

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Virtual Meeting and Live Stream on Monday, 6 July 2020 at 14:00 hours.

PRESENT:-

Members:-

Ruth Jaffray (independent Member) in the Chair

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

Officers:- Sarah Sternberg (Monitoring Officer), Victoria Dawson (Deputy Monitoring Officer), Nicola Calver (Governance Manager) and Alison Bluff (Governance Officer).

STA1-20/21 APOLOGIES FOR ABSENCE

An apology was received on behalf of Councillor David Downes.

STA2-20/21 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

STA3-20/21 DECLARATIONS OF INTEREST

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

Member	Minute No.	Level of Interest
Councillor James Watson	STA6-20/21	Other Interest –Committee Member on BDC High Hedges Committee

STA4-20/21 MINUTES - 24TH FEBRUARY 2020

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the Minutes of a Standards Committee meeting held on 24th February 2020 be approved as a correct record.

RECORDED VOTE - Councillor James Watson abstained from voting and requested that his abstention be recorded.

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STA5-20/21 LOCAL GOVERNMENT ASSOCIATION MODEL CODE OF CONDUCT CONSULTATION

Committee considered a report in relation to the Local Government Association's (LGA) draft model member code of conduct which had been published for consultation.

As recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards, the LGA had committed to reviewing the current model member code of conduct.

Members' comments were now sought on the draft code to be put forward as part of the consultation, which would run from Monday 8th June to Monday 17th August 2020.

A comparison between this Council's member code of conduct and the consultation model member code of conduct was attached as an appendix to the report for Members' information.

A Member raised his concern that the LGAs draft model code omitted an objective standard with regard to code of conduct and standards complaints. He felt the introduction of an objective test with clear instructions was needed as a large degree of interpretation was required in the code which he felt was a weakness. In respect of openness and transparency, he felt that decisions in relation to complaints should be published so the public could see how complaints had been progressed and handled. He added that some authorities such as Devon and Cornwall already carried this out. The Member requested that his concerns be submitted as part of the Council's response to the LGAs consultation.

The Monitoring Officer agreed that part of the current code was perceived as weak as it only applied to the Council when someone was acting as a councillor. The draft model code was extending beyond the current model code to encompass someone who was *giving the impression* that they were acting as a councillor and this was particularly pertinent in relation to the use of social media. She added that although there was nothing in the draft code to propose a change to sanctions, lobbying of Government was taking place to bring back pre 2011 sanctions to suspend a councillor for 3 months.

Members noted that complaints in relation to social media could be difficult to police and there was also the issue of someone being able to create a fake profile of a councillor. The Monitoring Officer agreed but noted that it was often found that parish or district councillors used their councillor address for social media - with the changes proposed in the new code, it was likely that this would be clarified.

Members agreed that more clarity and consistency was needed in the code. For example, there was a wide range of actions that could be classed as bullying. The Monitoring Officer noted that there was a lot of evidence in the employment context with regard to what was classed as bullying and this could be relied on. However, when the final version of the code was published, which was expected to be in the autumn, it would be important for supporting guidance to be provided to Members on what the code actually meant.

A Member raised his concern with regard to the publishing of complaints. He felt that as some complaints could be frivolous and some complainants wished to remain anonymous, these could make a complaint appear one sided. The Monitoring Officer suggested that Committee looked at the detail of Devon and Cornwall Council's

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publishing of Member complaints at the next meeting.

Members were advised that they could provide any further comments outside of this meeting to the Monitoring Officer via email. All comments would be collated in a letter and forwarded to Members for consideration before being submitted to the LGAs consultation response.

Moved by Councillor James Watson and seconded by Councillor Tricia Clough

RESOLVED that (1) the following comments be included as part of a consultation response to the Local Government Association in relation to the draft model member code of conduct;

a) with regard to code of conduct and standards complaints, an objective test with clear instructions should be included in the code,

b) in respect of openness and transparency, decisions in relation to complaints should be published so the public could see how complaints had been progressed and handled.

(2) Members to provide any further comments to the Monitoring Officer, via email,

(3) the Monitoring Officer to collate all comments in a letter and forward these to Members for consideration before being submitted to the LGAs consultation response,

(4) the detail of Devon and Cornwall Council's publishing of Member complaints be presented to the next meeting of Standards for consideration,

(5) the outcome of the consultation and the final version of the model member code of conduct be submitted to a future meeting of Standards Committee.

(Monitoring Officer/Governance Manager)

STA6-20/21 REVIEW OF THE COUNCIL'S CONSTITUTION

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

The following 5 areas had been identified for review at this meeting.

Contract Procedure Rules – Update

The Contract Procedure Rules had been reviewed and updated.

Councillor James Watson raised that where a contract had been awarded via delegated decision, the procurement process which had been carried out and the relevant documents should be published along with the delegated decision notice and this be included as part of the Contract Procedure Rules.

The Monitoring Officer requested that the exact wording and methodology for this change be left to her, so that it achieved the Member's wishes but also fitted in with the existing

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rules.

Moved by Councillor James Watson and seconded by Councillor Deborah Watson
RESOLVED that (1) the update to the Contract Procedure Rules be agreed,

(2) where a contract is awarded via delegated decision, the procurement process carried out and the results of the procurement be published along with the delegated decision notice and this be included in the Contract Procedure Rules,

(3) the Monitoring Officer arrange the exact wording and methodology for this change to ensure it fitted in with the existing rules.

(Monitoring Officer)

Councillor James Watson reaffirmed his interest as a Member on the High Hedges Committee.

Disestablishment of High Hedges Committee

Part 8 of the Anti-Social Behaviour Act 2003, gave the Council authority to deal with complaints and remedial action in respect of high hedges. It set the procedure which must be followed and was a strictly regulated process.

There was little discretion in the assessment as calculations and formulas were used to assess whether a hedge was too high (as it had an adverse effect on a neighbour's enjoyment of their home and/or its garden or yard) and the remedial action required.

The Council's High Hedges Committee had been delegated this function.

The Committee had met once recently in January 2020 and prior to this, the last meeting was in 2010 when a concessionary fee was considered. The last complaint was heard in 2009.

At the recent meeting of the Committee, it was highlighted that the calling of a committee for this purpose was not the most efficient procedure due to the highly regulated nature of the decisions to be made. Following the meeting, the Chair requested that officers looked in to alternative methods of dealing with high hedges complaints.

It was therefore proposed that the Committee be disestablished and that the functions, as set out below, be delegated to the Director of Environment and Enforcement:

- i) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders made under that Act, in accordance with procedures approved by the Council.
- ii) Procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003.

Moved by Councillor Tricia Clough and seconded by Councillor Andrew Joesbury
RESOLVED that (1) the High Hedges Committee be removed from Part 3 of the Functions Scheme in the Council's Constitution,

(2) specific delegation be given to the Director of Environment and

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Enforcement in the Officer Delegation Scheme that;

- i) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders made under that Act, in accordance with procedures approved by the Council.
- ii) procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003.

Safety Committee

Minor housekeeping amendments had been made to the Safety Committee Terms of Reference to make reference to the HR Manager and remove reference to the Chief Executive Officer as this post had been disestablished.

Council Procedure Rules

The Council Procedure Rules had been updated to include virtual meetings in view of the current Covid 19 Pandemic.

Delegation Scheme

The delegation scheme had been updated further to the disestablishment of the Chief Executive Officer post.

Moved by Councillor James Watson and seconded by Councillor Andrew Joesbury
RESOLVED that the updates be agreed and recommended to Council for approval.

(Governance Manager)

STA7-20/21 COMPLAINTS UPDATE

Committee considered a verbal update provided by the Monitoring Officer in relation to complaints received against Members.

Ten complaints had been received so far in 2020. Three had been concluded with no further action be taken. Five were in relation to one parish council.

A Member reiterated his previous comments from earlier in the meeting where he felt that details regarding how complaints had progressed and been handled should be published. The Monitoring Officer replied that investigations into complaints which were ongoing were not reported to Members as they could be requested to be part of a Hearing regarding a complaint. In relation to publishing the conclusion of complaints, an annual report could be produced giving some detail. However, data protection would need to be taken into consideration. The Monitoring Officer referred to a discussion earlier in the meeting where Members had agreed that the Committee look at the detail of Devon and Cornwall Council's published complaints.

Moved by Councillor James Watson and seconded by Councillor Andrew Joesbury
RESOLVED that the verbal update in relation to complaints against Members be noted.

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STA8-20/21 WORK PROGRAMME 2020/2021

Committee considered their work programme for 2020/21.

Members were reminded that the work programme was a live document and could be added to or amended by Members at any time.

A Member referred to previous discussions regarding future arrangements for co-opted Members of the Standards Committee from parish and town councils and also Member Champions, which had been put on hold but had since been further impacted on by the current Covid 19 pandemic. The Member requested that these two items be included on the work programme to be considered at the September meeting of the Committee.

The Monitoring Officer requested that future arrangements for co-opted Members of the Standards Committee from parish and town councils be considered later in the year with a view to being presented to Annual Council in 2021. This was due to the virtual meetings of committees taking place until May 2021 and also so as not to disenfranchise any parish or town council Member who may not be able to take part virtually.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED that the work programme 2020/21 be noted.

The meeting concluded at 14:25 hours.