Member's interest.

2 Conclusions and Reasons for Recommendation

2.1 To enable Standards Committee to comment on the role profile as set out above to establish Member Champions at the Council.

3 Consultation and Equality Impact

3.1 Each term of office lasts from the date of appointment to the following Annual Council.

3.2 In year changes and additions (where necessary, and after consultation with the Executive) to be appointed at the next available Council Meeting.

4 Alternative Options and Reasons for Rejection

None for this report.

5 Implications

5.1 Finance and Risk Implications

5.1.1 At present no Member Champions are entitled to receive Special Responsibility Allowances. Any change to this position would require recommendation by the Remuneration Panel and approval of Full Council.

5.1.2 Member Champions can, if they wish, claim dependent carers', travelling and subsistence expenses at a meeting or event deemed relevant to the appointed Member Champion position.

5.2 Legal Implications including Data Protection

5.2.1 None from this report.

5.3 Human Resources Implications

5.3.1 None from this report.

6 Recommendations

6.1 That the Standards Committee make any comments/observations on the role profile to establish Member Champions as set out in the report.

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
	N/A
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Nicola Calver, Governance Manager	7753

Bolsover District Council

Council

1st July 2019

Draft Annual Report of the Standards Committee 2018/19

Report of the Chair of the Standards Committee

This report is public

Purpose of the Report

- The purpose of the Annual Report is to enable Council to review the work that has been undertaken by the Standards Committee during the municipal year 2018/19.

1 Report Details

- 1.1 The Standards Committee is chaired by an Independent Member, Mrs Ruth Jaffray who has been a co-optee on Standards Committee for a number of years and was appointed as Chair by Council on 30th November 2016.
- 1.2 The Annual Report is attached as **Appendix 1** to this report.

2 Conclusions and Reasons for Recommendation

- 2.1 To enable the Council to consider an Annual Report from the Standards Committee on its work during the municipal year 2018/19.

3 Consultation and Equality Impact

- 3.1 Not applicable.

4 Alternative Options and Reasons for Rejection

- 4.1 This report is to inform the Council of the work of the Standards Committee therefore there are no alternative options.

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

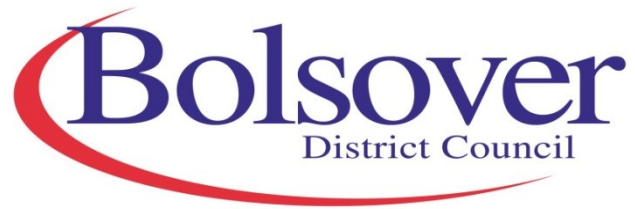
6.1 That Council receive the Annual Report of the Standards Committee on its work during the municipal year 2018/19.

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> <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 portfolio holder been informed	Yes
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	Demonstrating good governance

8 Document Information

Appendix No	Title
1	Annual Report of the Standards Committee 2018/19
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Alison Bluff, Governance Officer	01246 242528



**Standards Committee
Annual Report 2018/19**

Standards Committee Annual Report 2018/19

Foreword from the Chair of the Standards Committee

I would like to take the opportunity to thank the Members on the Committee and the Independent Persons for their continued hard work and support in the work of the Committee during the year. The work of the Standards Committee remains central to the ethical and governance responsibilities of the Council which are an essential element in local government continuing to retain the trust of the public which it serves.

Mrs Ruth Jaffray

Co-opted Member

The Annual Report outlines the work of the Standards Committee during the municipal year 2018/19 and covers the following subjects:

- 1 Chair and Co-optees of the Committee 2018/19
- 2 Independent Persons
- 3 Complaints received during 2018/19
- 4 New process for complaints against Councillors
- 5 Policy and Constitution Review Work
- 6 Gifts and Hospitality
- 7 Guidance, reports and articles considered by the Committee
- 8 Consultations and survey results related to Standards
- 9 Reviews undertaken by Scrutiny Committees related to Standards
- 10 Other items considered by the Standards Committee

1 Chair and Co-optees of Standards Committee 2018/19

- 1.1 The Articles of the Constitution require that a co-opted member be appointed Chair of the Standards Committee. The Council therefore approved the appointment of Mrs Ruth Jaffray in November 2016.

2 Independent Persons

- 2.1 The Council had previously appointed Mr Stephen Wainwright to fulfil the role as Independent Person, who advises the Monitoring Officer on complaints against District or Parish Councillors and also advises Councillors who were the subject of complaints.
- 2.2 Although the legislation required the appointment of only one Independent Person, the Council had agreed that a second appointment ensured flexibility and resilience and a second Independent Person, Mr Ian Kirk, was selected as a suitable candidate for a 4 year term in August 2017.

3 Complaints received during 2018/19

- 3.1 13 complaints were received during the 2018/19 municipal year (11 parish and 2 District) all of which were closed with no further action.

4 New process for complaints against Councillors

In July 2018, the Standards Committee considered and approved a new Councillor Complaint Procedure, which set out arrangements for dealing with standards allegations under the Localism Act 2011. It was a simple procedure, which included a flow chart on how a formal complaint could be made about the conduct of a District or Parish councillor and how that complaint would be dealt with and within what time frames. It was also a useful document for Members who may be the subject of a complaint. The procedure advised of a range of sanctions which could be imposed by the Standards Committee in the event of misconduct by a Councillor being found. Whilst not necessarily an exhaustive list, there were no statutory sanctions provided for in the Localism Act in relation to general breaches of the Code of Conduct. However, Members are reminded that a failure to declare a Disclosable Pecuniary Interest constitutes a criminal offence with the potential sanction of a fine and/or disqualification.

5 Policy and Constitution Review Work

5.1 Constitution Review

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

- Changes to Licensing Committee Terms of Reference
- Terms of Reference for Joint Member Panels
- Council Procedure Rules – Speaking at Meetings (Councillors)
- Access to Information Rules

- Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders
- Recording of Executive Decisions to reflect Key Decision Limits
- Threshold for Consideration of Tenders by Executive
- Scheme of Delegation to officers
- Social Media Guidance for Councillors
- Members Code of Conduct
- Declarations of Interest – revised form
- Employee Code of Conduct
- Minor wording changes or updating of job titles (housekeeping)

5.2 Whistle-blowing Policy Review

The Council has a joint Whistle-blowing Policy with North East Derbyshire District Council and a commitment to updating the policy on a regular basis to ensure it was fit for purpose. A review was conducted in February 2019 and no changes had been recommended.

The Monitoring Officer had overall responsibility for the maintenance and operation of the policy and would maintain a record of any concerns raised and the outcomes. The Monitoring Officer was also required to report as necessary to both Councils on instances relating to Whistleblowing and it was noted by the Standards Committee that there had been no instances to report for the 2018/19 municipal year.

5.3 RIPA Policy Review

Earlier in 2019, the Standards Committee had considered a report regarding a review undertaken on the Joint RIPA Policy, which covers the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA).

Since the review, new Codes of Practice had been issued and some legislative changes had been made arising from the Investigatory Powers Act 2016 and the Regulation on Investigatory Powers Order 2018, and these had been incorporated into the policy.

The Council was periodically inspected by the Office of Complaints Commissioners and an inspection had taken place in March 2019.

Previous inspections had focused on the need for regulatory training and a training session had been delivered for the Strategic Alliance Management Team including those officers who were appointed as Authorising Officers and Designated Persons. Further training had been issued to officers within areas such as Planning Enforcement, Licensing and Environmental Health.

6 Gifts and Hospitality

Further to an internal audit undertaken in May 2018, the Monitoring Officer had brought the Standards Committee's attention to three low priority recommendations made by the Internal Audit Consortium. The first was that the annual inspection report be presented to the Standards Committee during the

year following the inspection. Secondly, that consideration be made to adding fields to the form and lastly, that the Members Code of Conduct reflected the wording within the Council's Constitution. All three recommendations had been agreed.

In July 2018, the Standards Committee requested that the register of Gifts and Hospitality be published on the Council's website. This was suggested in light of the Council's view to go out to tender for a Committee Management Software system which would have a facility for an online version of the Gifts and Hospitality Register and that this be implemented once the new system was in place.

Members are reminded that advice is available from the Monitoring Officer, Deputy Monitoring Officer and Legal Services in relation to any offer of gift or hospitality and Members and officers are encouraged to seek this advice where they were unsure.

7 Guidance, reports and articles considered by the Committee

High Court Case – Ledbury Town Council

The Standards Committee had considered a report in relation to a High Court ruling on the obligation of local authorities to discipline councillors under the Code of Conduct procedure. The ruling clarified how a council should deal with complaints against a councillor and was brought following a claim brought by a councillor of Ledbury Town Council in Herefordshire after complaints of bullying and harassment were made against her by the Town Clerk and Deputy.

The High Court ruling had implications for town and parish councils throughout England and any local authority would be acting unlawfully and be at risk of challenge if it tried to bypass the Code of Conduct procedure under the Localism Act 2011 when addressing alleged misconduct of councillors.

It was important for the Standards Committee to consider the judgement with regard to how the Monitoring Officer and the Council conducted investigations into breaches of the Code of Conduct.

Cornerstone Barristers' Publication – Councillor refused permission in Judicial Review against sexual harassment finding

The Standards Committee had 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.

The councillor issued a claim for judicial review of the council's decision which included challenges to the procedural fairness of the council's investigation and decision-making process. 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.

Local Government Lawyer Publication – Independent report expresses regret at attack by councillor on monitoring officer

The Standards Committee had 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.

8 Consultations and survey results related to Standards

Consultation on Election Candidates and Campaigns regarding new laws

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

Earlier in 2018, the Committee on Standards in Public Life had published a wide-ranging review of the impact of intimidation in public life with a focus on the role of social media. The Committee made recommendations for social media, political parties, police and local government and suggested the Government consult on ways in which electoral law could be changed to protect candidates and their supporters. A Cabinet Office consultation, which closed on 22nd October 2018, would take this forward.

All Members of the Council were provided with the questions and were invited to offer a voluntary response to the consultation.

Consultation on Local Government Ethical Standards by Committee on Standards in Public Life

The Committee on Standards in Public Life had undertaken a review of local government ethical standards which had considered all levels of local government in England.

The Standards Committee Members had fed into the consultation by providing a collective response to the consultation questions and had felt that it had offered them the opportunity to discuss ethical standards on a local and national basis.

The recommendations of the review were published in January 2019 and some of the recommendations would require Primary Legislation, however, many of the other recommendations were considered good practice from which councils could just implement or adopt and these were to be considered in the new corporate year.

9 Reviews undertaken by Scrutiny Committees related to Standards

9.1 Review of The Strategic Alliance

The Customer Service and Transformation Scrutiny Committee undertook a review of the Strategic Alliance following consideration of a range of topics suggested at the Annual Scrutiny Conference in 2017/18

The aim of the review was to establish how the Strategic Alliance could be more effective in delivering front line services.

The Scrutiny report set out recommendations which were endorsed by the Executive in May 2018. One of the recommendations within the review was that the Terms of Reference for the Strategic Alliance Joint Committee be reviewed. This was in order to ensure that the Committee's remit remained fit for purpose and was monitoring and developing the work of the Alliance.

The Strategic Alliance Joint Committee considered its Terms of Reference and consequently made a number of amendments which the Standards Committee approved and referred to Council for adoption.

9.2 Operational Review of Standards Committee by the Customer Service and Transformation Scrutiny Committee

Further to the Standards Committee's response to the consultation by the Committee on Standards in Public Life on their 'Review of Local Government Ethical Standards', the Standards Committee felt it was pertinent to have an external opinion of how they operated and requested the Customer Service and Transformation Scrutiny Committee to undertake a review.

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

A number of recommendations were presented to and approved by the Executive on 18th February 2019 and included;

- training in relation to the Code of Conduct and DPLs as part of the Member Induction Programme, with a refresher course to accommodate any changes in legislation/Council membership
- training on a minimum annual basis to Parish Council Liaison,
- Improved public information, both web-based and hard-copy, to ensure the role of Standards Committee is clear.
- the appointment of the Co-opted Independent Chair be maintained as a demonstration of our commitment to the Seven Principles of Public Life.

All of the recommendations would be monitored by the Customer Service and Transformation Scrutiny Committee for 12 months.

10 Other items considered by the Standards Committee

During the 2018/19 Municipal Year, the Standards Committee also considered;

- the Annual Letter from the Local Government & Social Care Ombudsman (2017/18)
- a report relating to Customer Service Standards and Compliments, Comments and Complaints received between 1st April 2018 to
- 1st September 2018.

BDC STANDARDS COMMITTEE WORK PROGRAMME 2019/20		
Meeting date	Item	Comments
1 July 2019	Draft Standards Committee Annual Report Review of Constitution Part 1 Complaints Update Work Programme	
23 September 2019	Local Government Ombudsman Annual Report Review of Constitution Part 2 Review of Standards Committee Terms of Reference Outcome of RIPA Inspection Review of Public Questions Complaints Update Work Programme	Ref: 8 May 18 Standards Committee Minutes
25 November 2019	Complaints Update Review of Constitution – Part 3	

	<p>Work Programme</p> <p>RIPA Policy Annual Review</p>	
27 January 2020	<p>Gifts & Hospitality Review 2019</p> <p>Review of Constitution – Part 4</p> <p>Joint Whistleblowing Policy Annual Report</p> <p>Complaints Update</p> <p>Work Programme</p>	
20 April 2020	<p>Review of Constitution – Part 5</p> <p>Complaints Update</p> <p>Work Programme 19/20 - Achievements</p> <p>Work Programme 2020/2021</p>	

STANDARDS WORK PROGRAMME 2019-20