

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 23rd September 2019 at 10:00 hours.

PRESENT:-

Members:-

Councillor R. Jaffray in the Chair

Councillors Andrew Joesbury, Deborah Watson and James Watson.

Officers:- Sarah Sternberg (Joint Head of Corporate Governance & Monitoring Officer), Victoria Dawson (Solicitor - Team Manager (Contentious)), Donna Cairns (Senior Governance Officer) and Alison Bluff (Governance Officer).

313 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Tricia Clough, David Downes and Clive Moesby.

314 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

315 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

316 MINUTES OF PREVIOUS MEETING

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the Minutes of a Standards Committee held on 1st July 2019 be approved as a correct record.

Councillor James Watson abstained from voting.

317 ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2018/19

Committee considered a report which provided an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2019.

STANDARDS COMMITTEE

Committee was asked to note that the data provided by the Local Government & Social Care Ombudsman may not align with the data that the Council held. This was because their numbers included enquiries from people who had been signposted by the LGSCO back to the Council but then the customer may have chosen not to pursue their complaint.

The LGSCO had received 15 enquiries regarding the Council during 2018/19, none of which were subject to a detailed investigation. The LGSCO had decided 9 complaints of which 2 were incomplete or invalid; advice was given in 1 and 2 were referred back to the Council. 4 were closed after initial enquiries. As there were no complaints upheld, there were no recommendations due for compliance in the period.

The Customer Standards and Complaints Officer drew Members' attention to an outstanding complaint to the Housing Ombudsman (HO) from 2017/18. The HO had recorded a decision of '*Service failure in the Council's handling of a matter with regard to updating the complainant*'. The case had been a particularly complex one and the HO had noted that the speed of which the situation could have been resolved was beyond the Council's control as it had been reliant on DCC (Derbyshire County Council). A process had since been put in place to give regular updates to customers who were awaiting information.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the report be noted.

318 CUSTOMER SERVICE STANDARDS / COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2018/2019 (1ST OCTOBER 2018 TO 31ST MARCH 2019 AND ANNUAL SUMMARY).

Committee considered a report which provided detailed information on the Council's performance in relation to its customer service standards and management of complaints during the last two quarter periods of 2018/19 – October 2018 to March 2019.

The report identified that 96% of incoming calls were answered corporately within 20 seconds against a target of 93%. Only 3 departments had fell slightly behind this target in the period.

4,798 email enquiries from the public were received through enquiries@bolsover.gov.uk and all (100%) were acknowledged within one working day (target 100%), with 99% being replied to in full within 8 working days (target 100%)

Waiting times were monitored during the period for customers visiting contact centres and 99.7% of customers waited less than 20 minutes to be served against a target of 99%. This exceeded the corporate target and demonstrated excellent service.

With regard to Compliments, Comments and Complaints;

- 135 written compliments were received of which some cross cut with other departments.
- 26 written comments were received of which 100% were acknowledged and

STANDARDS COMMITTEE

passed to the respective department within the target time of 3 working days.

- 95 formal investigation (stage 2) complaints were received of which 99% were responded to within the customer service standard of 15 working days (some of these cross cut with other departments). This exceeded the target of 97%.
- 17 internal review (stage three) complaints were received and 94% (16) were responded to within the standard of 20 working days.

Members welcomed the report and noted the good results.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson **RESOLVED** that the report be noted.

The Customer Standards and Complaints Officer left the meeting.

319 REVIEW OF THE COUNCIL'S CONSTITUTION (PART 2).

Committee considered a report which set out areas of the Council's Constitution which required review.

The Constitution was the Council's 'rulebook' and set out how the Council operated and how it made decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2019.

At its meeting in July 2019, Standards Committee had agreed a number of areas of the Constitution for review. Two further areas were subsequently identified, one by the Section 151 Officer and the second by a Member. A table in the report listed the timetable for review of these areas and also other committees of the Council where the matters would need to be referred to for consideration.

The areas for review to consider at this meeting were;

- Standards Committee Terms of Reference
- Joint Employment and Appeals Committee
- Questions and Motions
- Membership of Budget Scrutiny Committee

An appendix to the report set out the proposals and rationale for the review of each of the four areas.

Standards Committee Terms of Reference

In addition to the proposals from the recent Scrutiny Review (as set out in the appendix to the report) and the Parliamentary Committee's Review on Standards in Public Life, Committee was also asked to consider the matter of Independent Persons terms of office which was currently continuous until the Independent Person wished to resign.

A Member suggested that Independent Persons' terms of office be for a 4 year period the same as it was for Elected Members.

STANDARDS COMMITTEE

The report also proposed that 2 parish council representatives be co-opted on to the Standards Committee. A Member noted that currently many parish councillors were also Bolsover District Councillors and suggested that any parish council representatives on the Committee ought not to be District Councillors.

In response to a Member's queries, the Monitoring Officer explained the process of advertising and selecting an Independent Person to the Standards Committee with final approval from Council.

For the appointment of parish council representatives as co-optees, the Senior Governance Officer explained that parish councils would be invited to nominate one of their Members to act as a representative on the Standards Committee. The nominations would then be put to a vote across the parish councils with the final submitted as a recommendation to the Standards Committee for consideration.

She further explained that the Constitution was reviewed on a regular basis and by way of officers and Members identifying areas for updating. The Member requested that the source of any review/update be included in future reports.

Moved by Councillor Deborah Watson and seconded by Councillor Andrew Joesbury
RESOLVED that (1) the revised Terms of Reference for Standards Committee as set out in the report be supported, subject to the amendment that parish council representatives who are invited to sit on the Standards Committee not be parish councillors who were also District Councillors,

(2) a further review be undertaken on Independent Persons' terms of office and this be presented to a future meeting of Standards Committee for consideration.

(Monitoring Officer/Governance Manager)

Joint Employment and Appeals Committee (JEAC)

Appendix 4 to the report outlined a request for a general review of the JEAC Terms of Reference, however, Committee made no proposals to amend the Joint Committee's Terms of Reference but suggested that SAMT be consulted and a further report be brought back to Standards Committee with any recommended changes.

The Monitoring Officer set out 3 options for consideration by the Committee regarding changes to the JEAC Terms of Reference in relation to where the Council was undertaking a recruitment for a Head of Service or Director who would solely work for Bolsover and be a member of the Strategic Alliance Management Team.

Committee agreed that the following wording be added to the JEAC Terms of Reference for Bolsover only posts;

Where the Authority determines to recruit to a Head of Service or a Director post outside the Strategic Alliance or determines to take any disciplinary action in relation to such a post the Member Panel will be called the Employment and Appeals Committee and will comprise:-

The 4 Members of the JEAC and;

STANDARDS COMMITTEE

(Option 1):-

Where there are 2 "Leaders of the Opposition" of groups of equal size, both Leaders of the Opposition will be Members of the Employment and Appeals Committee increasing the size of the Committee to 5.

This proposed amendment was to be submitted to the next Council meeting, rather than as part of the full Constitution Review at Annual Council, due to the on-going Senior Management Restructure and recruitment taking place during the year.

Moved by Councillor James Watson and seconded by Councillor Deborah Watson
RESOLVED that Option 1 above be the preferred option of the Standards Committee,

RECOMMENDED that the above wording be added to the JEAC Terms of Reference and that Strategic Alliance Management Team recommend this to Council in November 2019.

(Monitoring Officer/Governance Manager)

Questions and Motions (Rule 8 Questions by the public, Rule 9 Questions by Councillors and Rule 10, Motions on notice)

Committee was asked to consider the number of questions and motions which were currently allowed and the overall time for consideration of questions and motions and in addition, whether they should be dealt with in the order of receipt, to assess the provision for urgency and to be satisfied that the scope and reasons for rejection were fit for purpose.

For Members consideration, a comparison of 5 neighbouring authorities' practices in relation to the rules was carried out and included in the report.

Rule 8 - Questions by the public

Committee agreed that the current rules should be changed so that any member of the public may ask questions of Members of the Executive at ordinary meetings of Council so long as the questions met the scope and that the time allowed for questions and answers should not exceed 30 minutes.

Rule 9 - Questions by Councillors

Committee agreed that no changes be made to the current rule.

Rule 10 - Motions on notice

Committee agreed that no changes be made to the current rule.

Moved by Councillor James Watson and seconded by Councillor Andrew Joesbury
RESOLVED that (1) in relation to Part 4 of the Council's Constitution, no changes be made to;

- Council Procedure Rule 9 - Questions by Councillors and
- Council Procedure Rule 10 - Motions on Notice,

STANDARDS COMMITTEE

(2) the following amendments to Council Procedure Rule 8 - Questions by the public, be recommended to Council for adoption;

- To allow any member of the public to ask a question so long as it meets the scope.
- To extend the time allowed for questions by the public to 30 minutes,
- To amend the scope for questions so as to allow questions to be rejected where they relate to either an ongoing complaint being dealt with either by Council or the Local Government Ombudsman.

(Monitoring Officer/Governance Manager)

Membership of Budget Scrutiny Committee

Currently under the Council's Constitution all Councillors who were not Members of the Executive were automatically Members of the Budget Scrutiny Committee. This was because Budget Scrutiny Committee dealt with the scrutiny role in the development of the Council's budget and accordingly it was felt should involve all scrutiny members in the process.

It had been proposed by a Member that there should be a mechanism for membership of the Budget Scrutiny Committee to be declined. This would involve an alteration to the Scrutiny Procedure Rules at 4.5.1(2) in the Council's Constitution.

Only the Council could appoint to Committees and this was why at the Annual Council Meeting in May the membership of all Committees was agreed.

The Monitoring Officer suggested that Members be allowed to resign from the Budget Scrutiny Committee following appointment at the Annual Council Meeting and that the Rules be amended to allow this.

The Member who had proposed that a Member should be able to decline membership of the Budget Scrutiny Committee had suggested the following alternative approach;

- (i) Non-Executive Councillors are NOT automatically appointed as a member of the Budget Scrutiny Committee.
- (ii) The Budget Scrutiny Committee be appointed by Council at its Annual Meeting and as with other Committees, Councillors agreeing to be members of the Budget Scrutiny Committee through their political groups.
- (iii) That membership of the Budget Scrutiny Committee be reduced with the number of seats set at a similar number to other Scrutiny Committees.

A Member considered it essential for all Members to be involved in the Council's budget setting and monitoring, whether as part of Executive or as Scrutiny Members on the Budget Scrutiny Committee.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that no changes be made to Scrutiny Procedure Rules at 4.5.1(2) in the Council's Constitution.

Councillor James Watson voted against the motion.

STANDARDS COMMITTEE

320 INDUCTION PACK REMINDER (FOR DISTRICT AND PARISH MEMBERS)

One of the recommendations to come out of the Scrutiny Review of Standards Committee was in relation to an Induction Pack for all new Councillors, District and Parish.

The Induction Packs had been previously provided to all District Council Members at an induction session held in May and for parish councillors they were issued along with the Code of Conduct and Register of Interest Form via the parish clerks.

The Scrutiny Review had recommended that the packs be reissued to parish councillors later in the municipal year as a training reminder and also in the event of any newly elected parish councillors via by-elections or cooptees. The Senior Governance Officer circulated an example of a pack to the meeting and requested Committee consider any further information which they felt should be included. Currently, the packs included a copy of the Bolsover Members Code of Conduct, however, parish councils would have their own variations of Codes of Conduct, the Code of Conduct presentation delivered to Members in May, a Register of Interest Form, a summary document on the Councillor Complaints process, and a further reading list referencing articles such as reports from the Parliamentary Committee on Standards in Public Life and Case Law etc.

A Member suggested that a link to courses that DALC offered to parish clerks be included in the pack.

The Senior Governance Officer advised the meeting that the packs would be circulated to parish councils electronically.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the Induction Pack be sent electronically to parish clerks in the District.

(Governance Manager)

321 DBS CHECK FOR ELECTED MEMBERS

The Monitoring Officer advised Committee that further to enquiries made by the Strategic Director - People, Disclosure and Barring Service (DBS) checks could not be carried out on Elected Members.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the update be noted.

322 MEMBER CHAMPIONS

It was agreed to defer this item to the next meeting of Standards Committee.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that Member Champions be deferred to the next meeting of Standards Committee.

(Monitoring Officer)

STANDARDS COMMITTEE

323 OUTCOME OF RIPA INSPECTION

Committee considered a report which provided an update on the outcome of an inspection which took place on 14th March 2019 regarding the Council's compliance in respect of the Regulation of Investigatory Powers Act 2000 (RIPA).

Local authorities were periodically inspected by the Investigatory Powers Commissioner's Office (IPCO) every three years. Prior to Bolsover's inspection, the Council's policy had been reviewed annually to ensure that it was up to date. Training of the Strategic Alliance Management Team, Service Members and officers in relevant service areas had also taken place, with refresher courses regularly offered.

The Inspector found the Council's policy to be a 'comprehensive and well written document' and only minor recommendations were made in respect of updating the policy. Other recommendations related to:

- Non-RIPA authorisations – it was recommended that where surveillance was carried out in relation to crimes that do not meet the RIPA threshold, the process should be reviewed to ensure necessity, justification and proportionality arguments are recorded and elected Members were suitably informed of any such activity.
- Social Media and Internet Investigations – the introduction of suitable control measures for the use of online surveillance or investigations was recommended.

Work was being undertaken to implement these recommendations and a further report would be brought to a future Standards Committee with a revised policy and details of the procedures put in place.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the outcome of the RIPA Inspection in March 2019 be noted.

324 COMPLAINTS UPDATE

The Monitoring Officer advised the meeting that 11 complaints received had resulted in no further action being taken. 7 had been in relation to parish councils, 2 District Council and 2 in relation to both parish and district council.

In response to a Member's questions, the Monitoring Officer advised the meeting that there was no difference between a formal or informal complaint against a councillor. Members, including Standards Committee Members were not informed of which Members had a complaint against them because if any complaints were live, they could come to Standards Committee Members for a Hearing. Further, if a complaint had been dealt with, there was no reason for other Members to be made aware of it. With regard to an allegation of a hate crime, if clear evidence was received by the Monitoring Officer that a hate crime had been committed, this would be reported to the police.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the update be noted.

STANDARDS COMMITTEE

325 **WORK PROGRAMME 2019/2020**

Committee considered their Work Programme 2019/2020.

Moved by Councillor Deborah Watson and seconded by Councillor Andrew Joesbury
RESOLVED that the Work Programme 2019/2020 be noted.

The meeting concluded at 14:25 hours.