

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 24 February 2020 at 14:00 hours.

PRESENT:-

Members:-

Councillor Clive Moesby in the Chair

Councillors Tricia Clough, Andrew Joesbury and Deborah Watson.

Officers:- Sarah Sternberg (Head of Corporate Governance and Monitoring Officer), Nicola Calver (Governance Manager), Ann Bedford (Customer Standards and Complaints Officer and Alison Bluff (Governance Officer).

666 APOLOGIES FOR ABSENCE

An apology was received on behalf of Ruth Jaffray (Coopted Member).

667 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

668 DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations of interest made.

669 MINUTES - 23RD SEPTEMBER 2019

Moved by Councillor Deborah Watson and seconded by Councillor Andrew Joesbury
RESOLVED that the Minutes of a Standards committee held on 23rd September 2019 be approved as a correct record.

670 CUSTOMER SERVICE STANDARDS / COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2019/20 - 1ST APRIL 2019 TO 30TH SEPTEMBER 2019

Committee considered a report regarding the Council's performance in relation to its customer service standards and the number of compliments, comments and complaints for the period 1st April 2019 to 30th September 2019.

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The report identified the following;

Telephones – corporate (target - 93% to be answered within 20 seconds)

98% of incoming calls were being answered corporately within 20 seconds cumulatively. Streetscene Services narrowly missed the target in Q1 (92%).

Contact Centres (target - 80% of incoming calls to be answered within 20 seconds)

Contact Centres achieved 76% and 78% for quarters 1 & 2 respectively (78% cumulatively). This was a significant improvement on the same reporting period in 2018/19 (73%).

Revenues & Benefits (direct dial) (target - 60% of incoming calls to be answered within 20 seconds)

79% and 81% was achieved for quarters 1 & 2 respectively (80% cumulatively).

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

7,459 email enquiries from the public were received through enquiries@bolsover.gov.uk (3,750 in Q1 and 3,709 in Q2). All were acknowledged within one working day and 99% were replied to in full within 8 working days. E-mails still appeared to be an increasingly popular method of contact with the Council. 6,026 e-mails were received in the same period in 2018/19.

Face to face monitoring (target – 99% not kept waiting longer than 20 minutes at a Contact Centre)

Waiting times were monitored during week commencing 15th July 2019 where 813 customers called into the Contact Centres. 812 (99.88%) waited less than 20 minutes to be served.

Compliments, Comments and Complaints

Compliments

In total 111 written compliments were received during the period (123 were received in the same period in 2018/19). Some compliments cross cut departments.

Comments

16 comments were received, acknowledged and passed to the respective departments for consideration within the target time of 3 working days. Some comments raised valid issues and cross cut departments and as such were responded to corporately.

Complaints

Frontline resolution (stage one)

The customer service standard for responding to these complaints was 3 working days.

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91% were responded to within this timescale which was a significant improvement from the 85% achieved in the same period in 2018/19.

Formal Investigation (stage two)

98 complaints (some cross cut departments) were received during this period. 97 (99%) were responded to within the customer service standard of 15 working days. The remaining 1 was partly regarding a service provided by another organisation and was responded to within 19 working days.

There were no trends for this period.

Internal Review (stage three)

These were complainants who had made a stage two complaint but still felt dissatisfied. During the period, 28 stage three complaints were received, 93% (26) of which were responded to within standard. As some complaints cross cut departments, the total did not correspond with the total above when viewed in this way.

Ombudsman

During the period, 8 decisions were received from the Local Government and Social Care Ombudsman of 'closed after initial enquiries', 1 of 'not upheld: no maladministration' and 1 of 'upheld: maladministration and injustice'. The latter complaint was complex and the criticism was with regard to a delay in putting the person back on the housing waiting list. One decision was received of 'close the case' from the Housing Ombudsman (HO) and another of 'close the case' for a review of the same complaint as at 18th November 2019.

The Customer Standards and Complaints Officer advised the meeting that all telephone calls to the Council were being managed by Clowne Contact Centre and there were also 3 new customer service advisors in place.

In response to a Member's question, the Customer Standards and Complaints Officer advised the meeting that in relation to percentages worked out – these were rounded down if they were under 0.5% and rounded up if above 0.5%.

Moved by Councillor Andrew Joesbury and seconded by Councillor Clive Moesby
RESOLVED that the report be noted.

The Customer Standards and Complaints Officer left the meeting.

671 **JOINT WHISTLEBLOWING POLICY ANNUAL REPORT**

Committee considered a report in relation to a Joint Whistleblowing Policy between Bolsover District Council and North East Derbyshire District Council.

Whistleblowing was a report from an employee, Member or other person, about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 required employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they had made a protected disclosure.

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Whistleblowing policies should foster a climate of openness and transparency in which individuals in the workplace did not feel that they would be victimised, harassed or suffer any reprisals if they raised concerns about wrongdoing within the organisation. The Government expected all public bodies to have adequate whistleblowing procedures in place.

Both Bolsover District Council and North East Derbyshire District Council were committed to updating policies on a regular basis to ensure they were fit for purpose. The Joint Whistleblowing Policy was reviewed in January 2020 where it was concluded that the existing version was satisfactory and up to date with current legislation and best practice and no changes were recommended. The previous review of the policy had taken place in March 2019.

The Monitoring Officer had overall responsibility for the maintenance and operation of the Policy and was required to report as necessary, to both councils, on instances of whistleblowing. The meeting was advised that there had been no instances to report for the 19/20 Municipal Year.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that (1) the current Joint Whistleblowing Policy was fit for purpose be agreed,

(2) that no instances of whistleblowing had been made since the 2019 Annual Review of the Joint Policy be noted.

672 FUTURE ARRANGEMENTS FOR CO-OPTED MEMBERS OF THE STANDARDS COMMITTEE

Committee considered a report in relation to future arrangements for coopted members of Standards Committee.

A Member felt that additional work was needed regarding this matter.

Agreement was reached that the report be deferred to a future meeting to enable additional work to be carried out.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that the report be deferred to a future meeting to enable additional work to be carried out.

(Governance Manager)

673 REVIEW OF THE COUNCIL'S CONSTITUTION (PART 3)

Committee considered a report in relation to areas for review within the Council's Constitution prior to submission to Annual Council for adoption.

The following 8 areas had been identified for review at this meeting;

Delegation Scheme – authority to implement legal changes

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From time to time, changes in legislation, government guidance or other regulatory changes impacted on Council policies.

Currently, all such changes must be brought to Executive or Council for approval, (depending on the nature of the policy) even though in the vast majority of cases there was no discretion for Members and the amendments must be accepted.

This can prove difficult where changes must be implemented within a short timescale and cannot practically be reported to Members in time. It was therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Service in the Delegation Scheme.

Where there was any discretionary element to the changes, or the impact of the changes in legislation etc were significant, these could still be reported to Members.

The proposed wording of the delegation was;

To make amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:

- i) reflect changes in the law, government or regulators' guidance, and other Council policies; or*
- ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles.*

In response to a Member's query, the Monitoring Officer suggested that the wording, '**non-substantive**', be added to the above sentence as follows;

*To make **non-substantive** amendments to Council policy, subject to consultation with the Monitoring Officer, in order to: ...*

Reserves – approval of Transformation Reserve – Delegation

Presently, there was a specific delegation to the Section 151 Officer to approve expenditure from the Transformation Reserve. However, although the Section 151 Officer needed to be aware of expenditure from this Reserve, it was not necessary for this Officer to be the delegatee. The actual decisions came through the governance structure set up to deal with Transformation Programme projects and it would be the Transformation Governance Group (TGG) (which included the Leader and other Members) that would decide to progress a project, not the Section 151 Officer.

It was suggested that the delegation be given to the Director of People with an additional requirement that the Section 151 Officer not only has to see the proposal but initials the Delegated Decision form (DD form) to evidence that she has been consulted.

The Budget and Policy Framework Rules at 4.3.6 (2) would also need amending to refer to the Director of People.

Reserves – approval of expenditure from Reserves by Executive

It has always been the case that expenditure from Reserves is agreed by the Executive/Cabinet in a formal decision (this was previously in the Constitution but for

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some reason was removed). A decision route for expenditure from the Reserves was required for openness and transparency reasons, therefore, this was required to be put back into the Constitution.

Time limits for Questions and Motions to Council

Currently, the deadline for questions and motions to Council was midday, 7 clear working days before the day of the meeting. This gave very little preparation time for those who had to answer the questions or those who wanted to participate in the motion debate.

Accordingly, it was suggested that the deadline be extended by either a further 5 working days or 10 working days.

Members agreed that the deadline should be extended to 12 working days.

Budget and Policy Framework/Financial Regulations conflict

With regard to virements, a recent audit report had highlighted that the Budget and Policy Framework Rules conflicted with the Financial Regulations.

The Budget and Policy Framework Rules as amended last year stated at 4.3.6 (1) on page 129:-

Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets and required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

(The reference to the Portfolio Holder was added last year following the annual review).

Financial Regulations state at 4.7.3 (7):-

Strategic Alliance Management Team (SAMT) and Heads of Service have the authority to transfer savings from one budget area towards additional expenditure in another budget area.

For alignment, it was suggested that the following be added to the Financial Regulations at 4.7.3 (7):-

The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

A reminder should be given via SAMT and the Service Managers Forum.

Small increases in expenditure and effect on the Council's Budget

Changes made to how services were provided (to make them better), sometimes had no cost involved. However, if the cost was significant, a report would be presented to the Executive. As the rules stood currently, a very small increase in budget required formal Member approval and a report would also need to be considered by the

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Executive.

It was felt that where small increases were involved these could be done by Delegated Decision which would ensure transparency (a formal decision is recorded) whilst still involving Members, (the Leader and/or Deputy Leader and/or Portfolio Holder have to be consulted on every delegated decision) but give a faster route and avoiding Executive dealing with minor increases.

Clearly the Section 151 Officer would need to be able to exercise control over this and it was therefore suggested that a new delegation be given to the Section 151 officer as follows;

To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.

Council Procedure Rules - Rule 8 Questions by the public

Bolsover District Council restricted who may ask questions to Council to members of the public who were on the Council's Register of Electors or who were Non Domestic Rate Payers to the District.

A review showed that neighbouring authorities allowed any member of the public to ask questions at their council so long as they met the scope.

Concern had been raised that people who had a connection to the District may not qualify to ask a question under this current rule and consideration had now been given to extend this to include people who had a local connection to the District.

For the purposes of Housing, the Housing Act 1996 defined that a person had a local connection to a district if –

1. *(a) they are, or were in the past, normally resident there, and that residence was of their own choice; or,*
2. *(b) they are employed there; or,*
3. *(c) they have family associations living there; or,*
4. *(d) of any special circumstances.*

Committee could accept that anyone could ask a question as the current scope limited this to a matter which was one the Council had a responsibility or which affected the District. This restriction would ensure that whomever asked a question could only do so if it genuinely affected the District.

The proposed wording of the amended rule 8.1 (a) was -

Members of the public ~~who are on the Register of Electors for Bolsover District Council, or who are Non Domestic Rate Payers to District,~~ may ask questions of Members of the Executive at ordinary meetings of the Council.

Access to Information – Member attendance during exempt items of Executive

The Council Procedure Rules made provision, at rule 25.3 for Members who were not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that

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Committee or Sub-Committee during the private session considering exempt items, unless the Committee or Sub-Committee asked them to leave.

This rule had in practice been applied to Executive, although technically Executive was not a Committee. It was therefore proposed, in the interests of clarity, that the term Executive be added to the wording of this rule.

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough

RESOLVED that the following changes to the Council's Constitution be agreed and recommended to Council for approval;

1 Scheme of Delegation to Officers - all Strategic Directors and Heads of Service;

a) *To make amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:*

iii) *reflect changes in the law, government or regulators' guidance, and other Council policies; or*

iv) *correct obvious, technical or clerical errors and to take account of changes of any names or titles.*

b) the wording, '**non-substantive**', be added to the following sentence;

*To make **non-substantive** amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:*

2 Reserves – approval of Transformation Reserve - Delegation

a) This delegation be moved to the Director of People,

b) Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them,

c) The Budget and Policy Framework Rules number 4.3.6 (2) be amended to refer to the Director of People.

3 Reserves – approval of expenditure from Reserves by Executive

Executive functions in Part 3 of the Constitution at point (8) to be amended as follows;

*The provision of such resources (**including expenditure from Reserves**) as may be necessary for the proper operation of the Council provided the resources are within the Budget and Policy Framework.*

4 Time limits for Questions and Motions to Council

The deadline for questions and motions to Council be changed to midday, 12 clear working days before the day of the meeting.

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5 Budget and Policy Framework/Financial Regulations conflict

The following be added to the Financial Regulations at 4.7.3 (7):-

The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

A reminder should also be given via SAMT and the Service Managers Forum.

6 Small increases in expenditure and effect on the Council's Budget

Add at 4.10.13 the following (Section 151 Officer Delegation Scheme);

- a) To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.

7 Council Procedure Rules - Rule 8 Questions by the public

Rule 8.1 (a) be amended as follows;

Members of the public ~~who are on the Register of Electors for North East Derbyshire District Council, or who are Non Domestic Rate Payers to District,~~ may ask questions of members of the Cabinet at ordinary meetings of the Council.

8 Access to Information – Member attendance during exempt items of Executive

'Executive' be added to the wording at 25.3 in the Council Procedure Rules.

(Governance Manager)

674 COUNCILLOR STANDARD

Committee considered a report regarding an open letter issued by the Chair of the Committee on Standards in Public Life in relation to standards of conduct expected of those in public office. The letter contents was attached at Appendix 2 to the report.

In view of recent issues surrounding the tone of public debate nationally, which seemed to be largely resulting from behaviour in the House of Commons, the letter suggested that council's have an explicit description of acceptable behaviour from Members.

During the last review of the Council's Constitution, an appendix was added to the Protocol for Member/Officer Relations. This dealt with what Members could expect from officers, what officers could expect from Members and what Members acting in their role as employer should do and not do. This included:-

"Chairs of Meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct."

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Now that Council meetings were filmed, the public was seeing more of how the Council meeting was run by Members.

The Monitoring Officer felt that the Council should have an explicit description of acceptable behaviour from Councillors in their official role and a draft 'Members' Standard' was attached as an appendix to the report for Committee's consideration. Further, if Members wished to do so, the draft could be sent to Group Leaders for comment also.

In response to a Member's query, the Monitoring Officer advised Committee that in law, a chair's decision(s) in a meeting was final and could not be challenged, except in a court of law afterwards.

Members agreed that with regard to, '*Do show respect to the Chair and obey the decisions of the Chair*', in the draft Standard, the word **obey** be changed to **comply**. Also that this point, and '*Do not challenge the decisions of the Chair in the meetings*', be moved down the list to make them the last 2 bullet points under their heading.

Moved by Councillor Deborah Watson and seconded by Councillor Andrew Joesbury
RESOLVED that (1) with regard to bullet point: *Do show respect to the Chair and obey the decisions of the Chair*, in the draft Standard, the word **obey** be changed to **comply**,

(2) the above bullet point and the next bullet point in the draft Standard, *Do not challenge the decisions of the Chair in the meetings*, be moved down the list, to make them the last 2 bullet points under their heading,

(3) the draft Members Standard be presented to Council for approval.

(Governance Manager/Monitoring Officer)

675 COMPLAINTS UPDATE.

Committee considered a verbal report of the Monitoring Officer in relation to complaints received against Members.

In 2019, twenty complaints were received by the Monitoring Officer of which 10 remained open and mainly referred to one parish council.

Two complaints remained open for 2020.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that the update be noted.

676 WORK PROGRAMME 2019/2020.

Committee considered their Work Programme 2019/20.

A Member requested an update in relation to Member Champions. The Governance

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Manager noted that this would be discussed at the April meeting.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that the Work Programme 2019/20 be noted.

The meeting concluded at 14:25 hours.