

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Virtual Meeting on Monday, 28 September 2020 at 14:00 hours.

PRESENT:-

Members:-

Councillor R. Jaffray in the Chair

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

Officers:- Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Nicola Calver (Governance Manager) and Alison Bluff (Governance Officer).

STA9-20/21 APOLOGIES FOR ABSENCE

There were no apologies for absence.

STA10-20/21 URGENT ITEMS OF BUSINESS

There were no urgent items of business.

STA11-20/21 DECLARATIONS OF INTEREST

There were no declarations of interest made.

STA12-20/21 MINUTES - 6TH JULY 2020

Councillor James Watson referred to Minute Number STA6-20/21 of the last meeting regarding Review of the Council's Constitution Part 1, and noted that he had moved the recommendation in relation to the Safety Committee item only and not the Council Procedure Rules and the Delegation Scheme items.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that subject to the above amendment, the Minutes of a meeting held on 6th July 2020 be approved as a correct record.

Councillor James Watson abstained from voting.

STA13-20/21 CUSTOMER SERVICE STANDARDS/ COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2019/20 (1ST OCTOBER 2019 TO 31ST MARCH 2020 AND ANNUAL SUMMARY).

Committee considered a report which provided information on the Council's performance in relation to its customer service standards and effective management of complaints for

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the period 1st October 2019 to 31st March 2020 and the annual summary for 2019/20.

Customer Service Standards

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

Telephones - Target - 93% to be answered within 20 seconds

Appendix 2 to the report provided performance information between 1st October 2019 and 31st March 2020 by quarterly period. The report identified that 98% (in both Quarter 3 and Quarter 4) of incoming calls were answered corporately within 20 seconds cumulatively. The departments narrowly missing the key customer service standard of 93% for those periods were;

- Housing and Community Safety 92% in Q3
- Planning 92% in Q3.

Cumulatively, performance is 98% over 2019/20.

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

Contact Centres achieved 80% and 76% for Q3 & 4 respectively (78% cumulatively).

Cumulatively performance was 78% over 2019/20, which fell just short of the target of 80%.

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

Revenues & Benefits 'direct dial' achieved 81% and 81% for Q3 & 4 respectively (81% cumulatively).

Cumulatively performance was 77% over 2019/20, which exceeded the target of 60%.

With regard to this performance outturn, a Member felt that it was reassuring that customers were able to speak to a member of staff in Revenues and Benefits quite quickly, especially in light of current financial circumstances relating to Covid19 and suggested that some targets may need to be reviewed for the same reason.

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

6,488 email enquiries (3,388 in Q3 and 3,100 in Q4) were received from the public through enquiries@bolsover.gov.uk - all were acknowledged within 1 working day and 99% were replied to in full within 8 working days.

Emailing remained the popular method of contacting the Council with more e-mails received by the public in the reporting period compared to the same period in 2018/19 of 4,798 emails.

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Face to face monitoring - Target – 99% not kept waiting longer than 20 minutes at a Contact Centre

Waiting times were monitored for 1 week (w/c 15th July 2019) in 2019/20 due to the Contact Centre being closed because of the Covid-19 pandemic. Of the 813 customers who called into the Contact Centres, 812 (99.9%) waited less than 20 minutes to be served. This exceeded the corporate target and demonstrated excellent service.

During the same period, 199 callers were served on Meet & Greet at The Arc, bringing the total number of callers served during the monitoring period to **1012**.

Compliments, Comments and Complaints

Compliments

Written compliments received for the period by department were set out at Appendix 3 (A) attached to the report.

In total 218 written compliments were received from customers who appreciated excellent service. These included 44 for Leisure, 35 for Streetscene, 35 for Revenues & Benefits and 26 for Housing. As some compliments cross cut departments, the number did not correspond with the total above when viewed in this way.

Comments

Written comments received for the period were set out at Appendix 3 (B) attached to the report. 100% (all 39) were acknowledged and passed to the respective department within the target time of 3 working days for consideration when reviewing their service.

Complaints

Frontline resolution (stage one)

The number of Frontline Resolution complaints received by the Contact Centre service and recorded on the Customer Information System (Firmstep) by department were set out at Appendix 3 (C) attached to the report. The customer service standard for responding to these complaints was 3 working days.

Formal Investigation (stage two)

Formal Investigation complaints by department were set out at Appendix 3 (D) attached to the report. 110 complaints were received during the period and 92% were responded to within the customer service standard of 15 working days.

This had not met the target of 97% and was due to officer availability who were dealing with contingency plans in relation to the Covid 19 pandemic which consequently impacted on response times.

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

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Internal Review (stage three)

Stage three complaints received for the period by department were set out at Appendix 3 (E) attached to the report. These were complainants who had already made a stage two complaint and still felt dissatisfied.

Thirteen stage three complaints were received, 77% (10) of which were responded to within the standard of 20 working days. Again, this did not meet the target of 100% due to the Covid 19 pandemic impacting on the availability of officers and consequently response times.

Ombudsman

The status of Ombudsman complaints for 2019/20 as at the end of March 2020 was set out at Appendix 3 (F) attached to the report.

Three cases were received during the period – 1 decision was ‘Not upheld: no maladministration’, 1 was commuted to the Internal Review stage as the complainant had not fully completed the complaints process and a decision was still awaited regarding the third.

A table in the report provided a summary of performance for compliments, comments and complaints for 2019/20 with comparative data from previous years.

Complaints Feedback

Whilst there were no real trends leading to service improvements during the financial year some issues had been identified around the New Bolsover regeneration project, which was currently the subject of a Scrutiny Review.

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

STA14-20/21 ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2019/20.

Committee considered a report which provided information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2019/20 which was appended to the report.

The LGSCO letter contained an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2020. Committee was asked to note that the data provided by the LGSCO may not align with the data the Council held as the LGSCO numbers included enquiries from people who had been signposted back to the Council by the LGSCO but then the enquirer(s) may have chosen not to pursue their complaint.

Key points were;

- The LGSCO had received 11 enquiries and complaints during 2019/20, four of which were subject to a detailed investigation.

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- The LGSCO decided 16 complaints, of which 2 were incomplete or invalid, 8 were closed after initial enquiries, 2 were referred back to the Council and 3 were 'no maladministration'. The remaining one was decided as 'maladministration and injustice'. This was a particularly complex case and fault was found in the delays which occurred.

Benchmarking information looking at close neighbouring authorities comparative figures was contained in the report or Committee's information.

One complaint was upheld against the Council (25%) which may seem high but this was based on a small number on detailed investigations (4 in this period).

The LGSCO had upheld 61% of complaints submitted to them in 2019/20 – this was an increase from 58% in 2018/19 with the average being 45% for similar authorities.

The Council also received 1 complaint via the Housing Ombudsman (HO), for the same period, which was also reviewed by them. In both cases the decision was to 'close the case and there was no maladministration'.

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough **RESOVLED** that the report be noted.

The Customer Standards and Complaints Officer left the meeting.

STA15-20/21 CONSULTATION RESPONSE LETTER TO LOCAL GOVERNMENT ASSOCIATION.

Members were advised that no other comments had been received by the Monitoring Officer, further to the resolution made by Committee at the last meeting, regarding the Committee's response to the Local Government Association's consultation on a draft Model Member Code of Conduct.

A letter had been sent, before the deadline date on behalf of the Committee to the Local Government Association, which set out the Committee's response and a copy of the letter was attached to the agenda for Members' information.

The outcome of the consultation would be presented to Committee once this had been received from the Local Government Association.

STA16-20/21 CIRCULATION OF DELEGATED DECISIONS NOTICES.

Committee considered a report which sought Members views on the current arrangements for the circulation of Delegated Decision notices.

A review of the Access to Information Rules in the Council's Constitution was undertaken by the Standards Committee in 2016/17. Part of this review considered Delegated Decisions and best practice arrangements. It was agreed at Annual Council that Delegated Decisions no longer be circulated to Members.

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The majority of Delegated Decision records had been minor contract extensions, street naming, and staffing contract extensions.

Due to the coronavirus lockdown, delegated powers granted to officers were extended and as a result, there were more key decisions being made by Delegated Decision.

As a consequence of this, a new procedure was put in place, 'Key Decisions made by officers';

- 28 days advanced notice (or urgency notice procedure if necessary) in line with decisions by Executive
- Circulation of a report to all Members setting out the proposed decision a week in advance, as consultation
- Circulation of the Delegated Decision notice with call in details

These emergency powers were in place until 30th November 2020, although there were other circumstances in which Key Decisions may be made by officers and the same process would be followed.

Non-Key Delegated Decisions were not currently circulated to all Members but all Delegated Decisions were published on the Council's website. Before all Delegated Decisions were made, the Leader, Deputy Leader or the relevant Portfolio Holder, were consulted and in some instances, consultation with relevant committee chairs was also required.

A Member commented that as all Members could access all delegated decision notices on the Council's website, he didn't feel it necessary for an email to be sent to all Members advising that a delegated decision had been made. He suggested that when the Council's new website went live, Standards Committee look at delegated decisions as they appeared on the website.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that the current arrangements for delegated decision notices remain unchanged.

STA17-20/21 GIFTS AND HOSPITALITY REVIEW 2019/20.

Committee considered a report which provided an annual review of the Gifts and Hospitality Register for 2019/2020.

The Gifts and Hospitality Register for the Council was checked by the Monitoring Officer on an annual basis to ensure that it was being used correctly.

This was the sixth Calendar Year that the annual report had been compiled using the figures presented on the central Gifts and Hospitality Register which was maintained by the Legal Support Officer for the whole of the Council.

The results of the review were attached as an appendix to the report and showed that all of the offers were accepted with the exception of 1 gift which was refused.

Most of the gifts were relatively small in value with a maximum value of £10 not being exceeded. As per the Gifts & Hospitalities procedure, the Monitoring Officer would have been immediately alerted if any gifts exceeded the value of £100.

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During the year an issue was identified which related to a department retaining their own register for gifts and hospitality (as per the old departmental procedure that was used prior to the Corporate Register being implemented). This was rectified after the Monitoring Officer spoke to the department and they were now using the Corporate Register.

In 2018, Members agreed that the Register would be published on the Council's website going forward. Last year, when a report was presented to Members, various providers of committee management software were being looked at and it was agreed to wait for the new system to commence publication. The Modern.Gov system had since been secured but due to the Covid19 Pandemic there had been a delay on the implementation of some aspects of the system. However, it was anticipated that the ability to use the online Gifts and Hospitality facility on Modern.Gov would be fully functional by the end of 2020.

A Member suggested that the declaration of any gifts and hospitality for Members which exceeded £100 may be too high. Another Member concurred with this and suggested £25 or £50 seemed a more suitable limit.

In response to a Member's query, the Governance Manager suggested it may be possible to provide a demonstration of the gifts and hospitality registration process on the Modern.Gov system at the next meeting if it were fully functional at that time.

Members agreed that any gifts and hospitality they received which exceeded a value of £10 should be declared.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough

RESOLVED that Council be recommended to approve that Members declare any gifts and hospitality they receive that exceed the value of £10 should be declared.

(Governance Manager/Monitoring Officer)

STA18-20/21 REVIEW OF WEBSITE CONTENT FOR STANDARDS COMMITTEE AND THE CODE OF CONDUCT.

Committee considered a report which set out the content of the Council's website in relation to Standards Committee and the Members' Code of Conduct.

The Customer Service and Transformation Scrutiny Committee undertook a review of the Standards Committee and its processes in 2018/19. One of the recommendations to come out of the review was that the website be reviewed to ensure information in relation to Standards Committee was more accessible and user-friendly, including publication of the Standards Annual Report as a document in its own right, rather than embedded in Committee papers.

The Council's new committee management software, Modern.Gov, had been implemented over the last year and this included a feature to publish webpages and documents within the Committees section of the website so that it linked to the Members pages as well.

A page for each Committee provided a brief description of its functions and set out its

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membership as well as links to the agendas and papers for its meetings. For Members information, the Standards Committee page and the current Councillor Code of Conduct section of the website were attached as appendices to the report.

Other documents attached to this page included, Code of Conduct, Complaints form, Summary of Complaints process, detailed complaints process and the Standards Annual reports.

The Standards Annual Report delivered the specific recommendation of the Scrutiny Review on the publication of Standards Annual Reports in their own right. This page also linked to Member profiles where their Register of Interests could be found and to Parish/Town Council details where their individual Codes of Conduct could be downloaded as well as Register of Interests for each Parish/Town Councillor.

Currently, Register of Interests were published as a scanned version of the original paper copy completed and signed by Members. It was intended in the second phase of the Modern.Gov project that the registers be digitised so that the information was easier to view online and complied with accessibility requirements. As part of this process, Members could be given an online form to update their Register of Interests which would directly update their profiles.

In response to a Member's query, the Governance Manager confirmed that Members' Register of interest forms would be published on the Council's website as well as on Modern.Gov as the pages linked to each other.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that the content of the Council's website on the Standards Committee and Code of Conduct information be noted.

STA19-20/21 FUTURE ARRANGEMENTS FOR COOPTED MEMBERS OF THE STANDARDS COMMITTEE.

Committee considered a report in relation to future arrangements for co-opted Members of Standards Committee following agreement at Council.

A further recommendation from the review undertaken by the Customer Service and Transformation Scrutiny Committee was for Standards Committee to consider its terms of reference.

Members agreed changes to appoint two non-voting co-opted Members to represent parish and town councils on the Standards Committee. This was a local decision aimed to secure representation for the parishes over which the District Council had jurisdiction on ethical standards matters and to give them a voice.

The changes to the Standards Committee Terms of Reference were subject to approval by Council, however, in the essence of expediency the report brought forward proposals for Members to consider to establish an elections process for these positions.

It was suggested that the two non-voting co-opted Members be elected in May 2021, and their term of office terminate after 2 years, in line with the District Council elections. It was also proposed that elections be organised by the Authority and an indicative

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timetable was set out in the report.

In response to Members' queries, the Governance Manager explained the application process which would be followed. Part of that process would require a parish/town Councillor to submit an expression of interest setting out their reasons for wanting to be considered as a co-opted Member. District Councillors who were also a parish/town Councillor would be excluded from applying.

The Governance Manager noted that the two typographical errors with regard to the years' as referred to in the timetable would be amended to 2021.

Moved by Councillor Clive Moesby and seconded by David Downes

RESOLVED that Council be recommended to approve the recruitment of two Co-opted Members to represent parish/town councils on the Standards Committee,

(2) the two typographical errors with regard to the years' as referred to in the timetable be amended to 2021.

(Governance Manager/Monitoring Officer)

STA20-20/21 PUBLISHING OF COMPLAINTS AGAINST MEMBERS.

As Members had received the report after the agenda had been published, it was agreed that a special meeting of Standards Committee be arranged for a date in October to enable Members to consider the report more fully.

Moved by Councillor Clive Moesby and seconded by Councillor James Watson

RESOLVED that a special meeting of Standards Committee be arranged for a date in October 2020 to enable Members to consider the report more fully.

(Governance Manager)

STA21-20/21 REVIEW OF THE COUNCIL'S CONSTITUTION PART 2;

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

The following 4 areas had been identified for review at this meeting.

A. Discharge of Executive Decisions (Planning/Local Development Orders)

It had been identified that a number of functions relating to planning were reserved to the Executive and should not be discharged by the Planning Committee.

The Functions Regulations specify the functions which must be reserved to Council (and Committees) and that everything else must be Executive. Therefore, the following functions would be the responsibility of Executive (or be delegated to officers):

- Making Local Development Orders (section 61A TCPA);
- Creating Simplified Planning Zones (section 82 TCPA);
- Creating Enterprise Zones (section 88 TCPA).
- Discharge of Conditions

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It was proposed that the Discharge of Conditions be delegated to officers, whereas the first three functions be submitted to Executive.

The above functions were not explicitly listed in the Terms of Reference for Planning Committee and therefore no amendment was required.

As Executive functions, these would be covered by the list of Executive Functions;

(30) All other functions not specifically designated as Council functions and not required by law to be exercised by the Council”.

The Discharge of Conditions would be covered by the General Delegations to Heads of Service and Assistant Directors – in this case it would be the Assistant Director of Development and Planning.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that the changes to the discharge of Executive Decisions (Planning/Local Development Orders) be noted.

Councillor James Watson abstained from voting.

B. Revised Cabinet Member Portfolios

Members noted the changes made to Cabinet Member Portfolios which would be presented to Council in November.

Moved by Councillor Clive Moesby and seconded by Councillor James Watson

RESOLVED that the revised Cabinet Member Portfolios be noted.

C. Motion from Council regarding amendment to the Members Allowance Scheme

At its meeting held on 4th March 2020, Council considered motions on notice from Members. The following motion had been put forward by Councillor James Watson;

Bearing in mind Council’s adoption at its 19 February 2020 meeting of the mileage and related travel expenses policy for employees. Council now resolves to incorporate the stated paragraph below from that policy into the Members Allowance Scheme. The stated paragraph to be inserted as the first paragraph of section 6.4 of the Members Allowance Scheme with subsequent paragraphs of the section renumbered accordingly.

The stated paragraph is:

Official travel must always be conducted in an economical manner and alternative means such as telephone/video conferencing, public transport, pool cars etc must be considered as a first option. This approach supports the Council’s Climate Change and Transformation agendas.

An amendment to the motion at Council had referred the motion to the Standards Committee for their consideration.

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Councillor James Watson referred to his point made at Council that he felt it was fair and proper that the Members Allowance Scheme should adopt the equivalent paragraph from the Staff Mileage and Related Travel Expenses Policy as stated above. He added that he felt it was not necessary for Members to attend the Arc to carry out their role as Councillor and that this could be done by email or telephone.

A Member responded that she felt it would be utmost in all Members minds that all travel should be done in the most economical way possible, however, she believed that the role of a Councillor could not be fulfilled wholly by working from home making telephone calls and that it would be necessary for some work to be carried out at the Arc. For example, being present in meetings, speaking to officers and other interactions such as 'corridor business' that influenced how decisions were made at Council.

Another Member agreed and felt it wasn't necessary to put the suggested paragraph in the Members' Allowance Scheme as the Independent Remuneration Panel looked at all aspects of Members' Allowances. He added that although Members' place of work was home, he felt that Members should be able to attend the Arc to carry out their work if they felt it was necessary.

Another Member disputed that Members could not carry out all their work from home and felt that it wasn't necessary to travel to the Arc to attend meetings.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED that Council be recommended not to include the stated paragraph in the Members Allowance Scheme.

(Governance Manager/Monitoring Officer)

Councillor James Watson voted against the motion.

D. Homeloss Payments – Delegated Decisions

Committee was advised that this item would be presented to the next meeting of Standards Committee.

STA22-20/21 COMPLAINTS UPDATE

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

Twelve complaints had been received so far in 2020. Seven complaints related to parish councils and 5 related to the District. All complaints would be reviewed with a view to closing those which were no longer live.

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

Councillor Andrew Joesbury left the meeting at this point.

STA23-20/21 WORK PROGRAMME 2020/2021

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Committee considered their work programme 2020/21.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED that the work programme be noted.

Councillor James Watson abstained from voting.

The meeting concluded at 15:35 hours.