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High Street
Clowne
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To: Chair & Members of the Standards
Committee

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Friday, 13 September 2019

Dear Councillor

STANDARDS COMMITTEE

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 23rd September, 2019 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 2 onwards.

Yours faithfully



Joint Head of Corporate Governance & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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**STANDARDS COMMITTEE
AGENDA**

Monday, 23rd September, 2019 at 10:00 hours in the Council Chamber, The Arc, Clowne

Item No.	<u>PART 1 – OPEN ITEMS</u>	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	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 Previous Meeting	3 - 9
	To consider the minutes of the last meeting held on 1 st July 2019	
5.	Annual Letter from the Local Government & Social Care Ombudsman 2018/19	10 - 18
	Verbal Update	
6.	Customer Service Standards / Compliments, Comments and Complaints Report 2018/2019 (1st October 2018 to 31st March 2019 and Annual Summary).	19 - 35
7.	Review of the council's Constitution (Part 2).	36 - 47
8.	Induction Pack Reminder (for District and Parish Members)	Verbal Report
9.	DBS Check for Elected Members	Verbal Report
10.	Member Champions	To Follow
11.	Outcome of RIPA Inspection	48 - 55
12.	Complaints Update	Verbal Report
13.	Work Programme 2019/2020	56 - 58

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, the Arc, High Street, Clowne on Monday 1st July 2019 at 1000 hours.

PRESENT:-

Members:-

Ruth Jaffray (Independent Member) in the Chair

Councillors Tricia Clough, David Downes, Andrew Joesbury, Clive Moesby and Deborah Watson.

Officers:- Sarah Sternberg (Joint Head of Corporate Governance and Monitoring Officer), Nicola Calver (Governance Manager), Alison Bluff (Governance Officer) and Hannah Douthwaite (Governance Apprentice).

0105. APOLOGY

An apology for absence was received on behalf of Councillor James Watson.

0106. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0107. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

0108. MINUTES OF A MEETING HELD ON 11th MARCH 2019

Moved by Councillor Clive Moesby and seconded by Councillor David Downes
RESOLVED that the Minutes of a Standards Committee Meeting held on the 11th March 2019 be approved as a correct record.

0109. ROLE OF THE STANDARDS COMMITTEE AND WORK UNDERTAKEN TO DATE

At the last meeting of Standards Committee, Members were presented with the outcomes and recommendations from the Parliamentary Committee report on Standards in Public Life (Review into Local Government Ethical Standards) and the Customer Service and Transformation Scrutiny Committee's 7 recommendations from their Review of the Standards Committee (Operational Review).

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Members were now asked to consider those outcomes and recommendations and any other areas which they felt should be part of a review of the Committee's Terms of Reference and also items for inclusion on the Work Programme 2019/20. The current Terms of Reference for the Committee and both the CSPL Review and Scrutiny Review were attached to the agenda for Members information.

Independent Remuneration Panel (IRP)

The Monitoring Officer advised the meeting that a suggestion had come forward that any report made by the Independent Remuneration Panel (IRP) be considered by Standards Committee in the first instance and that this be included in the Terms of Reference. However, Committee was advised that Council would have the ultimate decision on any recommendations made by the IRP in relation to changes to the Members Allowance Scheme. Members felt that this was a good suggestion.

Scrutiny Review of Standards Committee

The Monitoring Officer noted that the 7 recommendations from the Scrutiny Review and the service responses had been extremely helpful when considering the role of the Committee.

Recommendations 1 related to training for Councillors on Code of Conduct and Disclosable Pecuniary Interests (DPI's) and that a refresher course be offered to Members after 2 years enabling changes in legislation to be considered and communicated. The Monitoring Officer noted that this had been carried out for District Councillors as part of the Member Induction Programme in May 2019. A further session would be included in the Member Development Programme in 2021/22.

Recommendation 2 related to training on DPI's and Code of Conduct to be given at Parish/Town Council level and that this be programmed in on a bi-annual basis. The Monitoring Officer advised the meeting that due to a capacity issue, preference would be for once a year training at Parish Council Liaison and a second session later in the year for Parish/Town Council Chairs, Vice Chairs and Clerks so they could deliver training to their own Parish Councils.

Members who were newly appointed to the Standards Committee requested that training be provided to them on the ethical framework, code of conduct, review of the Constitution, Whistle Blowing policy, RIPA policy and the corporate complaints procedure to ensure that they gained a full understanding of the function of the Standards Committee. The Monitoring Officer noted that the formal Corporate Complaints process was available on the Council's website for public information but could be used for Member training. It was also noted that the outcome of Corporate Complaints were now reported to Standards Committee on a regular basis.

A Member stated that as training was an important element of how Members carried out their roles, Standards Committee Members should set an example to other Members by ensuring they attended any training sessions provided to them.

Recommendation 3 related to the Council's website and that it be reviewed to ensure information regarding the Standards Committee was both accessible and user-friendly and included publication of the Standards Annual Report as a free standing document. The

STANDARDS COMMITTEE

Monitoring Officer noted that the whole of the website was currently being reviewed and a new approach would feature an A-Z guide. Members requested that they receive a practical demonstration on how to find items once the new website was up and running.

Recommendation 4 requested that Standards Committee consider the analysis of its current membership and benchmark data as part of any review of Article 9 of the Constitution. The Monitoring Officer noted that this would be added to the Work Programme for the September meeting.

Recommendation 5 related to the appointment of the co-opted Independent Chair of Standards Committee and the Monitoring Officer advised that this had been dealt with formally at Annual Council in May 2019.

Recommendation 6 requested that information gathered as part of the Review benchmark exercise would be taken in to consideration when reviewing the Committee's Terms of Reference. This would be added to the Work Programme for the September meeting.

Recommendation 7 referred to an Induction Pack for all new Councillors, District and Parish. The Monitoring Officer acknowledged that Councillors could reach overload at Induction time if given too much information, therefore, a reminder to Members regarding the training pack would be discussed at the September Standards meeting.

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

The Governance Manager highlighted the recommendation made at the last meeting of Standards Committee that the findings of the recommendations from the CSPL Review into Local Government Ethical Standards, which could be implemented without statute, be considered in line with the Committee's Terms of Reference.

- Independent Persons should be appointed for a two year term renewable once to ensure they are seen as independent,
- Standards Committee should be able to co-opt independent Members and Parish representatives with voting rights,
- There was a need for a more comprehensive form for registering and declaring interests going wider than the statutory minimum.

In relation to the CSPL recommendation that Parish Clerks hold a suitable qualification, the District Council had no powers to impose this on parishes but Members felt that, in liaison with DALC, parish clerks should be encouraged to follow up the relevant qualification. A Member noted that the clerk in her parish had completed the qualification and the Monitoring Officer suggested that, via the Partnership Team, the clerk could be invited to attend the next Parish Council Liaison meeting to talk about the aspects of the qualification.

With regard to the recommendation for a more comprehensive form for Members registering and declaring their interests going wider than the statutory minimum, the Governance Manager noted that the Council's Declarations of Interest form had been reviewed last year and was already at a higher level than the statutory minimum.

STANDARDS COMMITTEE

Members questioned whether they should be subject to a DBS check as Elected Members. The Monitoring Officer advised Members that she would look into this and report the outcome at the next meeting in September.

A Member queried the necessity for Councillors to be registered with the Information Commissioners Office (ICO). Members were informed that this had been looked into and there was no longer a requirement for Councillors to be registered with the ICO.

The CSPL had also looked at Code of Conduct for Councillors and a recommendation had been made for a model Code of Conduct to be created. However, this had caused some confusion in relation to local choice Code of Conduct and a national working group was currently looking at creating a standard Code that all councils could use. The Governance Manager would keep Committee updated as developments were made known.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough
RESOLVED that in relation to the role of Standards Committee and its Terms of Reference, the following items be added to the Committee's Work Programme;

- a) Independent Persons should be appointed for a two year term renewable once to ensure they are seen as independent,
- b) any report made by the Independent Remuneration Panel (IRP) be considered by Standards Committee in the first instance,
- c) Standards Committee should be able to co-opt independent Members and Parish representatives with voting rights,
- d) newly appointed Members to the Standards Committee be provided with training on the Ethical Framework, Code of Conduct, the Council's Constitution, Whistle Blowing Policy, RIPA Policy and the Corporate Complaints procedure,
- e) information regarding the Standards Committee be made both accessible and user-friendly on the Council's website and also to include publication of the Standards Annual Report as a free standing document, following a full review of the website and Members to receive a practical demonstration on how to find items once the new website was up and running,
- f) the analysis of Standards Committee's current membership and benchmark data be considered as part of any review of Article 9 of the Constitution,
- g) a reminder to all Members regarding the training pack in relation to DPIs be discussed at the September meeting,
- h) the Monitoring Officer to enquire if elected Members should be subject to a DBS check and report the outcome at the Standards meeting in September.

(Governance Manager/Monitoring Officer)

STANDARDS COMMITTEE

0110. REVIEW OF THE COUNCIL'S CONSTITUTION

Committee considered a report which set out the following areas of the Council's Constitution which had 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)

Members were requested to put forward any further areas of the Constitution they felt should also be considered for review.

A Member requested that the dates in relation to the parts of the Constitution which had already been reviewed be included in the Work Plan for clarity.

With regard to the Parental Leave Policy and Constitutional Implications, a Member queried if the policy would be inclusive of Carers. The Monitoring Officer advised that this would be added for clarity.

Joint Employment and Appeals Committee

A Member referred to the last Standards Committee meeting held on 11th March 2019 and highlighted that a full review of the Joint Employment and Appeals Committee (JEAC) should have commenced in July 2019 following on from a temporary acceptance of the Terms of Reference. The Committee was advised that this would be presented to the September meeting for full discussion.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough
RESOLVED that the areas of the Council's Constitution outlined in paragraph 1.2 of the report be accepted for review.

(Governance Manager/Monitoring Officer)

0111. MEMBER CHAMPIONS

Committee considered a report which sought Members views in relation to a role profile to establish Member Champions.

Member Champions were Councillors who acted as advocates or spokespersons for a specific area of the Council's business and activities.

The main responsibility of a Member Champion was to encourage communication and

STANDARDS COMMITTEE

positive action over the issue they represented. A Member Champion could not make decisions and could not commit the Council in any way or in a manner which could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.

In response to a Member's question, the Monitoring Officer confirmed that Council would be responsible for identifying the areas that would have Member Champions with Standards Committee and Member Development Working Group having consideration also.

Members welcomed the report but felt that further clarity was needed regarding the additional work and responsibility involved as part of the Member Champion remit.

A Member suggested that Members meet as a working group to explore further the role profile of Member Champions and the outcomes be provided to the Monitoring Officer and Governance Manager with a detailed report to be presented at the next meeting of Committee.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that (1) the report be noted,

(2) Members meet as a working group to explore further the role profile of Member Champions and the outcomes be provided to the Monitoring Officer and Governance Manager with a detailed report to be presented to the September meeting of the Committee.

(Monitoring Officer/Governance Manager)

0112. DRAFT STANDARDS COMMITTEE ANNUAL REPORT

Committee considered the draft Standards Committee Annual Report which summarised the work undertaken by the Committee during the 2018/19 Municipal year.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes
RESOLVED that the Annual Report be submitted to the next meeting of Council.

(Governance Manager)

0113. COMPLAINTS AGAINST MEMBERS UPDATE

Committee was advised that 9 complaints received had resulted in no further action being taken. Eight of the 9 complaints made were related to parish councils.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes
RESOLVED that the update be noted.

STANDARDS COMMITTEE

0114. STANDARDS WORK PROGRAMME 2019/20

The Governance Manager advised the meeting that the Work Programme would be updated with the items considered earlier in the meeting including Member Champions.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes
RESOLVED that the Work Programme be noted.

The meeting concluded at 1050 hours.

Bolsover District Council

Standards

23rd September 2019

Annual Letter from the Local Government & Social Care Ombudsman 2018/19

Report of the Head of Corporate Governance and Monitoring Officer

This report is public.

Purpose of the Report

- To provide information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2018/19.

1 Report Details

The document contains an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2019. Please note that the data provided by the LGSCO may not align with the data this Council holds. This is because their numbers include enquiries from people who have been signposted by the LGSCO back to the Council, but who may then choose not to pursue their complaint.

The Annual Letter 2018/19 has been appended (Appendix 1) and supporting information Complaints Decided (Appendix 2), Complaints Received (Appendix 3), Compliance (Appendix 4) for your information.

Key points from the letter, specifically in relation to Bolsover District Council:

- The LGSCO received 15 enquiries and complaints during 2018/19, none of which was subject to a detailed investigation.
- The LGSCO decided 9 complaints, of which 2 were incomplete or invalid, advice was given in 1, 2 were referred back to the Council and 4 were closed after initial enquiries.

Benchmarking information - CIPFA Nearest Neighbour

When looking at close neighbouring authorities, the following is noted:

	Detailed investigations	Upheld complaints	Compliance rate	Total complaints received
Ashfield District Council	2	1	100%	19
Bassetlaw District Council	5	1	100%	14
Bolsover District Council	0	0	0*	15
Chesterfield District Council	2	0	0*	7
Erewash District Council	0	0	0*	7

Mansfield District Council	1	0	0*	14
NE Derbyshire District Council	1	0	0*	3

*No recommendations were due for compliance in this period

Whilst Bolsover District Council received 15 complaints against its services, none were the subject of a detailed investigation.

The LGSCO carried out 4,232 detailed investigations (up from 4,020 in 2017/18)

It is pleasing to report that there were no complaints upheld against this Council, against a background of the LGSCO upholding 58% (up from 57% in 2017/18) of complaints submitted to them.

The Ombudsman notes in his annual letter that the number of complaints does not in itself indicate reliably the Council's performance. The volume of complaints should be considered alongside the **upheld** rate (how often the LGSCO found fault when they investigated a complaint) alongside statistics that indicate the authority's willingness to accept fault and put things right when they go wrong.

They also provide a figure for the number of cases where Councils provided a satisfactory remedy before the complaint reached them, and new statistics about the Council's compliance with recommendations have been made.

The statistics on compliance are the result of a series of changes the LGSCO has made to how they make and monitor recommendations to remedy any fault they find. Recommendations are specific and often include a time-frame for completion, allowing them to follow up with authorities and seek evidence that recommendations have been implemented. As no complaints were upheld, there were no recommendations due for compliance in this period.

Although this report is regarding complaints directed to the LGSCO, the Council received no complaints via the Housing Ombudsman (HO) for the same period. There was 1 complaint outstanding from 2017/18 in which the HO recorded a decision of 'Service failure in the Council's handling of this matter with regard to updating the complainant'. The case was a particularly complex one and the HO noted:

To a large extent the speed at which this situation could be resolved was beyond the Council's control as it was reliant on DCC (Derbyshire County Council), which was responsible for Mr A's (the previous occupant who kept trying to access his former home) care, to consider its concerns and take the decision to relocate him.

It would therefore be unfair to criticise the Council for any delays in achieving that end, in particular as it has demonstrated that it was taking active steps to influence Mr A's care providers.

and

There is one particular aspect of this case, however, which the Council could have improved upon. Although it did not specify the regularity with which it would keep [the complainant] updated it did commit to do so in its letters to him of 7 and 31 August 2017. There is evidence that it kept him sufficiently informed during August 2017, however, its communication with him trailed off in the lead up to Mr A leaving his property at the beginning of December 2017.

The department has since put a process in place to give regular updates to customers who are awaiting information and, in the corporate Customer Service training, we reiterate that it is important to be more specific about the regularity of those updates, for example, weekly/ monthly etc.

2 Conclusions and Reasons for Recommendation

The report is to keep Elected Members informed of volumes and trends regarding LGSCO/ HO complaints.

3 Consultation and Equality Impact

The report is to keep Elected Members regularly informed of volumes and trends regarding LGSCO/ HO complaints. No consultation or equality impact assessment is required.

4 Alternative Options and Reasons for Rejection

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

5 Implications

5.1 Finance and Risk Implications

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

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

5.2 Legal Implications including Data Protection

The Council is at risk of recommendations or decisions by the Local Government & Social Care Ombudsman or the Housing Ombudsman. There are no Data Protection implications.

5.3 Human Resources Implications

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

6 Recommendation

That the Standards Committee receive the report and the Annual Letter from the Local Government & Social Care Ombudsman 2018/19.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Providing Our Customers with Excellent Service.</p> <p>Transforming Our Organisation – good governance.</p>

8 Document Information

Appendix No	Title
1	Annual Letter from the Local Government & Social Care Ombudsman 2018/19
2	Complaints Decided
3	Complaints Received
4	Compliance
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Report Author</p>	
<p>Contact Number</p>	
Customer Standards and Complaints Officer	Ext: 2353

24 July 2019

By email

Daniel Swaine
Chief Executive
Bolsover District Council

Dear Mr Swaine

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I would like to thank your Council for supporting the development of this work and offering valuable feedback on how this new data is described and presented.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

We were pleased to deliver a planning complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was useful to you.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Bolsover District Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	1	4	0	5	0	3	2	0	15

17

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
2	1	2	4	0	0	0	9

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
<p>Notes:</p> <p>* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.</p> <p>** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

Bolsover District Council

Standards

23rd September 2019

Customer Service Standards/ Compliments, Comments and Complaints Report 2018/19

1st October 2018 to 31st March 2019 and Annual Summary

Report of the Head of Corporate Governance

This report is public

Purpose of the Report

- To provide information on the Council's performance in relation to its customer service standards.
- To provide information on the effective management of complaints and customer requests which is central to excellent customer service and the Council can use to improve its services.
- To provide information on the number of compliments, comments and complaints for the period 1st October 2018 to 31st March 2019
- To provide an Annual Summary on the above.

1 Report Details

The purpose of this report is to make Elected Members aware of performance in relation to its Customer Service Standards and the effective management of complaints.

Customer Service Standards

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

Telephones

Target - 93% to be answered within 20 seconds

Appendix 2 shows the performance between 1st October 2018 and 31st March 2019 by quarterly period. The report identifies 96% (in both Q3 and Q4) of incoming calls are being answered corporately within 20 seconds cumulatively. Those departments not achieving the key customer service standard of 93% for these periods were:

- Housing and Community Safety 92% in Q3
- Customer Service 85% in Q3 and 91% in Q4
- Revenues & Benefits 81% in Q3 and 74% in Q4.

Contact Centres

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

Contact Centres achieved 85% and 80% for quarters 3 & 4 respectively (82% cumulatively).

This represents a significant improvement on the previous report where 73% was achieved.

Cumulatively performance is 78% over 2018/19, which falls just short of the target of 80%.

Revenues & Benefits

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

Revenues & Benefits 'direct dial' achieved 82% and 77% for quarters 3 & 4 respectively (79% cumulatively).

Cumulatively performance is 78% over 2018/19, which exceeds the target of 60%.

E-mails

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

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

For this reporting period, 1st October 2018 to 31st March 2019:

- 4,798 email enquiries (2,355 in Q3 and 2,443 in Q4) from the public were received through enquiries@bolsover.gov.uk
- All were acknowledged within one working day
- 99% were replied to in full within 8 working days.

Whilst there were slightly fewer e-mails compared to the same period (5,326 in 2017/18), this remains a popular method of contact.

Face to face monitoring

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

Waiting times were monitored during two weeks in 2018/19, weeks commencing 14th January 2019 and 15th July 2019. In total 1,703 customers called into the Contact Centres, 1698 of which (99.7%) waited less than 20 minutes to be served. This exceeds the corporate target and demonstrates excellent service.

Cumulatively, during the same periods, 380 callers were served on Meet & Greet at The Arc in Clowne, bringing the total number of callers served during the monitoring periods to **2083**.

Compliments, Comments and Complaints

Compliments

Appendix 3 (A) shows the number of written compliments received for the period by department. In total 135 written compliments were received. Compliments were received from customers who appreciated excellent service. These included 39 for Leisure, 29 for the Housing Department and 28 for Streetscene Services. As there are some compliments which cross cut departments, the number does not correspond with the total above when viewed in this way.

Comments

Appendix 3 (B) shows the number of written comments received for the period. 100% (all 26) were acknowledged and passed to the respective department within the target time of 3 working days, for consideration when reviewing their service.

Complaints

Frontline resolution (stage one)

Appendix 3 (C) shows the number of Frontline Resolution complaints received by the Contact Centre service and recorded on the Customer Information System (Firmstep) by department. The customer service standard for responding to these complaints is 3 working days.

Formal Investigation (stage two)

Appendix 3 (D) shows the number of Formal Investigation complaints by department. 95 complaints were received during this period, 99% of which were responded to within our customer service standard of 15 working days. It is pleasing to report that this exceeds the target of 97%.

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

Internal Review (stage three)

Appendix 3 (E) shows the number of stage three complaints received for the period by department. These are complainants who have already made a stage two complaint and still feel dissatisfied. During this period 17 stage three complaints were received, 94% (16) of which were responded to within the standard of 20 working days.

Ombudsman

Appendix 3 (F) shows the status of Ombudsman complaints for 2018/19 as at the end of March 2019. During this period five cases were closed after initial enquiries and the Council was awaiting further correspondence in respect two other complaints.

Summary for 2018/19

The following tables provide a summary of performance for compliments, comments and complaints for 2018/19, with comparative data from previous years.

Volume and Performance

Volume by type	2018/19 Total	2017/18 Total	2016/17 Total	2015/16 Total
Compliments	258	266	264	324
Comments	69	58	70	50
Formal Investigation Complaints (S2)	193	179	176	127
Internal Review Complaints (S3)	33	46	35	39
Total	553	549	545	540

Stage 1 Complaints	252	213	224	273
% Comments acknowledged within standard (target 3 working days)	100%	100%	100%	100%
% Stage 2 responded to within standard (target 97%)	99%	98%	99%	99%
Average response in days (target 15 working days)	11	10	10	10
% Stage 3 responded to within standard (target 100%)	97%	98%	100%	100%
Average response in days	16	14	14	14

When comparing 2018/19 to the previous year of 2017/18, the following is noted:

- There were slightly fewer written compliments
- We have received more comments
- We have received more frontline resolution complaints
- Received more formal investigation complaints
- Received fewer internal review complaints

The above would appear to indicate that the Council has an easy to access complaints system, as recommended by the Local Government & Social Care Ombudsman and Housing Ombudsman. When looking at ombudsman complaints decisions for this financial year it is satisfying to note the Council has not been found at fault or received criticism regarding its complaint handling.

Complaints Feedback

There was no specific feedback leading to service improvements during this financial year.

Conclusions and Reasons for Recommendation

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

3 Consultation and Equality Impact

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

4 Alternative Options and Reasons for Rejection

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

5 Implications

5.1 Finance and Risk Implications

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

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

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

5.2 Legal Implications including Data Protection

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

5.3 Human Resources Implications

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

6 Recommendations

That the Standards Committee note the overall performance on Customer Service Standards and Compliments, Comments and Complaints.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Providing Our Customers with Excellent Service.</p> <p>Transforming Our Organisation – good governance.</p>

8 Document Information

Appendix No	Title
1 2 3	<p>Customer Service Standards monitoring</p> <p>Telephony performance</p> <p>Compliments, Comments and Complaints:-</p> <p>A. Compliments by department 1/10/18 – 31/3/19</p> <p>B. Comments by department 1/10/18 – 31/3/19</p> <p>C. Frontline resolution complaints by department 1/10/18 – 31/3/19</p> <p>D. Formal Investigation complaints by department 1/10/18 – 31/3/19</p> <p>E. Internal Review complaints by department 1/10/18 – 31/3/19</p> <p>F. Ombudsman complaints summary for 2018/19</p>
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Report Author</p>	
<p>Contact Number</p>	
Customer Standards and Complaints Officer	Ext: 2353

Key Customer Service Standards - Performance Monitoring - 2018/19													
Period	Telephone Standards						E-mail Standards			Face to Face Standards		Written Complaints	
	No. of Incoming Calls	% of Calls Answered within 20 Seconds	No. of Incoming Calls - Contact Centres	% of Calls Answered within 20 Seconds - Contact Centres	No. of Incoming Calls - Revenues	% of Calls Answered within 20 Seconds - Revenues	No. of Emails	% Acknowledged within 1 Working Day	% Replied to within 8 Working Days	No. of Customers (Sample)	% Served at the Enquiry Desk in less than 20 minutes	No. of Complaints Received (Stage Two)	% Responded to within 15 Working Days
Target		93%		80%		60%		100%	100%		99%		97%
April to June	5092	98%	20,713	71%	14,214	75%	3,180	100%	100%	No monitoring undertaken		54	100%
Quarter 1 Cumulative	5,092	98%	20,713	71%	14,214	75%	3,180	100%	100%	No monitoring undertaken		54	100%
July to September	4,740	98%	20,895	75%	13,203	79%	2,846	100%	99%	890	100%	44	100%
Quarter 2 Cumulative	9,832	98%	41,608	73%	27,417	77%	6,026	100%	100%	890	100%	98	100%
October to December	6,442	96%	18,181	85%	8,237	82%	2,355	100%	99%	No monitoring undertaken		42	100%
Quarter 3 Cumulative	16,274	97%	59,789	77%	35,654	79%	8,381	100%	99%	No monitoring undertaken		140	100%
January to March	9,303	96%	21,204	80%	12,924	77%	2,443	100%	99%	813	100%	53	96%
Quarter 4 Cumulative	25,577	97%	80,993	78%	48,578	78%	10,824	100%	99%	1,703	100%	193	99%

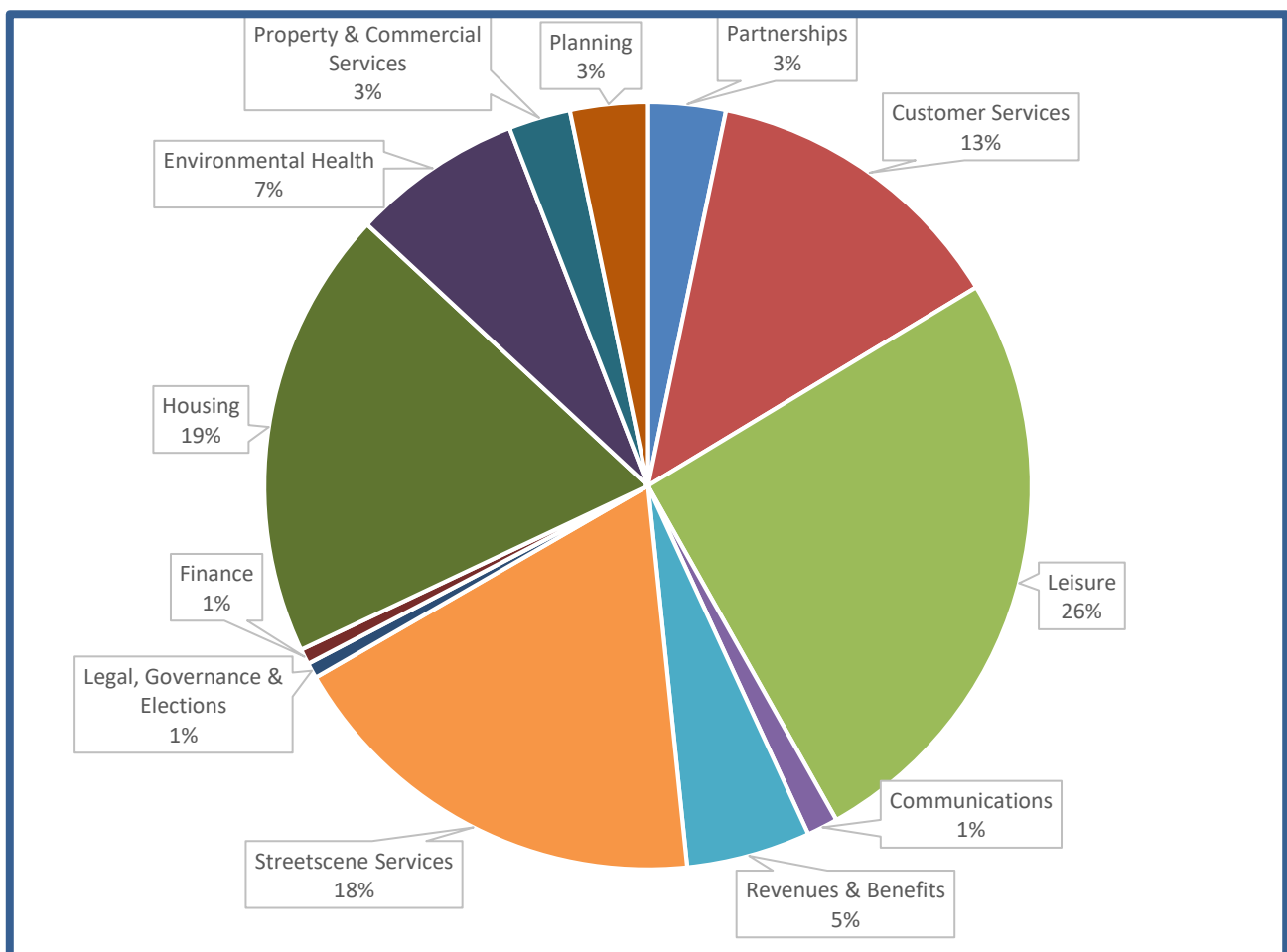
Appendix 2 - Telephony Figures 1/10/18 – 31/3/19

Corporate target 93%	Q3			Q4		
	Total	Total in standard	%age	Total	Total in standard	%age
Department (by directorate)						
People Directorate						
Partnerships & Transformation	175	175	100%	154	153	99%
Customer Services	54	46	85%	32	29	91%
ICT	1171	1167	100%	936	933	100%
Leisure	101	96	95%	86	85	99%
Legal, Governance, Scrutiny & Elections	460	456	99%	504	502	100%
HR, Payroll & Health & Safety	609	606	100%	508	508	100%
Performance & Communications	184	184	100%	135	133	99%
Finance	240	240	100%	200	200	100%
Revenues & Benefits	2260	1833	81%	5604	4167	74%
Streetscene Services	580	563	98%	505	481	95%
	5834	5366	96%	8664	7191	96%
Place Directorate						
Housing & Community Safety	254	234	92%	294	275	94%
Property & Commercial Services	217	209	96%	218	211	97%
Planning	96	91	95%	84	79	97%
Economic Development	41	41	100%	43	43	100%
	608	575	96%	639	608	97%
Total	6442	5941	96%	9303	7799	96%
Contact Centres Target 80%						
Total Contact Centres	18181	15388	85%	21204	17067	80%
Revenues & Benefits Target 60%						
Benefits	2457	2278	93%	3654	3410	93%
Billing	3102	2228	72%	5511	3426	62%
Business Rates	166	149	90%	286	239	84%
Recovery	2512	2089	83%	3473	2872	83%
Total	8237	6744	82%	12924	9947	77%
Abandonage	Total	Answered	Abandon %age	Total	Answered	Abandon %age
Contact Centres Abandoned	18514	18181	2%	21855	21204	3%
Revenues & Benefits Abandoned						
Benefits	2465	2457	0%	3656	3654	0%
Billing	3225	3102	4%	5897	5511	7%
Business Rates	170	166	2%	291	286	2%
Recovery	2652	2512	5%	3685	3473	6%
	8512	8237	3%	13529	12924	4%
Total in standard includes all incoming calls between Monday to Friday 9.00 a.m. until 17.00 p.m.: Answered on the original extension within 20 seconds Transferred to another extension on divert within 20 seconds Picked up by a group pick up within 20 seconds Which ring off within 20 seconds						
						Does not meet target

Appendix 3

A- Compliments 1/10/18 - 31/3/19		Number
People	Partnerships	5
	Customer Services	20
	Leisure	39
	Communications	2
	Revenues & Benefits	8
	Streetscene Services	28
	Legal, Governance & Elections	1
	Finance	1
		104
Place	Housing	29
	Environmental Health	11
	Property & Commercial Services	4
	Planning	5
		49
Total		153

Percentage of Compliments by department

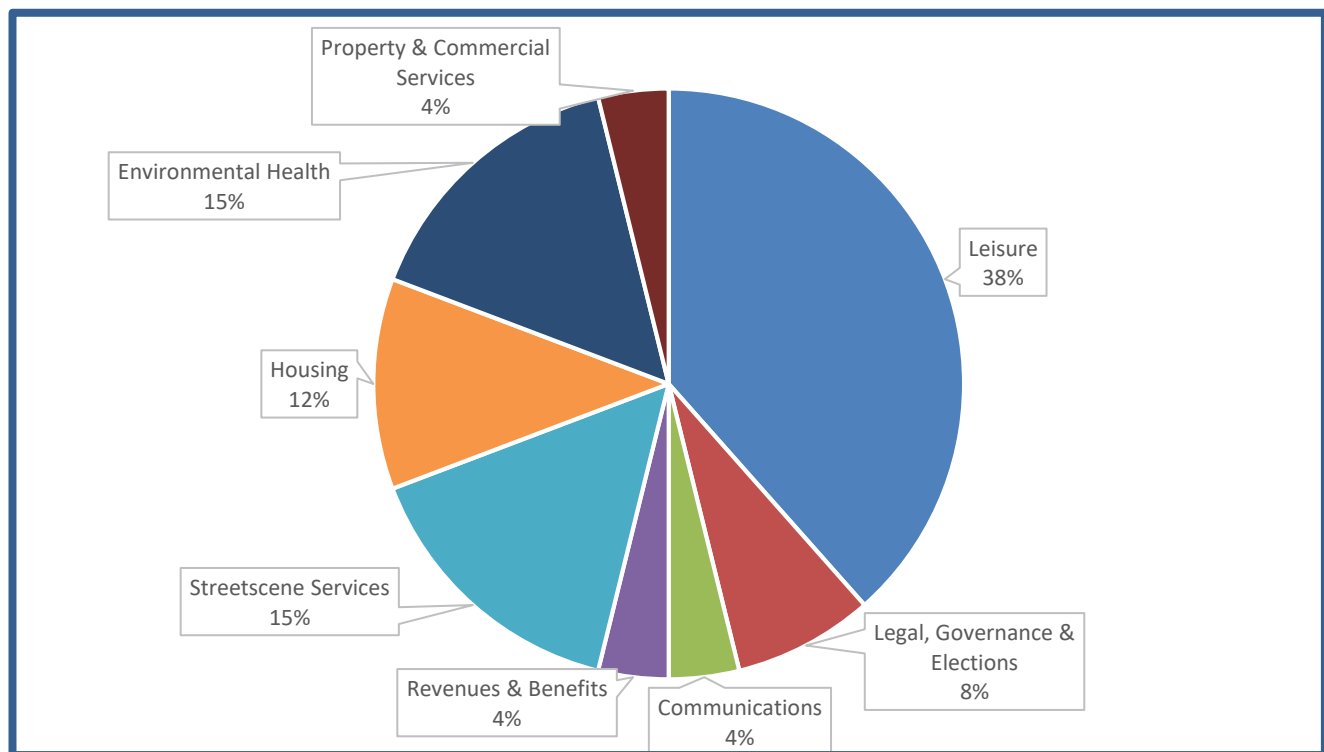


Compliments included:

Thank you for everything you have done for us, I will never forget it and don't know what I would have done without your support and understanding.	Revenues & Benefits
My two children have just completed the balanceability course and the instructors Tom and Ben we're both fantastic. My daughter was in the level 2 class with no confidence and is now fully riding by herself. My son who is only 2yrs old with no concentration span completed the level 1 and can fully glide with both his feet up (when he wants to of course).	Leisure
Tenant has recently had a new roof on her property and she wanted to compliment all the workmen and contractors who have been party to this. She says the works have been carried out with minimal disruption and everyone has been polite and courteous.	Housing
Resident is very pleased with the actions of the Council regarding securing the Criminal Behaviour Order for the perpetrator of antisocial behaviour and criminal damage. He says he has been critical of the Council in the past but is happy with the result. He now understands the action the Council had to take and how we had to carry it out.	Streetscene Services Housing Legal Environmental Health
Resident would like to say the Customer Advisor has been absolutely outstanding with Universal Credits online. She couldn't have done it without her, she who went over and above her duties, she is very grateful for all her help and advice	Customer Services
I would like to thank you from the bottom of my heart for not only understanding the noise problem caused by my neighbours but also for the swift response and settling the problem for me too as it was driving me insane and THANK YOU SO MUCH! 1ST CLASS SERVICE!	Environmental Health Customer Services
Resident spoke to a very helpful Officer who sorted his single occupier discount out for him.	Revenues & Benefits
Well done to the Partnership Manager and the Team! Fab achievement.	Partnership Strategy
Just a word of appreciation for the Planner's patience and perseverance in connection with the recent Reserved Matters Application, he trusts that most of her work is somewhat less complicated and more straightforward.	Planning
Resident would like to thank the crew who cut the tree outside his home. They made a great job, cleared up well and were very pleasant. Very much appreciated.	Streetscene Services
Officer put on a good presentation and very informative regarding the UK Coaching Safeguarding and Protecting Children's course	Leisure
Resident would like to thank Streetscene Services and Customer Advisors - her bin was repaired the day after she reported it	Customer Services Streetscene Services
Having been off the gym scene for a good 10 years and into my second year of early retirement winter times were getting tedious with little exercise and 4 walls so decided this year things will change after reading some reviews I was a bit apprehensive but took the plunge and went down and had a look round. I was very impressed with the gym and the amount of equipment so decided to join. Everyone I have met there has been really friendly especially the instructors and staff, can't fault them in any way they are always there if you need any advice or help with anything it's the best positive step I have made this winter for myself and body I would recommend anyone who is thinking of taking some exercise to go and have a look round and judge by yourselves	Leisure

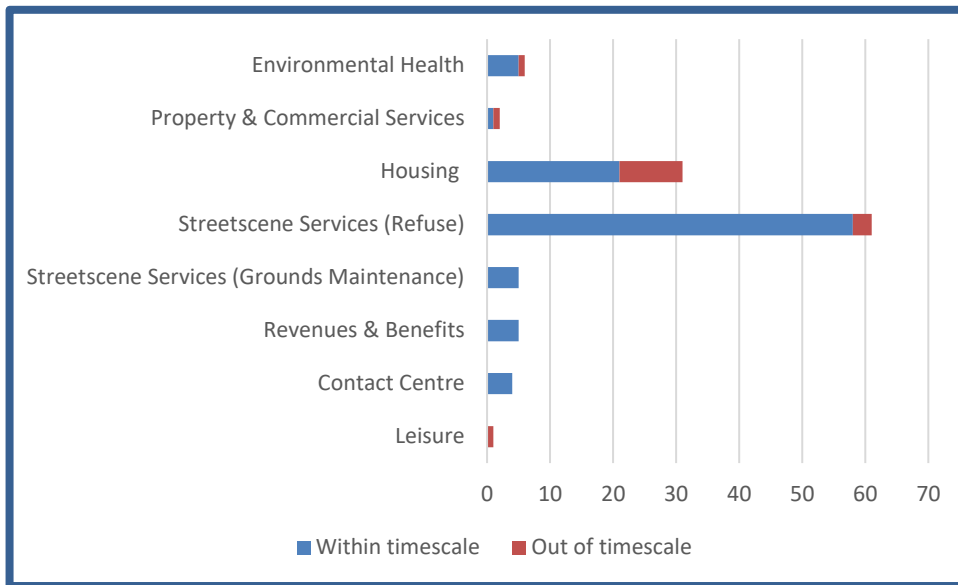
B - Comments 1/10/18 - 31/3/19		Number
People	Leisure	10
	Legal, Governance & Elections	2
	Communications	1
	Revenues & Benefits	1
	Streetscene Services	4
		18
Place	Housing	3
	Environmental Health	4
	Property & Commercial Services	1
		8
Total		26

Percentage of Comments by department



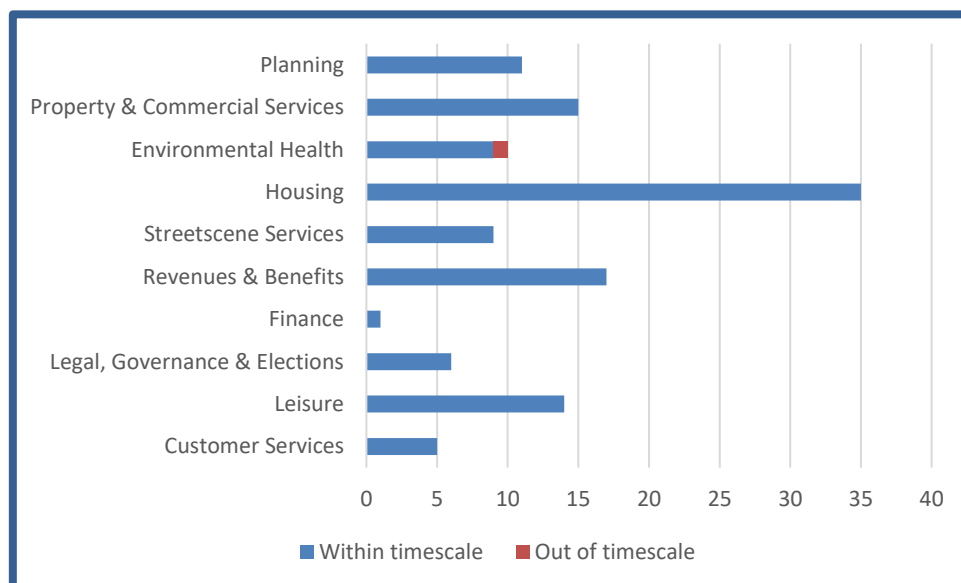
C - Number of Frontline Resolution (Stage 1) complaints via Contact Centre 1/10/18 - 31/3/19		Number	Out of timescale (3 working days)
People	Leisure	1	1
	Contact Centre	4	
	Revenues & Benefits	5	
	Streetscene Services (Grounds Maintenance)	5	
	Streetscene Services (Refuse)	61	3
		76	4
Place	Housing	31	10
	Property & Commercial Services	2	1
	Environmental Health	6	1
		39	12
Total		115	16 (14%)

Informal complaints (Stage 1) within target (3 working days) by department



D – Number of Formal Investigation (Stage 2) complaints 1/10/18 - 31/3/19		Number	Within timescale of 15 working days	Out of timescale
People	Customer Services	5	5	
	Leisure	14	14	
	Legal, Governance & Elections	6	6	
	Finance	1	1	
	Revenues & Benefits	17	17	
	Streetscene Services	9	9	
		52	52	
Place	Housing	35	35	
	Environmental Health	10	9	1
	Property & Commercial Services	15	15	
	Planning	11	11	
		71	70	1
Total		113	112	1

Formal Investigation (Stage 2) within target (15 working days) by department



E – Number of Internal Review (S3) complaints 1/10/18 - 31/3/19		Number	Within timescale of 20 working days	Out of timescale
People	Contact Centre	1	1	
	Leisure	1	1	
	Legal, Governance & Elections	3	3	
	Performance	4	4	
	Revenues & Benefits	3	3	
		12	12	
Place	Housing	6	5	1
	Environmental Health	3	3	
	Property & Commercial Services	1	1	
	Planning	3	3	
		13	12	
Total		25	24	1

Appendix 3

F - Ombudsman's Summary		Departments Involved	Date Decision Letter Received	Ombudsman Decision
01/11/17	HO Initial enquiries Tenant is experiencing antisocial behaviour from a previous tenant who has dementia and still believes they live at the property	Housing	26/09/18	Service failure in the Council's handling of this matter with regard to updating the complainant.
12/09/18	LGSCO Not happy with response regarding the difference between Planning Applications and the Local Plan	Planning	01/10/18	Closed after initial enquiries - no further action.
09/10/18	LGSCO Initial enquiries. Complaint that the weedspraying programme has damaged their beech hedge	Streetscene Services	24/10/18	Closed after initial enquiries - out of jurisdiction. This is because it is reasonable for the complainant to seek a remedy in the courts if the Council denies liability for negligence
03/12/18 13/02/19 3 4/3/19	LGSCO Initial enquiries. LGSCO (intention to investigate) LGSCO Investigation. Complainant unhappy with noise nuisance outcome	Environmental Health		Carried forward
13/02/19	LGSCO Initial enquiries. Not happy that 'grime' is not being cleaned	Streetscene Services	14/03/19	Closed after initial enquiries - no further action.
05/03/19	LGSCO (intention to investigate) Ms X on behalf of son, wants an adapted Council property	Housing		Carried forward
20/03/19	LGSCO Initial enquiries - wants a thorough investigation into conduct of a Parish Councillor	Legal	28/03/19	'Closed after initial enquiries - out of jurisdiction' . Complainant complains from his position as a councillor and so the complaint is outside the Ombudsman's legal remit.
20/03/19	LGSCO Initial enquiries - wants an investigation into why a Parish Council meeting was made exempt	Legal	03/04/19	Closed after initial enquiries - no further action' . Complainant is not caused a significant, personal injustice from his complaint.

LGSCO* Local Government Ombudsman
HO* Housing Ombudsman

Referenc Category	Decided	Decision	Decision Reason	Remedy	Service improvement re
18000945	18 Apr 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18002576	21 May 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18007223	07 Aug 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18007307	08 Aug 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18007178	01 Oct 2018	Not warranted by alleged injustice	Closed after initial enquiries	Null	
18008293	24 Oct 2018	26(6)(c) Court remedy	Closed after initial enquiries	Null	
18015517	14 Mar 2019	Not warranted by alleged injustice	Closed after initial enquiries	Null	
18019779	26 Mar 2019	Signpost - go to complaint handling	Advice given	Null	
18017618	28 Mar 2019	S27 not by member of the public	Closed after initial enquiries	Null	

Appendix 3

Reference	Authority	Category	Received
18000945	Bolsover District Council	Benefits & Tax	18 Apr 2018
18002576	Bolsover District Council	Environmental Services & Public Protection & Regulation	21 May 2018
18007178	Bolsover District Council	Planning & Development	06 Aug 2018
18007223	Bolsover District Council	Housing	07 Aug 2018
18007307	Bolsover District Council	Planning & Development	08 Aug 2018
18008293	Bolsover District Council	Environmental Services & Public Protection & Regulation	03 Sep 2018
18002549	Bolsover District Council	Environmental Services & Public Protection & Regulation	12 Dec 2018
18012379	Bolsover District Council	Housing	10 Jan 2019
18015517	Bolsover District Council	Environmental Services & Public Protection & Regulation	14 Jan 2019
18017618	Bolsover District Council	Corporate & Other Services	19 Feb 2019
18019117	Bolsover District Council	Corporate & Other Services	14 Mar 2019
18019438	Bolsover District Council	Corporate & Other Services	20 Mar 2019
18019695	Bolsover District Council	Corporate & Other Services	26 Mar 2019
18019732	Bolsover District Council	Environmental Services & Public Protection & Regulation	26 Mar 2019
18019779	Bolsover District Council	Housing	26 Mar 2019

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No compliance data recorded for this period.

Appendix 4

Bolsover District Council

Standards Committee

23rd September 2019

Review of the Council's Constitution (Part 2)

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 2019.
- 1.2 Standards Committee at its meeting on 1st July agreed the following areas for review:
- Union/Employee Consultation Committee 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
 - Joint Employment and Appeals Committee Terms of Reference
 - Questions and Motions to Council (limitations)
 - Delegation Scheme (MO Delegations)
 - Minor wording changes or updating of job titles (housekeeping)
- 1.3 Additional areas have also been identified, the first by the Section 151 Officer and the second by Members:
- Authorisation to spend from reserves by Executive
 - Membership of Budget Scrutiny Committee
- 1.4 The following table sets out how these areas of review will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

Area for Review	Lead Officer	Dates for Consideration
Standards Committee Terms of Reference	Governance Manager	Standards Committee 23 rd September 2019
Joint Employment and Appeals Committee Terms of Reference	Monitoring Officer	Standards Committee 23 rd September 2019
Questions and Motions to Council (limitations)	Deputy Monitoring Officer	Standards Committee 23 rd September 2019
Membership of Budget Scrutiny Committee	Monitoring Officer	Standards Committee 23 rd September 2019
Contract Procedure Rules – Contract Formalities	Monitoring Officer	Standards Committee 25 th November 2019
Delegation Scheme (MO Delegations)	Monitoring Officer	Standards Committee 25 th November 2019
Authorisation to spend from reserves by Executive	Governance Manager/Section 151 Officer	Standards Committee 25 th November 2019
Parental Leave Policy and Constitutional Implications	HR and Organisational Development Manager and Governance Manager	UECC ??? Standards Committee 27 th January 2020
Review of Employee Code of Conduct	HR and Organisational Development Manager	UECC Standards Committee 27 th January 2020
Union/Employee Consultation Committee Terms of Reference	HR and Organisational Development Manager	UECC Standards Committee 27 th January 2020
Employment Rules	Monitoring Officer and Governance Manager	Standards Committee 27 January 2020
Safety Committee Terms of Reference	Health and Safety Manager and HR Organisational Development Manager	Safety Committee Standards Committee 27 th January 2020
Final report and any remaining issues for the year.		Standards Committee 20 th April 2019
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

- 1.5 The first three areas for review in the above table are detailed in **Appendix 1**. This sets out the proposal and rationale and the sections of the Constitution to be amended.

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.
- 2.2 The rationale for each proposal as part of the review is set out in Appendix 1.

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 Equality Impact Assessments may be carried out in relation to specific areas of review where the need arises. Details of any equality issues will be address in relation to each area of 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

- 5.3.1 There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

6 Recommendations

- 6.1 That the Committee give consideration to proposals for review in Appendix 1 and support the submission of the proposals to Council as part of the Constitution Review in May 2020.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the portfolio holder been informed</p>	Yes
<p>District Wards Affected</p>	None
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating good governance

8 Document Information

Appendix No	Title
1	<p>Areas for Review – Proposals and Rationale:</p> <ul style="list-style-type: none"> • Standards Committee Terms of Reference • <i>Joint Employment and Appeals Committee Terms of Reference – To Follow</i> • Questions and Motions to Council (limitations) • Membership of Budget Scrutiny Committee
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager/ Donna Cairns, Senior Governance Officer	01246 217753 01246 242529

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Standards Committee Terms of Reference	<p>In response to Standards Committee's consideration of the recent Scrutiny Review and the Parliamentary Committee's Review in to Standards in Public Life, a revised Terms of Reference (TOR) is presented for consideration at Appendix 2.</p> <p>The tracked changes in the attached document consider revisions including:</p> <ul style="list-style-type: none"> • Inviting Parish Council representatives to sit on the Committee, without voting rights, as a means to improve transparency, impartiality, and involve the district in Standards matters. • Having an oversight, not only of Member Training on Code of Conduct matters, but of Member attendance at the training. • Reviewing Member attendance at Committee Meetings on behalf of the Authority. • Placing an emphasis on the public face of Standards within Bolsover, by review of the website content, and consideration of training for Parish Councils and promotion of understanding of the code of conduct within the district. • Retaining an independent Chair of the meeting. <p>It would be useful for Members of the Committee to discuss the matter of Independent Persons Terms of Office.</p> <p>The recommendations from the Scrutiny Review are attached at Appendix 3.</p>	Article 9 and the TOR contained within Part 3.
Joint Employment and Appeals Committee	<i>Please see separate report (Appendix 4) to follow.</i>	Pages 61 and 62 Part 3 Responsibility for Functions
Questions and Motions	Please see attached report at Appendix 5 .	Council Procedure Rules at Part 4

<p>Membership of Budget Scrutiny Committee</p>	<p>Currently under the Council's Constitution all the members who are not members of the Executive are automatically members of the Budget Scrutiny Committee. This is because this Committee deals 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.</p> <p>It has been proposed by a member that there should be a mechanism for a member to decline to be a member of the Budget Scrutiny Committee.</p> <p>This would involve an alteration to the Scrutiny Procedure Rules at 4.5.1(2).</p> <p>My suggestion was that members be allowed to resign from the Committee following appointment at the Annual Meeting in May and that the Rules be amended to allow this.</p> <p>An alternative suggestion is that members "opt in" to membership of the Committee and effectively choose to be members. Having considered this proposal I don't believe this could work. The Council would not have appointed the membership of the Committee as is required by law. It is only the Council that can appoint to Committees. This is why at the Annual Meeting the membership of all Committees is agreed. In this scenario it is hard to see when and by whom the appointment is made.</p> <p>These appointments have to be made in accordance with the Political Proportionality Rules. Compliance could not be guaranteed if an "opt in" procedure was used as it wouldn't be known until much later who was on the Committee and who was not.</p> <p>Were it possible legally, it would not be certain what the membership off the Committee was. The appointments to Committees at Annual Council is about the public knowing who is representing them on particular Committees. The public would have no idea.</p> <p>It also requires members to take action at a time when everyone is very busy –</p>	<p>Scrutiny Procedure Rules at 4.5.1(2) page 135.</p>
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	<p>particularly when everything is new following elections and people are uncertain as to what is needed and what they have to do. This would be an extra burden on scrutiny members.</p> <p>Recommendation that members consider the options.</p>	
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Article 9 - The Standards Committee

Standards Committee

The Council meeting may establish a Standards Committee.

Composition

The Standards Committee will have a membership of six Councillors, as determined by Council, ~~and~~ one co-opted Member and two non-voting Parish Council Representatives. It will be politically balanced.

~~One of t~~The co-opted Members shall act as an independent Chairman of the Standards Committee and this appointment will be made at the Annual Meeting of the Council.

The Councillors will be appointed to the Standards Committee at the Annual Meeting of the Council each year. The co-opted Member and Parish Council Representatives will be appointed until the next Annual Council Meeting. The Council may agree to extend this period as it sees fit.

Role and Function

The Standards Committee will have the roles and functions as set out in Part 3 of the Constitution.

Independent Persons

The Council will appoint two Independent Persons who will be consulted by the authority before it makes a finding as to whether a member or co-opted member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member.

They may also be consulted by the Authority in respect of a standards complaint at any other stage and by a member or co-opted member of the District Council or of a parish or town council against whom a complaint has been made.

STANDARDS COMMITTEE

The role of the Standards Committee is to:

- (1) Promoteing and maintaining high standards of conduct by Members and co-opted Members of the Council.
- (2) Assisting Members and co-opted Members of the Council to observe the Bolsover Members' Code of Conduct.
- (3) Adviseing the Council on the adoption or revision of a Code of Conduct.
- (4) Monitoring the operation of the Bolsover Members' Code of Conduct.
- (5) Adviseing, giveing training and arrangeing to train Members and co-opted Members of the Council on matters relating to the Bolsover Members' Code of Conduct.
- (6) Oversee Member Training, (including the attendance of Members at courses), in relation to matters affecting their conduct and probity including relevant information provided to newly elected District Councillors-
- (7) Consider~~All~~ matters relating to dispensations for Members to speak and vote where the Members concerned have interests.
- (8) C~~To~~ conduct determination hearings into complaints against Members.
- (9) P~~To~~ promote and maintain high standards of conduct within town/parish councils and to assist them in following their own Codes of Conduct or adopt the Bolsover Code of Conduct.
-
- (10) Oversee training provided to Parish Councils on conduct and probity matters including relevant information provided to newly elected Parish Councillors
- (11) Oversee the public face of the Standards Committee through the website and increase public awareness of the Code of Conduct and its application.
- (12) To~~d~~Deal with complaints against town and parish councillors in accordance with 8 above.

- (143) Oversee matters referred to the Monitoring Officer in relation to complaints against Town and Parish Councillors where it is inappropriate for the Monitoring Officer to take a decision.
- (14) G~~T~~e grant exemptions for politically restricted posts.
- (152) H~~a~~ve Responsibility for the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and procedures, to include monitoring, revisions and approval.
- (16) Review the Gifts and Hospitality Register on an annual Basis.
- (17) Review Members' attendance at meetings on a bi-annual basis.

To Recommend to Council with regard to:-

- (183) Overseeing the Council's "Whistle Blowing" Policy and arrangements and to amend them as appropriate.
- (194) Changes required to the Constitution as a result of the monitoring and reviewing undertaken by the Committee.
- (20) Reports of the Independent Remuneration Panel

Review	Recommendation	Owner	Target Date	Status
CS&TSc18/19 1.1	That training in relation to Code of Conduct and DPIs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.	Sarah Sternberg - Joint Head of Service Corporate Governance	(not specified)	Completed. The 2019 Induction Programme included Code of Conduct and DPIs. A further session will be included in the Member Development Programme in 2021/22.
CS&TSc18/19 1.2	That training in relation to Code of Conduct and DPIs is programmed on a minimum annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.	Sarah Sternberg - Joint Head of Service Corporate Governance	(not specified)	(none)
CS&TSc18/19 1.3	That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including: " Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers); " A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication	Nicola Calver - Governance Manager Scott Chambers - Communications, Marketing and Design Manager	Thu-31-Oct-19	The Standards Annual Report was submitted to Council in July and a publication version will shortly be published on the website under the Code of Conduct section. Further review of this information will be included in the implementation of the committee management software and/or new website design.
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.	Nicola Calver - Governance Manager Sarah Sternberg - Joint Head of Service Corporate Governance	Tue-30-Apr-19	This has been included on the Standards Committee Work Programme for 23 rd September 2019
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.	Nicola Calver - Governance Manager Sarah Sternberg - Joint Head of Service Corporate Governance	(not specified)	Completed. No further action required.
CS&TSc18/19 1.6	That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the	Sarah Sternberg - Joint Head of Service Corporate Governance	Tue-30-Apr-19	This has been included on the Standards Committee Work Programme for 23 rd September 2019.

	Committee Terms of Reference, within Part 3.6 of the Constitution.	Nicola Calver - Governance Manager		
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.	Nicola Calver - Governance Manager Sarah Sternberg - Joint Head of Service Corporate Governance	Mon-30-Sep-19	A reminder to Members regarding the training pack would be discussed at the meeting on 23 rd September 2019.

Bolsover District Council

Standards Committee

23rd September 2019

Regulation of Investigatory Powers Act 2000 Inspection

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- To update the Committee on the outcome of the Investigatory Powers Commissioner's Office Inspection of the Council's compliance in respect of the Regulation of Investigatory Powers Act 2000 (RIPA).

1 Report Details

- 1.1 The Regulation of Investigatory Powers Act (RIPA) enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence. There are various criteria which must be met, including a 'seriousness threshold' for the use of directed surveillance, and any requests by the Council to use the RIPA powers must be approved by a Magistrate.
- 1.2 Local authorities are periodically inspected by the Investigatory Powers Commissioner's Office (IPCO), every three years, and Bolsover District Council's most recent inspection took place on 14th March 2019.
- 1.3 Prior to the inspection, the 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 taken place, with refresher courses regularly offered.
- 1.4 During the Inspection, the Inspector met with key officers and considered the Joint RIPA policy and procedures held by the Council.
- 1.5 The outcome of the Inspection was overall very positive. 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 is 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 are 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.

1.6 Work to implement these recommendations is in progress and a further report will be brought to a future Standards Committee meeting with a revised policy and details of the procedures put in place in respect of non-RIPA surveillance and online investigations.

2 Conclusions and Reasons for Recommendation

2.1 To inform Members of the outcome of the RIPA inspection and the recommendations that are to be implemented.

3 Consultation and Equality Impact

3.1 An Equality Impact Assessment has been completed in 2017, which concluded that there were no concerns raised and no actions to take. No concerns were raised by the Inspection.

4 Alternative Options and Reasons for Rejection

4.1 This report is for information only.

5 Implications

5.1 Finance and Risk Implications

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

5.2 Legal Implications including Data Protection

5.2.1 The legal implications are addressed within the policy.

5.3 Human Resources Implications

5.3.1 None arising from this report.

6 Recommendations

6.1 That Standards Committee note the outcome of the RIPA Inspection in March 2019.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	None Directly
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating Good Governance

8 Document Information

Appendix No	Title
Appendix 1	RIPA Inspection Report
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Donna Cairns Senior Governance Officer	01246 242529



Investigatory Powers
Commissioner's Office

Inspection Report – North East Derbyshire District Council and Bolsover District Council

Inspection report ref 075

Contents

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1 Introduction

1.1 The most recent inspection of North East Derbyshire District Council (NEDDC) and Bolsover District Council (BDC) was conducted by HH Brian Barker, Assistant Surveillance Commissioner, on the 17 November 2015.

1.2 The Strategic Alliance formed in 2011 remains extant with a single Chief Executive. A management restructure has aligned the two supporting Joint Executive Directors under new directives of People and Places. The ten Joint Assistant Directors have been reduced to eight Joint Heads of Service. Sarah Sternberg, Joint Head of Service, Corporate Governance remains the Senior Responsible Officer.

- 1.3 This inspection took place at the headquarters of the NEDDC on the 14 March 2019 and was conducted by Mrs Samantha Jones, Inspector.
- 1.4 This report is addressed to the Chief Executive, Dan Swaine, whose address for correspondence is District Council Offices, Mill Lane, Wingerworth, Chesterfield, Derbyshire. S42 6NG. His email address is: chexbdc&neddc@ne-derbyshire.gov.uk

2 Inspection methodology

- 2.1 This inspection has been conducted to assess the level of compliance in respect of the use and management of covert directed surveillance and covert human intelligence sources (CHIS) under the provisions of Part II the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2.2 In the period since the last inspection, NEDDC and BDC has not exercised its RIPA powers in respect of directed surveillance or CHIS. Should this pattern continue over the next three years, it is recommended that a desktop or remote assessment is appropriate rather than a personal inspection.
- 2.3 During the inspection, initial discussions were held with Sarah Sternberg and two members of her staff, Governance Manager Nicola Calver and Senior Governance Officer Donna Cairns. My thanks are also extended to them for arranging and facilitating the inspection process.
- 2.4 The initial meeting was followed by two separate focus groups. The Authorising Officers comprising Dan Swaine, Chief Executive, together with Karen Hanson and Lee Hicken, who are the Joint Executive Directors, and secondly the potential applicants, Environmental Health Manager Sam Bentley, together with Planning Enforcement Officers Paul Johnson (NEDDC) and Richard Scott (BDC).

3 Key findings

3.1 Recommendations

- 3.1.1 **Non-RIPA authorisations.** Process should be reviewed to ensure that the necessity, justification and proportionality arguments of conducting non-RIPA surveillance are adequately recorded, together with any collateral intrusion minimised appropriately and that oversight by the SRO should be conducted on a quarterly basis, to ensure Elected Members are suitably informed of any such activity.
- 3.1.2 **Social Media and Internet Investigations.** Prior to any use of on-line surveillance, the introduction of suitable control measures, such as maintaining a register of covert identities used, by whom and for what purpose. Training, guidance and a robust audit process should ensure that the relevant authorisations are in place where appropriate.

3.2 Observations

3.2.1 Minor recommended revision to the RIPA policy covered in Section 5 of this report.

4 Actions taken on previous inspection recommendations

4.1.1 In his inspection report of November 2015, Assistant Commissioner HH Brian Barker made two recommendations.

4.1.2 *Recommendation 1 - Amend the draft Policy and Procedures document where appropriate.*

4.1.3 The required amendments have been made. Recommendation discharged.

4.1.4 *Recommendation 2 – Ensure continued levels of awareness of potential and pitfalls of RIPA to Councillors through regular reporting; and to officers and staff through the active use of the internal intranets.*

4.1.5 Councillors are updated on a yearly basis, as a minimum, through the Standards Committee and the Strategic Alliance Joint Committee. The two individual Council internal intranets have been merged to create the “extranet”, which houses the relevant policies and procedures for staff to view. Recommendation discharged.

5 Inspection findings

5.1 RIPA Policy

5.1.1 As per the previous recommendation, and having taken into consideration the new codes of practice for both surveillance and CHIS, revised in August 2018, the RIPA corporate policy and procedures guidance has recently been revised. It is a comprehensive and well written document. Minor amendments in relation to CHIS were suggested to include within safety and welfare, the on-going duty of care following cancellation of a CHIS, and the acknowledgement of potential risk should there be a requirement to disclose information in proceedings. Also, a reference to SI 2000/2725 regarding the maintaining of source records would be of benefit.

5.2 RIPA Training

5.2.1 There are currently four designated Authorising Officers, three of whom have recently received in-house training in February of this year as part of a RIPA refresher briefing to the Strategic Alliance Management Team. The fourth is due to leave the Council at the end of this month, and the new Authorising Officer, once appointed, will also be briefed. Two of the three trained Authorising Officers have also authorised RIPA activity in their previous roles with other Councils. The refresher briefings were undertaken by the Senior Governance Officer, who together with the Governance Manager have undertaken external training conducted by Browne Jacobson Solicitors

and on-line training with ACT in 2018 (two Planning Enforcement Officers and a Council Lawyer also attended the external training). The Senior Governance Officer has also provided the refresher briefing at the Service Managers Forum and conducts one to one refresher training to enforcement officers when necessary. It is expected that this will continue on an annual basis. All council employees also have access to policy and guidance documents on the extranet and can call upon the Governance Team.

5.3 Non-RIPA activity

- 5.3.1 Although NEDDC and BDC has not used its RIPA powers for a number of years, it utilises cameras to identify those individuals suspected of environmentally-damaging fly-tipping and those causing anti-social behaviour. Whilst the vast majority of these investigations are conducted overtly with appropriate signage, discussions were held as to what control measures the Council has in place to ensure status drift into the covert arena was captured. Both the Environmental Health and the Housing Department hold their own database of camera equipment which are capable of being used covertly. While it is unlikely that these investigations would meet the ‘serious crime’ threshold to allow for a directed surveillance authority to be applied for, the same considerations for non-RIPA activity should be given prior to any deployment of equipment. The Service Manager has oversight of when and where the equipment is deployed, and although no records were inspected at the time, the Service Manager confirmed the database includes the date and time the equipment is deployed, duration and return, feasibility of deployment and the reasoning as to why the use of the equipment is justified, including where any request is rejected.

Recommendation: That process should be reviewed to ensure that the necessity, justification and proportionality arguments of conducting non-RIPA surveillance are adequately recorded, together with any collateral intrusion minimised appropriately and that oversight by the SRO should be conducted on a quarterly basis, to ensure Elected Members are suitably informed of any such activity.

5.4 Social Media and Internet investigations

- 5.4.1 The RIPA corporate policy and procedures guidance includes the use of the internet and social media although attention was drawn to Sections 3.10 - 3.17 of the revised Covert Surveillance Code of Practice which provides helpful and up-to-date guidance.
- 5.4.2 There is access to the internet through both Councils’ networked computers, although access to social media sites is restricted to those with due cause. A list of personnel with access to social media is retained within the IT department(s).
- 5.4.3 A subsequent discussion with the Chief Executive and the two Joint Strategic Directors raised two issues. The first highlighted the potential need for the use of social media in certain investigations, for example advertisements for animal breeders/boarders following the introduction of new government regulations, and the second highlighted the risk of personnel safety if, by the lack of access to social media via council owned

computers utilising covert profiles, staff were possibly using their own personal devices and profiles to view sites linked to ongoing investigations.

- 5.4.4 The decision to permit investigators to conduct online surveillance or act as covert human intelligence sources to manage the acquisition of such intelligence and evidence is one for the Council to take.

Recommendation: If agreed, the corporate policy should be adapted to introduce suitable control measures, such as maintaining a register of covert identities used, by whom and for what purpose. Training, guidance and a robust audit process should ensure that the relevant authorisations are in place where appropriate.

6 Conclusion

- 6.1 It is quite some time since NEDDC and BDC exercised the use of the powers permitted under RIPA, due to several factors but predominately by a greater emphasis being placed on overt enforcement activity and partnership working. Nonetheless, the necessary personnel and processes remain in place to secure authorisation for directed surveillance or CHIS if required.
- 6.2 Both Councils benefit from the knowledge of the Governance Team(s) headed by the SRO who can highlight where action is required to improve compliance and to deliver training as and when required.

Samantha Jones
Inspector

**BDC STANDARDS COMMITTEE WORK PROGRAMME
2019/20**

Meeting date	Item	Comments
1 July 2019	<p>Draft Standards Committee Annual Report</p> <p>Review of Constitution Part 1 - agreed the following items be reviewed;</p> <ul style="list-style-type: none"> • 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) <p>Complaints Update</p> <p>Work Programme</p>	
23 September 2019	<p>Local Government Ombudsman Annual Report</p> <p>CCC and Customer Standards Report</p> <p>JEAC Terms of Reference</p> <p>Review of Constitution;</p> <ul style="list-style-type: none"> • Standards Committee Terms of Reference (including recommendations from 	<p>Ref: 8 May 18 Standards Committee Minutes</p>

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Agenda Item 13

	<p>Scrutiny Review, matters arising from the Parliamentary Committee on Standards in Public Life Review, and other matters raised by Members at the July meeting)</p> <ul style="list-style-type: none"> • Review of Public Questions, Questions on Notice and Motions on Notice from Members <p>Induction Pack Reminder (for District and Parish Members)</p> <p>DBS check for Elected Members - Verbal</p> <p>Member Champions</p> <p>Outcome of RIPA Inspection</p> <p>Complaints Update</p> <p>Work Programme</p>	
25 November 2019	<p>Review of the Content of the Council's Website</p> <p>Complaints Update</p> <p>Review of Constitution – Part 3</p> <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>	

	Complaints Update Work Programme	
20 April 2020	Review of Constitution – Part 5 Complaints Update Work Programme 19/20 - Achievements Work Programme 2020/2021	