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To: Chair & Members of the Standards
Committee

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Friday, 14th February 2020

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, 24th February, 2020 at 14:00 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

A handwritten signature in black ink that reads "Sarah Steenberg".

Joint Head of Corporate Governance & Monitoring Officer

The logo for Bolsover District Council, featuring the word "Bolsover" in a large, black, serif font, with "District Council" in a smaller, black, sans-serif font below it. A black swoosh underline is positioned beneath the text.

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, 24th February, 2020 at 14:00 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 To consider the minutes of the last meeting held on 23 rd September 2019	3 - 10
5.	Customer Service Standards / Compliments, Comments and Complaints Report 2019/20 - 1st April 2019 to 30th September 2019	11 - 23
6.	Joint Whistleblowing Policy Annual Report	24 - 36
7.	Future Arrangements for Co-opted Members of the Standards Committee	37 - 39
8.	Review of the Council's Constitution (Part 3)	40 - 50
9.	Councillor Standard	51 - 58
10.	Complaints Update.	Verbal Report
11.	Work Programme 2019/2020.	59 - 61

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 23rd September 2019 at 1000 hours.

PRESENT:-

Members:-

Ruth Jaffray (independent Member) in the Chair

Councillors Andrew Joesbury, Deborah Watson and James Watson.

Officers:- Sarah Sternberg (Joint Head of Corporate Governance and Monitoring Officer), Victoria Dawson (Team Manager (Legal)), Donna Cairns (Senior Governance Officer), Ann Bedford (Customer Standards and Complaints Officer) and Alison Bluff (Governance Officer).

0313. APOLOGIES

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

0314. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0315. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0316. MINUTES – 1ST JULY 2019

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

Councillor James Watson abstained from voting.

0317. ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2018/19

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

STANDARDS COMMITTEE

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

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

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

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

0318. CUSTOMER SERVICE STANDARDS / COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2018/19 (1ST OCTOBER 2018 TO 31ST MARCH 2019 AND ANNUAL SUMMARY)

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

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

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

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

With regard to Compliments, Comments and Complaints;

- 135 written compliments were received of which some cross cut with other departments.
- 26 written comments were received of which 100% were acknowledged and passed to the respective department within the target time of 3 working days.
- 95 formal investigation (stage 2) complaints were received of which 99% were responded to within the customer service standard of 15 working days (some of these cross cut with other departments). This exceeded the target of 97%.

STANDARDS COMMITTEE

- 17 internal review (stage three) complaints were received and 94% (16) were responded to within the standard of 20 working days.

Members welcomed the report and noted the good results.

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

The Customer Standards and Complaints Officer left the meeting.

0319. REVIEW OF THE COUNCIL'S CONSTITUTION (PART 2)

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

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

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

The areas for review to consider at this meeting were;

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

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

Standards Committee Terms of Reference

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

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

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

STANDARDS COMMITTEE

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

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

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

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

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

(Monitoring Officer/Governance Manager)

Joint Employment and Appeals Committee (JEAC)

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

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

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

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

The 4 Members of the JEAC and;

(Option 1):-

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

STANDARDS COMMITTEE

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

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

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

(Monitoring Officer/Governance Manager)

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

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

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

Rule 8 - Questions by the public

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

Rule 9 - Questions by Councillors

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

Rule 10 - Motions on notice

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

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

- Council Procedure Rule 9 - Questions by Councillors and
 - Council Procedure Rule 10 - Motions on Notice,
- (2) the following amendments to Council Procedure Rule 8 - Questions by the public, be recommended to Council for adoption;

- To allow any member of the public to ask a question so long as it meets the scope.
- To extend the time allowed for questions by the public to 30 minutes,

STANDARDS COMMITTEE

- To amend the scope for questions so as to allow questions to be rejected where they relate to either an ongoing complaint being dealt with either by Council or the Local Government Ombudsman.

(Monitoring Officer/Governance Manager)

Membership of Budget Scrutiny Committee

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

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

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

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

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

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

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

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

Councillor James Watson voted against the motion.

0320. INDUCTION PACK REMINDER (FOR DISTRICT AND PARISH MEMBERS)

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

STANDARDS COMMITTEE

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

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

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

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

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

(Governance Manager)

0321. DISCLOSURE AND BARRING SERVICE (DBS) CHECKS FOR ELECTED MEMBERS

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

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

0322. MEMBER CHAMPIONS

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

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

(Monitoring Officer)

0323. OUTCOME OF RIPA INSPECTION

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

Local authorities were periodically inspected by the Investigatory Powers Commissioner's Office (IPCO) every three years. Prior to Bolsover's inspection, the Council's policy had

STANDARDS COMMITTEE

been reviewed annually to ensure that it was up to date. Training of the Strategic Alliance Management Team, Service Members and officers in relevant service areas had also taken place, with refresher courses regularly offered.

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

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

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

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

0324. COMPLAINTS UPDATE

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

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

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

0325. WORK PROGRAMME 2019/2020

Committee considered their Work Programme 2019/2020.

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

The meeting concluded at 1425 hours.

Bolsover District Council

Standards Committee

24th February 2020

Customer Service Standards/ Compliments, Comments and Complaints Report 2019/20

1st April 2019 to 30th September 2019

Report of the Joint Head of Corporate Governance & Monitoring Officer

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 April 2019 to 30th September 2019.

1 Report Details

The purpose of this report is to make Elected Members aware of performance in relation to its Customer Service Standards across the organisation.

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 – corporate (Appendix 2)

Target - 93% to be answered within 20 seconds

Appendix 2 shows the performance between 1st April 2019 and 30th September 2019 by quarterly period. The report identifies 98% of incoming calls are being answered corporately within 20 seconds cumulatively. The department not achieving the key customer service standard of 93% over these periods was:

- Streetscene Services, who 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 is a significant improvement from the same reporting period last year (73%).

Revenues & Benefits (direct dial)

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

Revenues & Benefits 'direct dial' achieved 79% and 81% for quarters 1 & 2 respectively (80% cumulatively).

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 April 2019 to 30th September 2019:

- 7,459 email enquiries (3,750 in Q1 and 3,709 in Q2) 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.

Despite other contact channels being available e-mails still appear to be an increasingly popular method of contact, 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. During the week 813 customers called into the Contact Centres 812 of which (99.88%) waited less than 20 minutes to be served.

During the same period, 199 callers were served on Meet & Greet at The Arc in Clowne, bringing the total number of callers served during week commencing 15th July 2019 to **1012**.

Compliments, Comments and Complaints (Appendix 3)

Compliments

Appendix 3 (A) shows the number of written compliments received for the period by department. In total 111 written compliments were received and represents a slight decrease of recorded compliments (we received 123 for the same period 2018/19). A good cross section of compliments was received from customers appreciating excellent service, including 23 for Housing, 22 for Streetscene Services, 18 for Leisure, 16 for Planning and 14 for Customer Services (Contact Centres). As there are some compliments which cross cut departments, the total 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. All 16 were acknowledged and passed to the respective department, within the target time of 3 working days, for consideration when reviewing their service. Some comments raised valid issues and cross cut departments, as such they were responded to corporately. As previously, the total does not correspond with the total above when viewed in this way.

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) and other Contact Centre systems, by department. The customer service standard for responding to these complaints is 3 working days. 91% were responded to within this timescale, which is a significant improvement from the 85% achieved in the same period last year, 2018/19.

Formal Investigation (stage two)

Appendix 3 (D) shows the number of Formal Investigation complaints by department. 98 complaints were received during this period. 97 (99%) were responded to within our 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.

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

Ombudsman

Appendix 3 (F) shows the status of Ombudsman complaints for 2019/20 as of 18th November 2019. During this period, we received eight decisions from the Local Government and Social Care Ombudsman of 'closed after initial enquiries', one of 'not upheld: no maladministration' and one of 'upheld: maladministration and injustice'. This last complaint was a complex one and the criticism was about a delay in putting the person back on the housing waiting list. We received one decision 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.

2 Conclusions and Reasons for Recommendation

The report is to keep Elected Members informed of volumes and trends regarding customer service standards and compliments, comments, complaints and to maintain and improve upon our Customer Service targets.

3 Consultation and Equality Impact

The report is to keep Elected Members regularly informed of volumes and trends regarding customer service standards and 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 and 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 and Social Care 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 and Social Care 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 compliments/comments and complaints and customer service standards.

7 Decision Information

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

8 Document Information

Appendix No	Title	Page No
Appendix 1	Customer Service Standards performance by quarterly period 1/4/19– 30/9/19	18
Appendix 2	Corporate telephony performance by quarterly period 1/4/19 – 30/9/19	19
Appendix 3: A: B: C: D: E: F:	Compliments, Comments and Complaints information: Compliments by department 1/4/19 – 30/9/19 Comments by department 1/4/19 – 30/9/19 Frontline resolution complaints by department 1/4/19 – 30/9/19 Formal Investigation complaints by department 1/4/19 – 30/9/19 Internal Review complaints by department 1/4/19 – 30/9/19 Ombudsman complaints summary for 1/4/19 – 30/9/19	20 to 24
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
Report Author		Contact Number
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	% of Calls Answered within 20 Seconds - Revenues & Benefits (direct dial)	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	4104	97%	18,874	76%	72%	3,750	100%	98%			56	100%
Quarter 1 Cumulative	4,104	97%	18,874	76%	72%	3,750	100%	98%			56	100%
July to September	3,865	98%	19,486	78%	74%	3,709	100%	99%	813	100%	42	98%
Quarter 2 Cumulative	7,969	98%	38,360	78%	73%	7,459	100%	99%	813	100%	98	99%
October to December												
Quarter 3 Cumulative												
January to March												
Quarter 4 Cumulative												

Appendix 2 - Telephony Figures 1/4/19 – 30/9/19

Corporate target 93%	Q1			Q2		
	Total	Total in standard	%age	Total	Total in standard	%age
Department (by directorate)						
People Directorate						
Partnerships & Transformation	135	135	100%	102	102	100%
Customer Services	44	42	95%	39	37	95%
ICT	940	936	100%	1037	1036	100%
Leisure	80	77	96%	83	82	100%
Legal, Governance, Scrutiny & Elections	489	483	99%	551	544	99%
HR, Payroll & Health & Safety	546	545	100%	582	581	100%
Performance	101	98	97%	151	149	99%
Finance	175	174	99%	165	164	99%
Revenues & Benefits	94	97	93%	74	73	99%
Streetscene Services	860	787	92%	575	541	94%
	3464	3374	97%	3359	3309	99%
Place Directorate						
Housing & Community Safety	175	164	94%	153	142	93%
Property & Commercial Services	195	189	97%	240	230	96%
Planning	95	89	94%	93	90	97%
Economic Development	175	174	99%	20	20	100%
	640	616	96%	506	482	95%
Total	4104	3990	97%	3865	3791	98%
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 1/4/19- 30/9/19		Number
People	Customer Services	14
	Leisure	18
	Legal, Governance & Elections	1
	Communications	9
	Revenues & Benefits	10
	Streetscene Services	22
		74
Place	Housing	23
	Environmental Health	5
	Property & Commercial Services	1
	Planning	16
		45
Total		119

Compliments included:

Resident wishes to thank all involved in getting her missed bin collected. From the advisor who took the call (Customer Advisor) to the refuse team for collecting the bin on the day that was stated. Contact with the Contact Centres either face to face or over the telephone she always receives a great service and we are always polite, helpful and very patient	Customer Services Streetscene Services
Resident e-mailed to say he watched the video last week and he has nothing but praise for the efforts to promote the district. The video ought to be shown to a wider audience with input from other areas, maybe a slot on local tv.	Communications
Resident would like to say thank you to the Advisor who dealt with her yesterday with regards to the drainage complaint. The drains team came out and found a fault higher up and sorted it out. Customer would like to thank the drains team for sorting it out and explaining it to her, putting her mind at rest.	Customer Services Property & Commercial Services
Following my garden wall being graffitied, early hours of 19th March, just writing to thank everyone who got involved at Bolsover Council for their time, patience, listening ears and kindness after this very distressing incident, when I contacted them that day. Advisor from customer service was wonderful, very sympathetic and helpful. She alerted the Rangers, who came out to me that afternoon, reassured me and set me up with alarms etc. and promised it would be dealt with, they were so kind and helpful too. Also to the 2 chaps who came today, Tuesday 2nd April to remove it, I didn't get their names but they did a brilliant job and got rid of it all completely. Such a relief and am so pleased it was dealt with as quickly and thoroughly as it was. Delighted with your service all	Customer Services Streetscene Services Housing
Hi. Thought you'd appreciate hearing this, my daughter has recently had swimming lessons with you through Clowne Juniors. She had been scared of water until recently. We are currently in Gran Canaria and a little girl jumped in and couldn't get back to the surface. Lots of kids were jumping in and diving for toys so no one really noticed. My daughter grabbed the edge of the pool with her fingers in the drain grid and managed to get hold of the girls arm and dragged her to the	Leisure

edge. She coughed up some water and had a good cry but she was ok. My daughter said she learnt what to do during her lessons with you and if she didn't know, the little girl could've have ended having a holiday in hospital or much worse! My daughter is with St John Ambulance, wanting to be a paramedic and is so pleased she has already saved a life and wanted to thank the swim instructors for teaching her what to do!	
I wanted to drop you a quick line outlining the great work of both the Planning Manager and a Planner. We have been working together on the site in Bolsover for much of 2019 and both have been excellent to work with. In the private sector we appreciate that time and resources are stretched in local authority. Despite this both have been a pleasure to deal with. They have both sought to work with us through some challenging and complicated matters at the site, where we have all learnt as we have progressed by open and honest discussions and finding solutions to problem. Great work - and thank you for making the process simple and efficient – always with a polite smile!	Planning
Tenant rang to say that she had had two workmen out to her property today, one for electrics and the other to fix a handle on a door. She wanted to say that they were both very professional and did the jobs well and she was very pleased with the work and their attitude. She asked that this please be passed on to the relevant departments	Housing
Company would like to thank the Planner, they appreciate the speed of her response. An excellent pre-application experience, especially compared to the other Local Planning Authorities they work with. Thank you!	Planning
The staff are all extremely positive about the content of what is being delivered and the teaching and learning that is evident. The children are engaged and are constantly moving! (In relation to School Sports Coaching).	Leisure Services
Resident would like to say thank you to the Benefits Department for all their help and support during the last weeks	Revenues & Benefits
Resident would like to thank the Pest Control Officer for the service he provided in connection with a rat problem last week. His advice was very welcome and he was very kind	Environmental Health
Lady in Blackwell rang to compliment the two grounds maintenance workers who strimmed the gardens along Woburn Close on 19th August. They made a fantastic job and the area now looks lovely.	Streetscene Services

B - Comments 1/4/19 - 30/9/19		Number
People	Customer Services	1
	Leisure	3
	Legal, Governance & Elections	2
	Streetscene Services	6
		12
Place	Housing	4
	Environmental Health	2
	Property & Commercial Services	2
		8
Total		20

C - Number of Frontline Resolution (Stage 1) complaints via Contact Centre 1/4/19 - 30/9/19		Number	Out of timescale (3 working days)
People	Leisure	1	
	Revenues & Benefits	1	
	Streetscene Services (Grounds Maintenance)	20	2
	Streetscene Services (Refuse)	85	2
		107	4
Place	Housing	19	8
	Property & Commercial Services	5	
	Environmental Health	3	
		27	8
Total		134	12 (9%)

D – Number of Formal Investigation (Stage 2) complaints 1/4/19 - 30/9/19		Number	Within timescale of 15 working days	Out of timescale
People	Partnerships	1	1	
	Customer Services	5	5	
	Leisure	24	24	
	Legal, Governance & Elections	4	4	
	Performance	3	3	
	Finance	1	1	
	Revenues & Benefits	16	16	
	Streetscene Services	21	21	
		75	75	
Place	Housing	38	38	
	Environmental Health	5	5	
	Property & Commercial Services	8	7	1
	Planning	5	5	
	Economic Development	1	1	
		57	56	1
Total		132	131	1

E – Number of Internal Review (S3) complaints 1/4/19 - 30/9/19		Number	Within timescale of 20 working days	Out of timescale
	Legal, Governance & Elections	2	0	2
	Performance	3	3	
	Communications	2	2	
	Revenues & Benefits	4	4	
	Streetscene Services	1	1	
		12	10	2
Place	Housing	6	6	
	Environmental Health	3	2	1
	Property & Commercial Services	2	2	
	Planning	7	6	1
		18	16	2
Total		30	26	4

Appendix 3

22

F - Ombudsman's Summary		Departments Involved	Date Decision Letter Received	Ombudsman Decision
03/12/18 13/02/19 04/03/19	LGSCO Initial enquiries. LGSCO (intention to investigate) LGSCO Investigation Complainant unhappy with noise nuisance outcome	Environmental Health	21/05/2019 12/06/19	Not upheld: no maladministration. There was no fault by the Council in the way it investigated complaints of a nuisance caused by the neighbour
05/03/19 16/04/19	LGSCO (intention to investigate) On behalf of son, wants an adapted Council property LGSCO Investigation Complainant unhappy with welfare adaptations	Housing	03/07/2019 17/9/19	Upheld: maladministration and injustice. There was delay in placing the complainant on the housing waiting list.
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.
10/04/19	LGSCO Initial enquiries - wants an investigation into conduct of a Parish Councillor	Legal	08/05/19	Closed after initial enquiries - no further action. This is because there is not enough evidence of fault in the way the Council considered the complaint about a Councillor's conduct; and the matter does not cause the complainant a significant personal injustice which would warrant an Ombudsman investigation.
12/04/19	LGSCO Initial enquiries - Unhappy about the Council's decision not to enforce the license agreement in relation to a wildflower area near to his property	Streetscene Services Leisure	07/05/19	Closed after initial enquiries - not to investigate this complaint. This is because there is insufficient evidence of fault which has caused injustice.
08/05/19	LGSCO decision - wants an investigation into conduct of a Parish Councillor	Legal	08/05/19	Closed after initial enquiries - no further action. This is because there is not enough evidence of fault by the Council in the way it decided the councillor had not breached the Code of Conduct.

16/05/19	THO investigation about succession rights	Housing	29/07/19	Close the case - there was no maladministration by the Council in respect of the information it provided to the complainant regarding her son's possible succession to her tenancy
19/06/19	LGSCO Initial enquiries about why the complainant was excluded from the Housing Waiting list	Housing	11/07/19	Closed after initial enquiries - no further action. This is because there is insufficient evidence of fault by the Council.
02/07/19	LGSCO Initial enquiries about a planning decision	Planning	Committed to Internal Review as complainant has not fully completed the complaints process	
08/07/19	LGSCO Initial enquiries about a company handling benefit reconsiderations	Revenues & Benefits	25/07/19	Closed after initial enquiries – no further action. This is because there is no injustice to the complainant or the housing provider he represents.
19/08/19	THO investigation review about succession rights	Housing	04/11/19	Close the case - Ombudsman has reviewed their decision and concluded that their findings do not warrant amending
30/8/19	LGSCO (intention to investigate)	Legal	Awaiting allocation to investigator	
10/09/19	LGSCO Initial enquiries Not happy with unadopted road status - feels planning should enforce	Legal	10/09/19	Closed after initial enquiries - out of jurisdiction
16/09/19	LGSCO Initial enquiries complaint about development near property	Planning	16/09/19	Closed after initial enquiries - no further action. This is because there is no evidence of fault by the Council.
07/10/19	LGSCO (intention to investigate)	Planning	Awaiting allocation to investigator	
5/11/19	LGSCO Initial enquiries regarding a complainant presenting themselves as homeless	Housing	Committed to Internal Review as complainant has not fully completed the complaints process	

LGSCO* Local Government and Social Care Ombudsman

HO* Housing Ombudsman

Bolsover District Council

Standards Committee

24th February 2020

Joint Whistleblowing Policy – Annual Report
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Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is open

Purpose of the Report

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

1 Report Details

- 1.1 Whistleblowing is a report from an employee, member or other person about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they have made a protected disclosure.
- 1.2 Whistleblowing policies should foster a climate of openness and transparency in which individuals in the workplace do not feel that they will be victimised, harassed or suffer any reprisals if they raise concerns about wrongdoing within the organisation. The Government expects all public bodies to have adequate whistleblowing procedures in place.
- 1.3 North East Derbyshire District Council and Bolsover District Council currently have in place a Joint Whistleblowing Policy. The Councils are committed to updating Policies on a regular basis to ensure that they are fit for purpose, and the last review took place in March 2019.
- 1.4 The Joint Whistleblowing Policy has been reviewed in January 2020 and no changes are recommended.
- 1.5 In accordance with the Joint Whistleblowing Policy, the Monitoring Officer has overall responsibility for the maintenance and operation of the Policy, and will maintain a record of concerns raised and the outcomes. The Monitoring Officer is also required to report as necessary to both Councils on instances of Whistleblowing. There have been no instances to report for the 19/20 Municipal Year.

2 Conclusions and Reasons for Recommendation

- 2.1 The Joint Whistleblowing Policy has been reviewed to ensure that it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practice.

2.2 There are no instances of Whistleblowing to report to Members.

3 Consultation and Equality Impact

3.1 There are no equalities issues arising from this report.

3.2 Standards Committee have the responsibility to oversee the Joint Whistleblowing Policy and arrangements and are required to make recommendations to Council to amend the Policy as appropriate.

4 Alternative Options and Reasons for Rejection

4.1 None.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

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

5.3 Human Resources Implications

None.

6 Recommendations

6.1 That Standards Committee:

- a) agree the current Joint Whistleblowing Policy is fit for purpose; and
- b) note that no instances of Whistleblowing have been made since the 2019 Annual Review of the Joint Whistleblowing Policy.

7 Decision Information

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

11 Document Information

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

Bolsover District and North East Derbyshire District Council

Joint Whistleblowing Policy



CONTROL SHEET FOR JOINT WHISTLEBLOWING POLICY

Policy Details	Comments/Confirmation (to be updated as the document progresses)
Policy title	Joint Whistleblowing Policy
Current status – i.e. first draft, version ?? or final version	Draft Version Jan 2020 (housekeeping amends only suggested)
Location of Policy –	Corporate Governance
Member route for approval	Standards, then Council
Cabinet Member (if applicable)	
Equality Impact Assessment (approval date)	
Partnership Involvement (if applicable)	
Final Policy approval route (i.e. Executive/Council Committee)	Council
Date Policy approved	20/05/19 (NED) and 23/05/19 (BDC)
Date Policy due for review	Annually
Date Policy forwarded to Strategy and Performance (to include on Intranet and Internet, if applicable to the public)	

JOINT WHISTLEBLOWING POLICY

1. Introduction

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

2. Aims and Scope of this Policy

2.1 This policy aims to:-

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

2.2 Areas covered by the Whistleblowing Policy include:-

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

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

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

3. When this Policy may not be appropriate

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

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

4. Safeguards against Harassment or Victimisation

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

5. Confidentiality

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

6. Anonymous Allegations

- 6.1 This policy encourages you to put your name to any allegation wherever possible and receive the protection of PIDA as anonymous complaints are likely to be difficult to deal with effectively.

6.2 Concerns expressed anonymously will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account would include:-

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

7. Untrue Allegations & Legal Protection

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

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

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

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

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

8. How to raise a Concern under this Policy

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

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

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

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

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

Employees

- 8.5 Employees should normally raise concerns in the first instance with their Line Manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice you could approach;
- the Service Manager whom you feel would be the most appropriate
 - Internal Audit
 - the Joint Chief Executive Officer
 - the Monitoring Officer
 - The Section 151 Officer
 - The Joint Strategic Director – People (responsible Officer for safeguarding)
- 8.6 You may choose to contact a Prescribed Person. Prescribed persons, as prescribed under the Public Interest Disclosure Act 1998, are independent bodies or individuals that can be approached by whistleblowers where an approach to their employers would not be appropriate. Prescribed persons, which usually have an authoritative relationship with the whistleblowers' organizations, can be regulatory or legislative bodies, central government departments, arm's length bodies or charities and include all Members of Parliament. You may also contact the "Public Concern at Work" helpline if you wish to remain anonymous. The telephone number for this service is: 020 7404 6609.

Other Persons (including Elected Members)

- 8.7 Other persons can contact any of the following officers of the Councils directly:
- the Service Manager whom you feel would be the most appropriate
 - Internal Audit
 - the Joint Chief Executive Officer
 - the Monitoring Officer
 - The Section 151 Officer
 - The Joint Strategic Director – People (responsible Officer for safeguarding)
- 8.8 Officers of the Councils can be contacted in writing, by telephone or by going through one of the Contact Centres. You can contact the Councils through your elected Councillor if this is preferable or more convenient.
- 8.9 You may also choose to contact a body external to the Council such as the External Auditor or the Police or a Prescribed Person.

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

- 9.1 The Officer with whom the concern was initially raised will respond in writing within ten working days:
- acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - stating whether any initial enquiries have been made

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

- 9.11 It is important for persons to understand that making a Whistleblowing allegation doesn't give them anonymity, but does give them protection from harassment or victimisation.

10 The Responsible Officer

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

11. How the Matter Can Be Taken Further

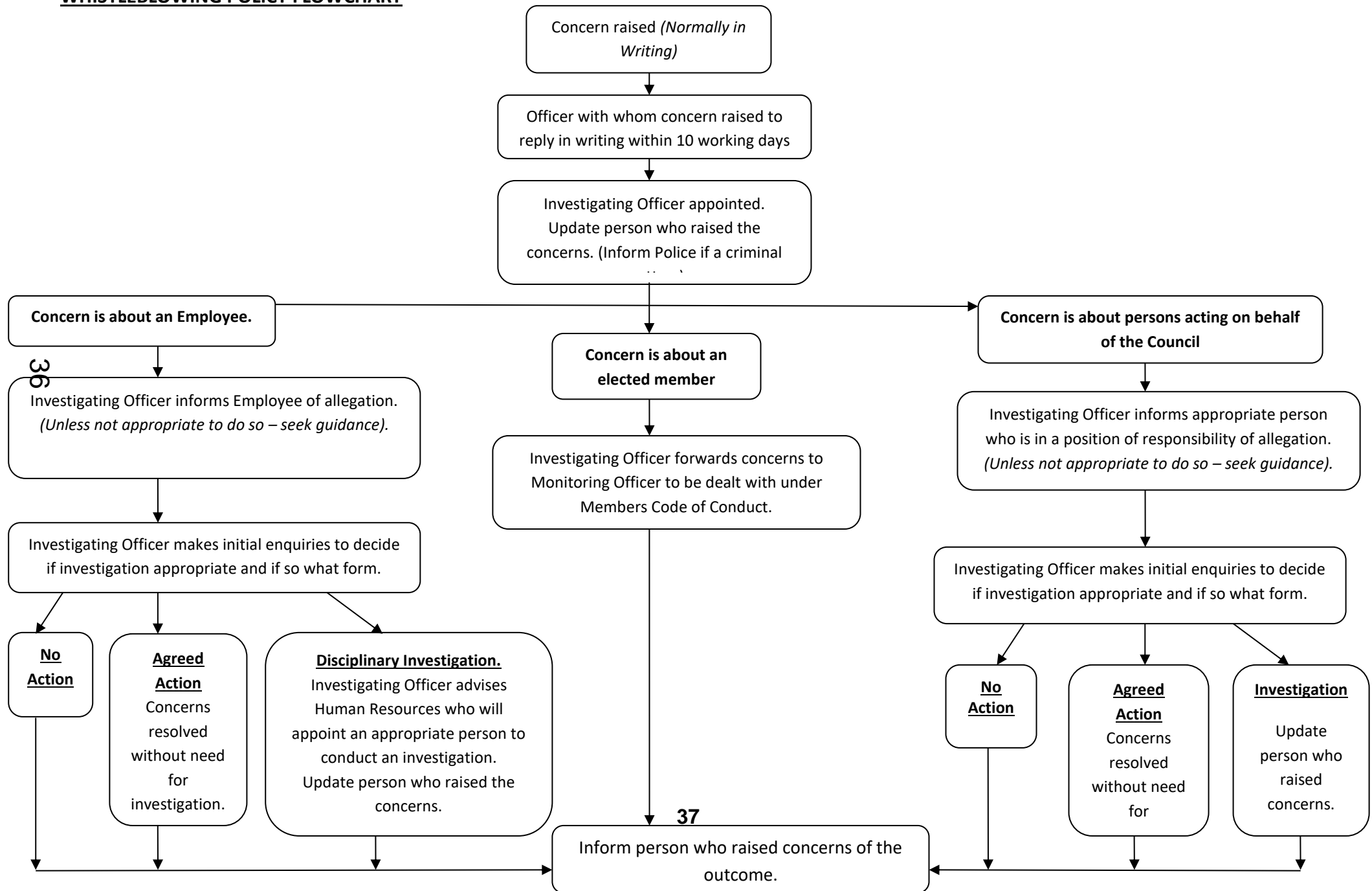
- 11.1 This Policy is intended to provide a process within the Councils, through which appropriate persons may raise concerns. If at the conclusion of this process the person is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as further referral points:
- the Councils external auditor
 - Your Trade Union
 - Your local Citizens Advice Bureau
 - Relevant professional body or regulatory organisation
 - A relevant voluntary organisation
 - The Police
 - Your Solicitor
 - The Audit Commission
- 11.2 Advice should be taken before making an external disclosure and the internal procedure should normally have been followed first.
- 11.3 The Councils would not normally expect Whistleblowers to make disclosures to the press.

12. Whistleblowing Register 2015

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

Number	Council	Details	Outcome
1/20xx			

WHISTLEBLOWING POLICY FLOWCHART



Bolsover District Council

Standards Committee

24th February 2020

Future Arrangements for Co-opted Members of the Standards Committee

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- To decide the future arrangements for Co-opted Members of the Standards Committee following agreement at Council.

1 Report Details

- 1.1 At its previous meeting of the Standards Committee, Members agreed changes to the Standards Committee Terms of Reference to appoint two non-voting co-opted Members to represent Parish and Town Councils on the Standards Council. This was a local decision aimed to secure representation for the Parishes over which the District Council has jurisdiction on ethical standards matters, and to give them a voice.
- 1.2 The changes to the Terms of Reference are subject to approval by Council however, in the essence of expediency this report brings forward proposals for Standards Committee to consider to establish an elections process for these positions.
- 1.3 It was suggested that the two non-voting co-opted Members be elected in May 2020, and their term of office terminate in 3 years' time - in line with the District Council elections.
- 1.4 It is proposed that elections be organised by this Authority and in indicative timetable is set out below.

Actions	Timescales
Letter to Parish's requesting nomination of candidates	6 th March 2020
Deadline for nominations	6 th April 2020
If more than one candidate, write to all Parish's with ballot paper	9 th April 2020
Deadline for ballots	11 th May 2020
Result announced	12 th May 2020

2 Conclusions and Reasons for Recommendation

- 2.1 To decide the arrangements for the co-opted Members of the Standards Committee.

3 Consultation and Equality Impact

- 3.1 Standards Committee are consulted by way of this report; the recommendations suggested within this report will be submitted to Council for approval.
- 3.2 There are no equality issues identified arising from this report.

4 Alternative Options and Reasons for Rejection

- 4.1 The Standards Committee are recommending to Council to co-opt two Members to represent Parish Councils on their Committee. A process needs to be in place to undertake that recruitment however, Members could defer this until after Council have considered the proposals, however this would not enable the representatives to be appointed at the Annual Meeting in May 2020.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The financial implications for co-opting two Parish Council representatives to the Standards Committee would be in accordance with the Members Allowance Scheme.
- 5.1.2 In addition, travel expenses for meetings of the Standards Committee would be applicable and it is estimated that this would be in the region of £100 per annum.
- 5.1.3 The Members Allowance Scheme states that an annual allowance of £500 should be paid to Co-opted Members for their duties on the Standards Committee. Therefore the cost of having two Co-opted Members would be approximately £1000.

5.2 Legal Implications including Data Protection

- 5.2.1 There are no legal implications arising from this report.

5.3 Human Resources Implications

- 5.3.1 There are no staffing implications arising from this report.

6 Recommendations

- 6.1 That the Standards Committee recommend to Council the recruitment of two Co-opted Members to represent Parish Councils on the Standards Committee.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</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"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	Transparency agenda

8 Document Information

Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Nicola Calver (Governance Manager)	Ext: 7753

Bolsover District Council

Standards Committee

24th February 2020

Review of the Council's Constitution (Part 3)

Report of the Joint Head of Corporate Governance & 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 2019 agreed the following areas for review:
 - Union/Employee Consultation Committee Terms of Reference
 - Safety Committee Terms of Reference
 - Contract Procedure Rules – Contract Formalities
 - Standards Committee Terms of Reference (*completed*)
 - Review of Employee Code of Conduct
 - Employment Rules
 - Joint Employment and Appeals Committee Terms of Reference (*completed*)
 - Questions and Motions to Council (limitations) (*completed*)
 - Delegation Scheme (MO Delegations)
 - Minor wording changes or updating of job titles (housekeeping)
- 1.3 Additional areas had 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 (*completed*)
- 1.4 Since the Standards Committee held on 23rd September 2019, further areas have now been identified for review:

- Exempt Sessions at Executive (*clarification suggested by Officers*)
- Motions processes and deadlines (*extension from wider review of Motions and Questions*)
- Budget & Policy Framework/Financial Regulations conflict (*identified by Internal Audit*)
- Director of Development delegations (*raised by SAMT*)
- Discharge of Executive decisions
- Licensing Terms of Reference (*Raised by legal*)

1.5 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
Delegation Scheme – authority to implement legal changes.	Senior Governance Officer	Standards Committee 24 th February 2020
Reserves – approval of Transformation Reserve - Delegation	Monitoring Officer/Section 151 Officer	Standards Committee 24 th February 2020
Reserves – approval of expenditure from Reserves by Executive.	Monitoring Officer/Section 151 Officer	Standards Committee 24 th February 2020
Time limits for Questions and Motions to Council.	Monitoring Officer	Standards Committee 24 th February 2020
Budget and Policy Framework /Financial Regulations conflict.	Monitoring Officer	Standards Committee 24 th February 2020
Small increases in expenditure and effect on the Council's Budget	Monitoring Officer	Standards Committee 24 th February 2020

Council Procedure Rules Rule 8 Questions by the public	Deputy Monitoring Officer	Standards Committee 24 th February 2020
Access to Information - Member attendance during exempt items of Executive.	Senior Governance Officer	Standards Committee 24 th February 2020
Delegation Scheme (MO Delegations)	Monitoring Officer	Standards Committee 20 th April 2020
Contract Procedure Rules – Contract Formalities	Monitoring Officer	Standards Committee 20 th April 2020
Review of Employee Code of Conduct	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee 20 th April 2020
Employment Rules	Monitoring Officer and Governance Manager	Standards Committee 20 th April 2020
Union/Employee Consultation Committee Terms of Reference	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee 20 th April 2020
Safety Committee Terms of Reference	Health and Safety Manager and HR Organisational Development Manager	Safety Committee Special meeting TBC* Standards Committee 20 th April 2020
Review of High Hedges Committee	Senior Governance Officer	Standards Committee 20 th April 2020
Final report and any remaining issues for the year.		Standards Committee 20 th April 2020
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

**should special meetings of UECC and Safety Committees not be arranged prior to Standards Committee in April 2020, these items of review will be rolled over to the next annual review.*

- 1.6 The areas for review for this meeting 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

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

8 Document Information

Appendix No	Title
1	Areas for Review – Proposals and Rationale:
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager/ Donna Cairns, Senior Governance Officer	01246 217753 01246 242529

Bolsover		
Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Delegation Scheme authority to implement legal changes.	<p>From time to time, there are changes in legislation, government guidance or other regulatory changes that impact 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 these cases, there is no discretion for Members and the amendments must be accepted.</p> <p>This can prove difficult where changes must be implemented within a short timescale and cannot practically be reported to Members in time. It is therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Services in the Delegation Scheme.</p> <p>Where there is any discretionary element to the changes or the impact of the changes in legislation etc. are significant, these can still be reported to Members.</p> <p>The proposed wording of the delegation is:</p> <p>To make amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:</p> <ul style="list-style-type: none"> 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. 	<p>Part 3 – Functions Scheme Scheme of Delegation to Officers 4.10.9 General powers delegated to all Strategic Directors and Heads of Service - page 83 of the current version.</p>

<p>Reserves – approval of Transformation Reserve - Delegation</p>	<p>At the present time there is a specific delegation to the Section 151 Officer to approve expenditure from this Reserve. This was agreed so that expenditure from the Reserve could be properly monitored and recorded but also so that relatively minor expenditure as part of the Transformation Programme would not be delayed by the need for a formal Executive decision.</p> <p>However it is not necessary for the delegatee to be the Section 151 Officer. The Section 151 Officer needs to be aware of expenditure from this Reserve and we need to make sure the system so informs her. However the actual decisions come through the governance structure set up to deal with Transformation Programme projects. It would be the Transformation Governance Group (TGG) (which includes the Leader and other Members) that would decide to progress a project not the Section 151 Officer.</p> <p>This can be achieved by amending the delegation and transferring the delegation 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.</p>	<p>Delegation Scheme – 4.10.13 Head of Finance and Resources and Section 151 Officer number (10).</p> <p>This delegation to move to the Director of People.</p> <p>Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them.</p> <p>The Budget and Policy Framework Rules number 4.3.6 (2) needs amending to refer to the Director of People.</p>
<p>Reserves – approval of expenditure from Reserves by Executive</p>	<p>It has always been the case that expenditure from Reserves are agreed by the Executive/Cabinet in a formal decision. This used to be in the Constitution but for some reason was removed.</p> <p>There needs to be a decision route for expenditure from the Reserves – for openness and transparency reasons. It is suggested therefore that this is put back into the Constitution to make the position clear.</p>	<p>Executive functions in Part 3 of the Constitution includes at point (8) the provision of such resources as may be needed for the proper operation of the Council. This could be amended as follows, with changes being shown in bold:-</p>

		(8) 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.																				
Time limits for Questions and Motions to Council.	<p>Currently, the deadline for all of these is midday 7 clear working days before the day of the meeting. This gives very little preparation time for those who have to answer the questions or those who want to participate in the motion debate.</p> <p>Accordingly it is being suggested that the deadline is extended. The suggestions is that the deadline could be extended by either 5 working days or 10 working days. This would operate as follows in terms of the February, March and April Council meetings:-</p> <table><tr><td>17 clear days</td><td>24/1/20</td><td>7/2/20</td><td>25/3/20</td></tr><tr><td>12 clear days</td><td>31/1/20</td><td>14/2/20</td><td>1/4/20</td></tr><tr><td>Current deadline of 7 clear days.</td><td>7/2/20</td><td>21/2/20</td><td>8/4/20</td></tr><tr><td>Agenda Despatch</td><td>11/2/20</td><td>25/2/20</td><td>14/4/20</td></tr><tr><td>Council Meeting</td><td>19/2/20</td><td>4/3/20</td><td>22/4/20*</td></tr></table> <p>*Affected by Easter</p> <p>The table shows what extending the deadline by 5 and 10 clear days does to timescales. This would be accompanied</p>	17 clear days	24/1/20	7/2/20	25/3/20	12 clear days	31/1/20	14/2/20	1/4/20	Current deadline of 7 clear days.	7/2/20	21/2/20	8/4/20	Agenda Despatch	11/2/20	25/2/20	14/4/20	Council Meeting	19/2/20	4/3/20	22/4/20*	<p>If Members wish to change the deadlines this would mean an alteration 9.3 and 10.1 of the Council Procedure Rules (CPR) and the addition of the following:-</p> <p>9.3 (c) details of questions submitted by Councillors on notice will be circulated to Cabinet immediately after the deadline has passed.</p> <p>And add to the end of 10.1 :-</p> <p>Details of motions submitted by Councillors on notice will be circulated to the Cabinet immediately after the deadline has passed.</p>
17 clear days	24/1/20	7/2/20	25/3/20																			
12 clear days	31/1/20	14/2/20	1/4/20																			
Current deadline of 7 clear days.	7/2/20	21/2/20	8/4/20																			
Agenda Despatch	11/2/20	25/2/20	14/4/20																			
Council Meeting	19/2/20	4/3/20	22/4/20*																			

	by a change requiring the distribution of questions and motions to members to occur immediately after the deadline for submission.	
Budget and Policy Framework/Financial Regulations conflict	<p>Following a recent audit report it has been noticed that the Budget and Policy Framework Rules conflict with the Financial Regulations on the issue of virements. The Budget and Policy Framework Rules as amended last year state at 4.3.6 (1) on page 129:</p> <p>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 virements is in excess of £25,000.</p> <p>Financial Regulations state at 4.7.3 (7) on page 146 state:-</p> <p>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.</p> <p>Clearly the 2 need aligning. The reference to the Portfolio Holder was added last year following the annual review.</p>	<p>Add to Financial Regulations state at 4.7.3 (7):-</p> <p>The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.</p> <p>A reminder should be given via SAMT and the Service Managers Forum.</p>
Small increases in expenditure and effect on the Council's Budget	From time to time changes are made to the way services are provided to make them better. Sometimes this has no cost. If the cost is significant, then a report is taken to Executive. Sometimes however, the cost increase is very small. As the rules stand at the moment, even a small increase in budget requires formal member approval. So	<p>Delegation Scheme 4.10.13 New (11)</p> <p>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</p>

	<p>Executive could be considering a report that involves a very small increase.</p> <p>It is felt that these decisions would be better done by Delegated Decision. This 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..</p> <p>Clearly the section 151 Officer needs to be able to exercise control over this and stop costs spiralling out of control. It is therefore suggested that a new delegation is given to the section 151 officer.</p>	delegated decision notice (DD) being produced.
<p>Council Procedure Rules</p> <p>Rule 8 Questions by the public</p>	<p>A review of our neighbouring authorities has shown that they all allow any member of the public to ask questions at council so long as they meet the scope.</p> <p>Bolsover District Council restricts whom may ask questions as <i>“Members of the public who are on the Register of Electors for or who are Non Domestic Rate Payers to the district”</i>.</p> <p>Concern was raised that some whom have a connection to the district may not qualify to ask a question under this current regime and consideration was given to whether this should be extended to include those who have a “Local Connection” to the district.</p> <p>For the purposes of Housing the Housing Act 1996 defines that a person has a local connection to a district if</p> <ol style="list-style-type: none"> 1. (a) <i>they are, or were in the past, normally resident there, and that residence was of their own choice;</i> or, 	<p>Part 4 Council Procedure Rules</p> <p>8 – Questions by the Public</p> <p>8.1 General - page 103 of the current version.</p>

	<p>2. (b) they are employed there; or, 3. (c) they have family associations living there; or, 4. (d) of any special circumstances.</p> <p>The committee could accept that anyone can ask a question as the current scope limits this to a matter which is one the Council <i>“has a responsibility or which affects the district.”</i> This restriction would ensure that whomever asked a question could only do so if it genuinely affected the district.</p> <p>The proposed wording of the amended rule 8.1 (a) is</p> <p>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 Executive at ordinary meetings of the Council.</p>	
Access to Information – Member attendance during exempt items of Executive	<p>The Council Procedure Rules make provision, at rule 25.3 for Members who are not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that Committee or Sub-Committee during the private session considering exempt items, unless the Committee or Sub-Committee ask them to leave.</p> <p>This rule has in practice been applied to Executive, although technically this is not a Committee. It is therefore proposed in the interests of clarity, that the term Executive be added to the wording of this rule.</p>	Part Four - Council Procedure Rules, Section 25.3

Bolsover District Council

Standards Committee

24th February 2020

The Councillors Standard

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- Attached to this report is a draft Members' Standard for discussion – **Appendix 1.**

1 Report Details

- 1.1 Since the last meeting of Standards Committee, the Chair of the Committee on Standards in Public Life has issued an open letter to all public office holders. This seems to be largely resulting from behaviour in the House of Commons. However, the letter states:-

“It is also vital that the tone of public debate should avoid abuse and intimidation, which have become increasingly widespread. Parliamentary democracy is under threat if those in public life and public office cannot express their views freely and without fear.”

- 1.2 This is clearly stating there is a standard of conduct expected of those in public office and it is not a matter of personal opinion. However it is not stating what the acceptable level of behaviour is. **The letter contents is attached at Appendix 2.**

- 1.3 During the last review of the Constitution, an Appendix was added to the Protocol for Member/Officer Relations. This dealt with what Members can expect from officers, what officers can expect from Members and what Members acting in their role as employer should do and not do. This is reproduced at **Appendix 3.** This includes:-

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

- 1.4 Now that Council meetings are filmed the public is seeing more of how the Council meeting is run by Members.
- 1.5 Members are requested to look at the draft with a view to establishing what level of behaviour is acceptable from Councillors in their official role.

2 Conclusions and Reasons for Recommendation

- 2.1 The Monitoring Officer considers it to be a good idea to have an explicit description of acceptable behaviour from Members in view of recent issues surrounding the tone of public debate nationally.
- 2.2 The attached document does not set out anything unusual in terms of expected behaviour.

3 Consultation and Equality Impact

- 3.1 Consultation is carried out by submitting this to the Standards Committee. If Members wish to do so, it could be sent to Group Leaders for comment.
- 3.2 There is no equality impact from the report though the statement as drafted recognises that there must be respect for diversity and equality in the actions of Members. This is part of the Equality Act 2010 public sector duty.

4 Alternative Options and Reasons for Rejection

- 4.1 The option not to adopt a standard such as this is not recommended because Members need as much guidance as possible.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council is obliged by law to have a Code of Conduct for Members. Ancillary documents are a matter of choice for the Council. However as said above, Members should also have guidance on what is required as well as training.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That Members consider the draft Councillors Standard and whether to recommend it to Council for approval.
- 6.2 That Members consider whether to forward the matter to the Group Leaders for comment prior to submission to Council.

7 Decision Information

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

8 Document Information

Appendix No	Title	
1	Draft Councillors Standard	
2	The Chair of the Committee on Standards in Public Life's open letter.	
3	Appendix to the Protocol for Member/Officer Relations	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
Report Author		Contact Number
Sarah Sternberg		2414

BOLSOVER DISTRICT COUNCIL

COUNCILLORS STANDARD

This document explains the standard of conduct expected from Bolsover District Councillors and co-opted members in dealing with each other and with officers and with the public. It should be read in conjunction with the Members' Code of Conduct and the Protocol on Member-Officer Relations which includes details of behaviour expected from Members and officers towards one another. It adds to those documents and does not detract from them. All 3 documents are in the formally approved Council Constitution.

Council has determined that a breach of this Standard should be treated in the same way as a breach of the Code of Conduct. Accordingly the [Council Complaints Procedure] applies to such allegations as it does to a breach of the Code of Conduct.

In each case, behaviour under the Standard will be judged objectively. That is to say, it will be judged based on what a reasonable person knowing all the facts would conclude from observing the behaviour.

Freedom of speech, particularly political expression is important within a democratic society and needs to be recognised and protected. In exercising the right to free speech and when acting on Council business including in formal meetings of the Authority, the following standards are expected of Council members. These do not interfere with the right to free speech and allow all to express their opinions and views without feeling intimidated or being put off speaking.

Public behaviour:

- Do show respect to each other and officers
- Do not make personal or abusive comments about each other or officers. Remember that officers may not have a right to respond.
- Do not publish anything insulting about each other or officers
- Do not accuse colleague councillors or officers of lying or falsifying facts or documents
- Do not make malicious allegations against each other or officers
- Do not publish or spread any false information about each other or officers
- Do respect diversity and equality
- Do not accuse or imply that officers are acting from political motives.
- Do not use social media to vent your anger in relation to other councillors or officers.

Behaviour in Council and Committee meetings:

- Do behave with dignity in meetings. Remember you are being filmed in Council meetings and can be seen by many of the wider public.
- Do show respect to the Chair and obey the decisions of the Chair
- Do not challenge the decisions of the Chair in the meetings.
- Do make points based on the issue under discussion not personal remarks about others
- Do not bring into the debate unrelated matters.

- Do allow others to speak without interruption or heckling
- Do not use indecent language or make racially or otherwise discriminatory remarks or remarks which prejudice any section of society
- Do exclude officers from the scope of political remarks

Confidentiality:

- Do keep the confidentiality of exempt papers and any other documents which are not public.
- Do not release confidential information to the press or the public.
- Do return or securely destroy confidential papers.
- Do not use confidential information for purposes other than as intended by the Council.

Local Members

- Do work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward, do explain to anyone seeking assistance that he/she is not the local member.
- Do inform the local member, unless it would lead to a breach of confidentiality.
- Do ensure that officers are treated with respect at public meetings within the ward

Appendix 2

OPEN LETTER FROM JONATHAN EVANS, CHAIR OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE, TO ALL PUBLIC OFFICE HOLDERS

Standards in public life have rarely been more in the spotlight than they are today. Both as a Committee and as individual members we are frequently asked what can be done to maintain high standards and implement the Nolan Principles in the current political situation, which is causing real concern to many people who care about how our public life is conducted.

At one level, the key institutions of our democracy are doing their job providing important constitutional checks and balances. The long running and fierce dispute over Brexit is being played out largely in Parliament, the courts and the media, including social media. Such openness is itself a key principle in our public life.

But behaviour matters as much as formal structures. Leadership of standards needs to come from the top: from Government and from Parliament. In the current political situation, it is the view of our Committee that it is even more important that high standards are not only consistently observed but also demonstrably valued.

It is also vital that the tone of public debate should avoid abuse and intimidation, which have become increasingly widespread. Parliamentary democracy is under threat if those in public life and public office cannot express their views freely and without fear.

These long-established principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership are a personal responsibility and set the tone for leadership across the whole of public service. They are what the public expect of us.

Lord (Jonathan) Evans of Weardale

Chair, Committee on Standards in Public Life

Appendix 3

What Officers can expect from Members	
Members Do	Members Don't
Comply with the Members' Code of Conduct – ensuring the highest standards of behaviour	
<p>Promote equality and treat all Officers with dignity and respect.</p> <p>Members are to comply with the equality laws prohibiting discrimination, harassment and victimisation</p> <p>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</p>	<p>Subject individuals to unreasonable or excessive personal attack</p> <p>Undermine respect for Officers in public meetings, the media or at any other time when dealing with Council business;</p>
<p>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</p> <p>Respect impartiality and integrity of Officers and do not compromise it</p> <p>Respect Officers' free (i.e. non-Council) time.</p>	<p>Ask Council Officers to improperly spend Council time or resources for political purposes.</p> <p>Insist an Officer changes his/her professional advice</p>
Provide political leadership and direction, making timely decisions	<p>Get involved in day to day management</p> <p>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</p> <p>Put pressure on an Officer on matters which have been delegated for Officer decision.</p> <p>A Member who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for.</p>

Members Do	Members Don't
	Not to seek special or adverse treatment for themselves or any individual by use his/her position as a Member nor improperly to gain an advantage or disadvantage for his/herself or any other person when dealing with Council Officers
Apply appropriate confidentiality to Information	
Report the least suspicion of fraud, corruption or impropriety	Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code Of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
Where relevant to casework or a decision, declare any special relationships/personal interests with constituents to relevant Officers and/or constituents. Where the relationship causes a conflict of interests, Members will ask another Ward Member to assist.	

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>

	<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>Review of the Content of the Council's Website</p> <p>Complaints Update</p> <p>Work Programme</p>	
<p>25 November 2019</p> <p>Meeting Cancelled</p>	<p>Complaints Update</p> <p>Review of Constitution – Part 3</p> <p>Review of the Content of the Council's Website</p> <p>Work Programme</p> <p>RIPA Policy Annual Review - <i>deferred</i></p>	
<p>27 January 2020</p> <p>Meeting moved to 24th February 2020</p>	<p><i>Review of the Content of the Council's Website – deferred to April</i></p> <p><i>RIPA Policy Annual Review – deferred to April</i></p> <p><i>Gifts & Hospitality Review 2019/20 – deferred to April</i></p>	

	<p>Customer Service Standards</p> <p>Joint Whistleblowing Policy Annual Report</p> <p>Future Arrangements for Co-Opted Members of the Standards Committee</p> <p>Review of Constitution – Part 3</p> <p>Councillor Standard</p> <p>Complaints Update</p> <p>Work Programme</p>	
20 April 2020	<p>Review of Constitution – Part 4</p> <p>RIPA Policy Annual Review</p> <p>Gifts & Hospitality Review 2019/20</p> <p>Review of the Content of the Council's Website on Standards</p> <p>Complaints Update</p> <p>Work Programme 19/20 - Achievements</p> <p>Work Programme 2020/2021</p>	