

To: Chair & Members of the Standards
Committee

The Arc
High Street
Clowne
S43 4JY

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Friday, 14 January 2022

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 January, 2022 at 14:00 hours.

When you attend in person you will be deemed to have accepted the following disclaimer as applying:

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

These documents have been emailed to Members and are available on the Modern.Gov App library.

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 3 onwards.

Yours faithfully

Sarah Steenberg

Solicitor to the Council & Monitoring Officer

Bolsover
District Council

We speak your language

Polish **Mówimy Twoim językiem**

Slovak **Rozprávame Vaším jazykom**

Chinese **我们会说你的语言**

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.



Tel 01246 242424 **Email** enquiries@bolsover.gov.uk
Web www.bolsover.gov.uk

**STANDARDS COMMITTEE
AGENDA**

**Monday, 24th January, 2022 at 14:00 hours taking place in the Council Chamber, The Arc,
Clowne, Derbyshire**

Item No.	PART 1 – OPEN ITEMS	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 8 th November 2021.	5 - 8
5.	Review of the Council's Constitution Report of the Monitoring Officer suggesting changes to the Council's Constitution.	9 - 31
6.	Whistleblowing Policy Report of the Monitoring Officer setting out the Annual Review of the Whistleblowing Policy.	32 - 45
7.	Gifts and Hospitality Annual Report Report of the Monitoring Officer setting out the Annual Report of Gifts and Hospitality declared by officers and Members.	46 - 53
8.	Complaints Update Report of the Monitoring Officer on statistics of complaints received by the Council against District and Parish Councillors.	TO FOLLOW

- 9. Draft Parish Code of Conduct** 54 - 71
- Report of the Monitoring Officer suggesting a draft of a Code of Conduct for Parish Councils for Member's comments.
- 10. Review of the RIPA Policy** TO FOLLOW
- Report of the Monitoring Officer containing the Annual Review of the Council's policy for powers utilised under the Regulation of Investigatory Powers Act (RIPA) 2000.
- 11. Work Programme 2021/2022** 72 - 74
- To consider the Standards Committee Work Programme for the remainder of the 21/22 municipal year.

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, 8 November 2021 at 14:00 hours.

PRESENT:-

Members:-

R. Jaffray in the Chair

Councillors Clive Moesby (Vice-Chair), David Downes, Graham Parkin and Deborah Watson.

Officers:- Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Kevin Shillitto (Solicitor & Deputy Monitoring Officer), Lisa Ingram (Legal Team Manager – Contentious Team), Nicola Calver (Governance Manager), Ann Bedford (Customer Standards and Complaints Officer) and Amy Bryan (Senior Governance Officer).

STA16-21/22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Tricia Clough and David Dixon.

STA17-21/22 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

STA18-21/22 DECLARATIONS OF INTEREST

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

There were no declarations made at the meeting.

STA19-21/22 MINUTES

Moved by Councillor David Downes and seconded by Councillor Graham Parkin
RESOLVED that the minutes of a meeting of the Standards Committee held on 20 September 2021 be approved as a true and correct record.

STA20-21/22 CUSTOMER SERVICE STANDARDS / COMPLIMENTS, COMMENTS AND COMPLAINTS 2020/21

Committee considered a report regarding the Council's performance in relation to its customer services standards and the number of compliments, comments and complaints for the period 1 October 2020 to 31 March 2021, along with an annual summary.

In respect of customer services the report set out performance against the targets for

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telephones, contact centres, revenues & benefits, emails and face to face monitoring. The report also detailed the number of compliments, comments and complaints that had been received during this monitoring period.

The Committee welcomed the report and how it showed that the Council was still providing an excellent level of customer service.

Moved by Councillor Clive Moesby and seconded by Councillor Graham Parkin

RESOLVED that the overall performance on Customer Service Standards and Compliments, Comments and Complaints, be noted.

STA21-21/22 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL LETTER 2020/21

Committee considered a report which provided information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2020/21, which was appended to the report.

The LGSCO letter contained an annual summary of statistics on the complaints made against the Council for the financial year ending 31 March 2021.

The LGSCO had received 6 enquiries and complaints during 2020/21, one of which had been subject to a detailed investigation. In total, the LGSCO had decided 7 complaints, of which 2 were incomplete or invalid, 2 had been closed after initial enquiries, and in 2 cases advice had been given. The remaining complaint had been decided as 'maladministration and injustice'.

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

Moved by Councillor Graham Parkin and seconded by Councillor David Downes

RESOLVED that the overall performance, the Annual Letter from the Local Government & Social Care Ombudsman 2020/21 and the report, be noted.

STA22-21/22 UPDATE ON THE DELEGATION SCHEME

Committee considered a report which set out an update on the Council's Delegation Scheme.

The report explained that there was an ongoing Senior Management Review and as a result it had been necessary to consider the Delegation Scheme. The Delegation Scheme had been revised under delegation to ensure that relevant delegations could still be legally and properly used with the changes made so far. The Delegated Decision was attached to the report. The revised scheme allocated existing delegations only to officers within the new structure. There were no new delegations.

It would be necessary to undertake a full review including consideration of what additional delegations may be required and for these to be built into the new Delegation Scheme once the Senior Management Review was complete. Once the review was complete a revised Delegation Scheme would be brought to the Committee.

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Committee provided a number of comments on the current scheme that would be fed into the full review.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that the Delegated Decision aligning the Delegation Scheme to the new Senior Management structure be noted, and that a draft Delegation Scheme be brought to the Committee when the Senior Management Review was complete.

STA23-21/22 MEMBER TRAINING ATTENDANCE

Committee considered a report which provided information on the attendance by Councillors at recent training sessions.

The report set out details of attendance at the Mid-Term Induction Programme sessions, which had been held in May and June 2021. Also set out were details of any other training that had been held so far during 2021/22 and the current position regarding mandatory training.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson

RESOLVED that the information and statistics regarding Member training be noted.

STA24-21/22 REVIEW OF THE COUNCIL'S CONSTITUTION

Committee considered a report in relation to areas for review within the Council's constitution.

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

a) Audit and Corporate Overview Scrutiny Committee Terms of Reference

It was proposed to add into the terms of reference for the Audit and Corporate Overview Scrutiny Committee 'to evaluate the tenders for the appointment of external auditors.'

b) Review of the guidance and constitutional rules on public speaking at Council

The guidance and rules on public speaking at Council had been reviewed. A revised version of the Council Procedure Rules and the guidance were attached to the report at Appendix 3 and 4.

Committee discussed the proposed changes, in particular the time limit for public questions. It was suggested that the time limit remain at 30 minutes, and not be reduced to 15 minutes as proposed. It was noted that within the 5 minute limit per questioner someone could read out a lengthy statement and only ask a question within the last sentences. Officers agreed to consider if there was anything that could be added to mitigate this and ensure the time was for questions and not speeches.

c) Training requirements for Councillors

The mandatory training schedule, as set out in the Members' Code of Conduct, was

STANDARDS COMMITTEE

attached to the report at Appendix 2 in order for the Committee to determine whether it wished to make any changes at this time. No changes were suggested although Committee discussed the frustration that there was nothing the Council could do to enforce attendance at training. It was noted that this was only something that could be managed through the Group process.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson

RESOLVED that –

- 1) the proposed changes at a) be agreed.
- 2) the time permitted for public questions at Council remain at 30 minutes but all other proposed changes at b) be agreed.
- 3) No change be made to the mandatory training schedule for Councillors.

STA25-21/22 COMPLAINTS UPDATE

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

There were currently 14 ongoing complaints; 12 regarding Parish Councillors and 2 regarding District Councillors.

Moved by Councillor Deborah Watson and seconded by Councillor David Downes

RESOLVED that the updated be noted.

STA26-21/22 WORK PROGRAMME 2021/2022

Committee considered its work programme for the remainder of the 2021/22 municipal year.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson

RESOLVED that the work programme be noted.

The meeting concluded at 14:39 hours.

Bolsover District Council

Standards Committee

24 January 2022

REVIEW OF THE COUNCIL'S CONSTITUTION (PART 4)

Report of the Solicitor of the Council & Monitoring Officer

Classification: This report is public

Report By: Nicola Calver, Governance Manager

Contact Officer: Nicola Calver – 01246 217753
Nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

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.

REPORT DETAILS

1 Background

- 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 June 2021.
- 1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances.

2. Details of Proposal or Information

- 2.1 The table below 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
Questions by Members – scope and withdrawal	Governance Manager	July 2021

Delegations Scheme Amendments	Governance Manager	July 2021
Housing Allocations Review Panel (HARP) TOR	Monitoring Officer / Head of Housing Management and Enforcement	July 2021
Deadlines	Monitoring Officer / Governance Manager	July 2021
Scrutiny Procedure Rules	Monitoring Officer, Governance Manager and Scrutiny and Elections Officer	September 2021
Call-in Procedure	Monitoring Officer, Governance Manager and Scrutiny and Elections Officer	September 2021
Budget and Policy Framework	Monitoring Officer, Governance Manager and Scrutiny and Elections Officer	September 2021
Council Procedure Rules – Substitutes	Governance Manager	September 2021
Independent Persons – Terms of Office	Governance Manager	September 2021
Licensing TOR	Governance Manager	September 2021
Planning Committee Procedure	Governance Manager	September 2021
Councillors Mandatory Training	Governance Manager	November 2021
Review of guidance and constitutional rules on public speaking at Council	Governance Manager	November 2021
Audit and Corporate Overview Scrutiny Committee Terms of Reference	Governance Manager	November 2021
Petitions Scheme	Monitoring Officer	January 2022
Delegation Scheme	Monitoring Officer	January 2022
Substitution Scheme	Governance Manager	January 2022
Planning and Licensing Decisions	Governance Manager	January 2022
Clarification on deferring and adjourning	Governance Manager	January 2022
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

2.2 The areas for review for this meeting in the above table are detailed in the appendix to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.

2.3 The Monitoring Officer has utilised her delegated power to amend the Constitution since the last meeting of Standards, and this is set out in Appendix 1, with full details appended to the report.

3 Reasons for Recommendation

3.1 To ensure the Council has in place a fit for purpose Constitution which complies with the law.

4 Alternative Options and Reasons for Rejection

4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

RECOMMENDATIONS

1. That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review at a future meeting.

Approved by the Portfolio Holder - Cllr McGregor, Executive Member for Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

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.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

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.

Staffing: Yes No

Details:

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.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: Relevant officers are consulted at various stages of the Constitution Review

<p>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</p>
<p>Demonstrating Good Governance</p>

DOCUMENT INFORMATION

Appendix No	Title
1	Rationale and details of changes
2	Petition Scheme
3	Delegation Scheme Changes
4	Delegated Decision taken by the MO on 3 rd December 2021
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	

<u>CHANGES FOR CONSIDERATION</u>		
Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Petitions Scheme	<p>The petitions scheme has been reviewed and largely it is considered to remain fit for purpose. One change is proposed as follows:</p> <p>Remove the following exclusions from the petition scheme –</p> <ul style="list-style-type: none"> • Any matter which is currently or imminently subject to a consultation exercise. • Any matter which is subject to a statutory consultation exercise, such as the Local Plan or other local development plan documents. <p>And replace with:</p> <ul style="list-style-type: none"> • Where any matter is currently or imminently subject to a consultation exercise, a decision as to whether the Petition can be dealt with under the Council’s Petitions Scheme will be made by the Head of Paid Service having received the advice of the Monitoring Officer on the matter. <p>A tracked changes version of the scheme is attached for your reference as Appendix 2.</p>	Part 7, Petitions Scheme. Page 291, Section 7.5
Delegation Scheme	<p>Members have previously received a copy of a Delegated Decision in relation to the senior management review and its effects on the Directors’ delegations. The Delegated Decision transferred existing delegations to the new Directors. No new delegations were included although now the two Directors have the same powers with the exception of the role of Head of Paid Service. This now needs formalising in the next version of the Constitution. The table showing the Delegation Scheme for Directors</p>	Part 3.1 Scheme of Delegation for Officers Pages 91-98, Section 4.10.

	<p>is attached at Appendix 3. There are no changes to the actual delegations from the Delegated Decision but the format of the table has changed to fit in with the format in the Constitution.</p> <p>In addition there are a couple of delegations to be moved to the Statutory Officers or to which the Statutory Officers are also added. Again these were included in the Delegated Decision and are not new. All the delegations have or will have new numbers.</p>	
Substitution Scheme	<p>At the Annual Meeting of Council it was reported that a substitution scheme would be put in place for scrutiny meetings, permitting substitution by non-executive members only.</p> <p>The suggested change of wording the constitution is as follows:</p> <p>New CPR 26: Substitution at Committee Meetings</p> <p>26.1 The Council will permit the allocation of seats on Scrutiny Committee only to substitute Members who are not current Members of the Executive.</p> <p>26.2 Substitute Members will have all the powers and duties of any ordinary Member of the Committee.</p> <p>26.3 Substitute Members may attend meetings in that capacity only –</p> <ul style="list-style-type: none"> a) to take the place of the ordinary Member for whom they are the designated substitute; b) where the ordinary Member is expected to be absent for the whole meeting; and c) after their Group Leader/Deputy Leader / Party Whip or a majority of members of the relevant Group has notified the 	Part 4.1 Council Procedure Rules Page 130.

	<p>Governance Manager in writing of the intended substitute 24 hours prior to the commencement of the meeting.</p> <p>26.4 In the event of the ordinary Member who has been substituted arriving at the meeting, they will be treated as a non-Member of the Committee for that meeting only.</p>	
Planning and Licensing Decisions	<p>Council Procedure Rule 13.2 applies to Committees as well as Council and prohibits a motion or amendment to one similarly rejected being moved (lacking notice) without signature of one third or more of the Councillors appointed to that committee. When applied to Planning and Licensing Committees an issue has arisen whereby through the course of debate on applications a motion is put forward and rejected to both approve and deny planning permission or a licensing application. This could be for varying reasons, but the outcome would be that in order to decide the application suspension of council procedure rules needs to be employed as set out in CPR 23. As suspension of rules without notice requires half of the Councillors there present to agree, it becomes confusing for the public and elongates an already convention-heavy procedure.</p> <p>It is therefore proposed that both in respect of applications heard by either Licensing or Planning Committee that this rule should no longer apply. If Members were so minded to agree the amendment would be as follows:</p> <p>New CPR 24. 2 – CPR 13.2 does not apply to applications heard by either the Planning or the Licensing Committee. It does apply however to all other decisions taken by those committees.</p>	Part 4.1 Council Procedure Rules Page 124.
Clarification of Deferment and Adjournment	<p>CPR 12.11(d) requires clarification from the Monitoring Officer. When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first. This applies to all working groups and committees. Adjournment of a debate is often referred to as 'deferred' by Members, however deferral only applies where an item of</p>	Part 4.1 Council Procedure Rules Page 123.

	<p>business has not been debated. Deferral means withdrawal before commencement of discussion so that the item can be debated at the next available meeting, not a partial debate to be continued at a later time. Adjournment requires a date specified to recommence. Where this is not specified it should be automatically taken to the next meeting of Council or that Committee.</p> <p>In order to ensure this rule is applied correctly the following amendments are made:</p> <p>New 12.11(e) When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first.</p> <p>Footnote clarification *Members may use the term 'defer', however in the context of a debate commenced this is classed as 'adjournment'.</p>	
<p>The following change to the constitution has already been made since the last meeting of Standards by the Monitoring Officer under Delegation 21.</p>		
<p>Clarifying how the Delegation Scheme is applied in relation to Part 4 of the ACPA 2012.</p>	<p>The Monitoring Officer utilised her delegated power to amend the constitution to provide clarity in its interpretation. The current wording within the Director of Environment and Enforcement's delegation 15 had become unclear, and to avoid any legal challenge to an order under Pt 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 it was prudent to ensure that the words of the delegation were express to avoid misinterpretation. The associated Delegated Decision is attached for information as Appendix 4.</p>	<p>Part 3.1 Scheme of Delegation for Officers Pages 91-98, Section 4.10.</p>

7 PETITIONS SCHEME

7.1 Petitions

- (1) The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.
- (2) Paper petitions can be sent to:-

The Monitoring Officer
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire. S43 4JY

- (3) Petitions can also be presented to a meeting of the Council. These meetings take place on a four weekly basis, dates and times can be found at www.bolsover.gov.uk

If you would like to present your petition to the Council or would like your Councillor or someone else to present it on your behalf, please contact Sarah Sternberg – Monitoring Officer on (01246 217057) or email her on MonitoringOfficer@ne-derbyshire.gov.uk 10 days before the meeting and she will talk you through the process. If your petition has received 1,000 signatures or more from residents in the District, it will also be scheduled for a Council debate and if this is the case she will let you know when this will happen.

7.2 Who Can Submit a petition?

Any person regardless of age who lives, studies or works in the District is able to submit a petition.

7.3 Merging Petitions

Where the Council receives petitions relating to the same issue we will consider amalgamating the signatories only with the approval of the petition organisers.

7.4 What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:-

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- the contact details for the petition organiser (lead petitioner) so the Council knows who to contact. (the contact details of the petition organiser **will not** be placed on the website).

- the name, address, postcode and signature of any person supporting the petition.
- Date the petition is submitted.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

7.5 Issues specifically excluded from the Petition Scheme

The following matters are specifically excluded under the Petitions Scheme and will not be considered under the scheme:-

- Any matter relating to a planning application or decision.
- Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
- Where any matter is currently or imminently subject to a consultation exercise, a decision as to whether the Petition can be dealt with under the Council's Petitions Scheme will be made by the Head of Paid Service having received the advice of the Monitoring Officer on the matter.
- Any matters relating to complaints against Councillors under the Code of Conduct.
- Any matter where there is an existing right of appeal.
- Statutory petitions such as requesting a referendum on having an elected mayor.
- Any matter which is substantially the same as a petition submitted in the previous 12 months.
- Any matter which is considered to be vexatious, discriminatory, abusive or otherwise inappropriate.
- Any matter which is considered to be "exempt" under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

We will notify you of the reasons for your petition not being dealt with if it is excluded under one or more of the above grounds.

7.6 What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

The petition will also be published on our website except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

7.7 How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but will usually include one or more of the following:-

- writing to the petition organiser setting out our views about the request in the petition.
- considering the petition at a Council meeting (where there are 1,000 signatures or more from residents of the District);

The Council may take other actions, such as holding public meetings or consultations, explore options to tackle the matter in conjunction with our local partners, or we may refer the petition for consideration by one of the Council's Scrutiny Committees*.

**Scrutiny Committees are committees made up of Councillors who are responsible for scrutinising the work of the Council – in other words, a committee that has the power to hold the Council's decision makers to account.*

Where a petition relates to specific wards or area the relevant ward members will be informed when a petition is received and how it will be considered.

If your petition is about something over which the Council has no direct control (for example a local hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with local partners through the Local Strategic Partnership (LSP) and where possible we will work with these partners to respond to your petition. For information on the LSP partners visit: www.bolsoverpartnership.org If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This

might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

7.8 Full Council Debates

If a petition contains more than 1,000 signatures from residents of the District, it will be debated by the full Council unless it is a petition asking for a senior Council Officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.

The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the Council's Executive (Cabinet) are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Where the Council has received several different petitions it may be necessary to limit the number to be heard at a particular meeting of the Council but we will inform you if this is the case.

7.9 Officer Evidence

Your petition may ask for a senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council Officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 350 signatures from residents of the District, the relevant senior officer will give evidence at a public meeting of one of the Council's Scrutiny Committees. The senior staff that can be called to give evidence include:-

- Directors
- Monitoring Officer
- Chief Financial Officer
- Heads of Service

You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Portfolio Member, Ward Member or other appropriate Member to attend the meeting. Committee Members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Scrutiny Officer on 01246 242385 up to three working days before the meeting.

7.10 What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that one of the Council's Scrutiny Committees review the steps that the Council has taken in response to your petition. This will be the relevant Scrutiny Committee when your matter has been considered by Council, or an alternate Scrutiny Committee when your matter has been dealt with by the relevant Scrutiny Committee. It is helpful for everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate. To request a review, please contact the Monitoring Officer on (01246) 217057 or email her on MonitoringOfficer@ne-derbyshire.gov.uk within 28 days of the response you have received to the petition.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, referring the matter to the corporate complaints procedure, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

PETITIONS FORM

The Council has a petitions scheme which sets out how local people can submit a petition to highlight issues of concern within their local area. It sets out what essential information needs to be included and how the Council can respond to the issues raised.

The form is intended to assist the public in setting out the issues relating to their petition but other formats are also acceptable.

Purpose of petition
Ward/Area the Petition Issues Cover
What action do you wish the Council to take in relation to this issue?
Would you like the opportunity to present this petition to a meeting of the Council? YES/NO (cross out the word that does not apply)
Would you like your Ward Councillor to present the petition on your behalf? YES/NO (cross out the word that does not apply)
Contact details of the Petition Organiser (Lead Petitioner)
Name (Please print)
Address (including postcode)
Contact telephone number:
Email address:
Signature of Lead Petitioner:
Date of Petition:

Please complete and return this form to:

Governance
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire. S43 4JY

BDC Delegation Scheme in the Constitution

Executive Director of Resources

- (1) To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.
- (2) To determine all staffing matter including but not limited to:-
 - (i) Determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).
 - (ii) The appointment, dismissal, suspension or discipline of staff, save that in relation to the Directors, Assistant Directors and ~~Heads of Service~~, this does not include the appointment and in the case of the statutory officers their dismissal.
- (3) Approving secondments and temporary appointments of any staff
- (4) To act as the Safeguarding lead.
- (5) To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from implementation.
- (6) To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within NEDDC.
- (7) Following consultation with the section 151 Officer, delegation in respect of points 1,3 and 1.4 of the Local Government Pension Scheme transfers policy
- (8) Following consultation with the section 151 Officer, if they see fit to accept transfers (in respect of an individual employee's application to transfer in pension from a previous scheme) to the local government pension scheme outside the 12 month period, in those cases where the scheme member has not been informed of the time limit.
- (9) Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.

Executive Director Strategy and Development.

- (1) To act as emergency planning lead
- (2) To deputise for the Head of Paid Service in their absence and exercise any powers delegated to them.
- (3) 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 under that Act, in accordance with procures approved by the Council

- (4) Following consultation with the Leader and Deputy Leader to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park.
- (5) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.
- (6) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder
- (7) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder
- (8) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.

Executive Director of Resources and Executive Director Strategy and Development.

- (1) To guide and where appropriate direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- (2) To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.
- (3) To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Executive Director to the next meeting of Council explaining the reasons for the decision.
- (4) If there is an urgent need for a commercial decision, the Executive Director, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive or Council as appropriate.
- (5) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- (6) To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.
- (7) To exercise any of the powers delegated to an Assistant Director.
- (8) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- (9) Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in

pursuance or determination of any employment related disputes including settlement agreements.

- (10) To make customers vexatious under the Compliments, Comments and Complaints Policy
- (11) To authorise the use of earmarked reserves or Transformation Reserves.

Delegated decisions relating to Transformation Reserves to be initialled by the Section 151 Officer to evidence they have seen them.

- (12) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012
- (13) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.
- (14) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director or the Section 151 Officer.
- (15) Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a Neighbourhood Plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.
- (16) Following a consultation with the Leader and the relevant Portfolio Holder, to make a Neighbourhood development Plan where more than half of those voting in an applicable referendum have voted in favour of the plan.
- (17) To carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities)(England)(Regulations 2000 (as amended)).
- (18) To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants)

Exception to para 12: Applications for discretionary Disabled Facilities Grants must be submitted to Executive.

- (19) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions.
- (20) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in

respect of hackney carriage and private hire licensing enforcement function.
To authorise the making of Public Space Protection Orders

- (21) To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.
- (22) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.
- (23) To serve Section 215 Town and Country Planning Act 1990 notices.

Assistant Director of Finance and Resources and Section 151 Officer.

- (1) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
- (2) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.
- (3) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.
- (4) To serve Section 215 Town and Country Planning Act 1990 notices

Assistant Director of Governance and Monitoring Officer

- (1) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.

BOLSOVER DISTRICT COUNCIL

**RECORD OF DECISION TAKEN BY THE
MONITORING OFFICER**

3RD DECEMBER 2021

CLARIFICATION ON INTERPRETATION WITHIN THE DELEGATION SCHEME

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Mo's delegation 21 – To Make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation</p>	<p>To amend the Director of Environment and Enforcement's delegation 15 to provide clarity in interpretation. The delegation currently states:</p> <p><i>“To authorise the making of Public Space Protection Orders under Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant ward members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.”</i></p> <p>The delegation was designed to encompass all Part 4 notices and orders, and singles out the making of PSPOs as requiring extra consultation above that of other notices / orders</p>	<p>The current wording has become unclear, and to avoid any legal challenge to an order under Pt 4 it is prudent to ensure that the word of the delegation are express and cannot be misinterpreted.</p>	<p>Status quo, no change. This is rejected as it may offer an opportunity for an argument to be put, in defence of a notice served, to challenge that the Authority had not allocated sufficient delegated powers to an authorised officer.</p>	<p>None</p>

	<p>detailed in part 4 of the Anti social Behaviour Crime and Policing Act 2014.</p> <p>To rectify this potential conflict additional wording is added:</p> <p><i>“To authorise the making of notices and orders under Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014. In the case of Public Space Protection Orders only these will require consultation with the Leader or Deputy Leader of the Council and relevant ward members, and authorisation given incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.”</i></p> <p>NB: The delegation scheme has been changed recently under delegated decision to reflect changes in the Senior Management Team Structure – the delegation referred to now delegated to the ED of Resources and ED of Strategy and Development as delegation 15, however this is not yet printed in the constitution which is why reference is made</p>			
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	above to the published delegation.			
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Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	No

Authorising Signature:

Job title:

Unique Reference Number:

Date decision may be implemented following call in (if necessary):

Circulation to:

Head of Paid Service, Monitoring Officer, Section 151 Officer, Scrutiny Officer, Internal Audit

Bolsover District Council

Standards Committee

24th January 2022

Whistleblowing Policy – Annual Report

Report of the Solicitor to the Council and Monitoring Officer

Classification: This report is public.

Report By: Sarah Sternberg, Solicitor to the Council and Monitoring Officer

Contact Officer: Nicola Calver, Governance Manager
Nicola.calver@ne-derbyshire.gov.uk / 01246 217753

PURPOSE / SUMMARY

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

REPORT DETAILS

1 Background

- 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 have previously had in place a Joint Whistleblowing Policy. This has now been adapted to present Members with a Bolsover only Policy. The Council is committed to updating Policies on a regular basis to ensure that they are fit for purpose, and the last review took place in February 2021.
- 1.4 The Whistleblowing Policy has been reviewed and no substantive changes are recommended other than housekeeping amendments (shown in tracked changes on Appendix 1).

1.5 In accordance with the 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 Council on instances of Whistleblowing. There have been no instances to report for the 2021 calendar year.

2. Details of Proposal or Information Conclusions and Reasons for Recommendation

2.1 The 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 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.

RECOMMENDATIONS

1. That Standards Committee:

1.1 agree the current Whistleblowing Policy is fit for purpose; and

1.2 note that no instances of Whistleblowing have been made since the 2021 Annual Review of the Whistleblowing Policy.

Approved by the Portfolio Holder - Cllr Duncan McGregor, Executive Member for
Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

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

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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

<p>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</p>

DOCUMENT INFORMATION

Appendix No	Title
1	Whistleblowing Policy
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	

Bolsover District Council

Whistleblowing Policy



CONTROL SHEET FOR WHISTLEBLOWING POLICY

Policy Details	Comments/Confirmation (to be updated as the document progresses)
Policy title	Whistleblowing Policy
Current status –	Agreed 2021 version, with housekeeping changes only.
Location of Policy –	Corporate Governance
Member route for approval	Standards, then Council
Cabinet Member (if applicable)	N/A
Equality Impact Assessment (approval date)	N/A
Partnership Involvement (if applicable)	N/A
Final Policy approval route (i.e. Executive/Council Committee)	Council
Date Policy approved	14/04/21 (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)	

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 Council. 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 Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages employees, Members and others with serious concerns about any aspect of the Council's 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 Council, 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 Council has 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 Council 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 the Council, or others acting on behalf of the 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 Council's 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 Council recognises 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 Council 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 Council is 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 Council 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 Council breaches 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 Head of Paid Service (responsible Officer for Safeguarding)
 - the Monitoring Officer
 - The Section 151 Officer
- 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 Head of Paid Service (responsible Officer for safeguarding)
 - the Monitoring Officer
 - The Section 151 Officer
- 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 Council 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 & Governance 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 Head of Paid Service (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 Council.
- 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

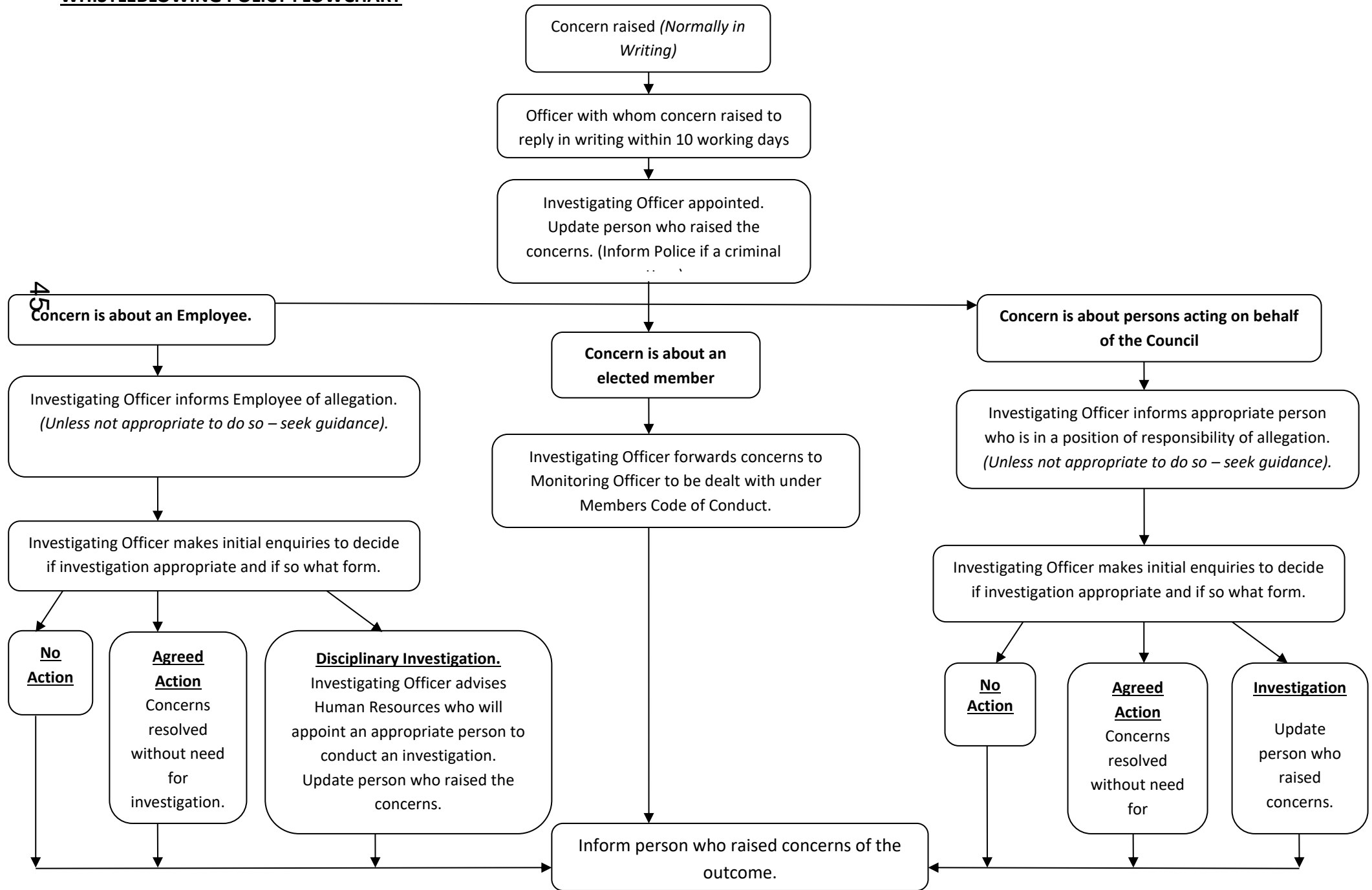
- 11.1 This Policy is intended to provide a process within the Council, through which appropriate persons may raise concerns. If at the conclusion of this process the person is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as further 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

- 12.1 The Monitoring Officer in accordance with the Whistleblowing Policy of Bolsover 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 January 2022

GIFTS AND HOSPITALITY ANNUAL REPORT

Report of the Solicitor to the Council & Monitoring Officer

Classification: This report is public

Report By: Nicola Calver, Governance Manager

Contact Officer: Nicola.calver@ne-derbyshire.gov.uk / 01246 217753

PURPOSE / SUMMARY

To advise the Committee of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and officers of the District Council during the period January 2021 to December 2021.

REPORT DETAILS

1 Background

1.1 The Council's Constitution, Part 5 specifies detailed arrangements for the registering of gifts and hospitality made to Members and officers. A copy of the provisions of the Constitution in respect of gifts and hospitality are attached as **Appendix 1** to this report. Details of the entries in the Council's Gifts and Hospitality Register for the period January 2021 to December 2021 are attached as **Appendix 2** to this report.

2. Conclusions and Reasons for Recommendation

2.1 It is important that there is a clear process for the recording and reporting of gifts and offers of hospitality offered to Members and officers of the Council.

2.2 The annual reporting of offers of gifts and hospitality made to Members and officers ensures that the Council's performance on this matter is monitored on a regular basis and that any changes in procedure can be introduced if necessary.

3 Consultation and Equality Impact

3.1 The annual reporting of offers of gifts and hospitality made to Members and officers should, together with other measure undertaken by the Council, support the clarity of the reporting process.

4 Alternative Options and Reasons for Rejection

- 4.1 There were no alternative options considered and rejected. The report is submitted for information only.
-

RECOMMENDATIONS

1. That the Standards Committee notes the content of this Annual Report for the period January 2021 to December 2021 in respect of offers of gifts and hospitality made to Members and officers.

Approved by the Portfolio Holder - Cllr Duncan McGregor, Executive Member for Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details: There are no financial implications arising directly from the content of this report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: The Council has set a threshold of £25 for the declaration of gifts and hospitality as set out in its Constitution.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details: There are no Human Resources implications arising directly from the content of this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	All
Links to Corporate Plan priorities or Policy Framework	All
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	No Details:

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
Good governance.

DOCUMENT INFORMATION

Appendix No	Title
1	Extract from the Council's Constitution: Protocol on gifts and hospitality
2	Schedule of Gifts and Hospitality January 2021 to December 2021
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	

APPENDIX 1

GIFTS AND HOSPITALITY GUIDANCE

- (1) In many areas of the commercial world it is common practice to offer and accept gifts, hospitality and other benefits. This practice is frequently used to influence a decision when one company is seeking business with another and it is perfectly legal to do so – but it can be quite the contrary in public service.
- (2) The acceptance of gifts, hospitality or other benefits, even on a modest scale, may arouse suspicion of impropriety and extreme caution and discretion should be exercised in accepting either. In principle you should refuse any personal gift offered to you or your family by any person or company who has or seeks dealings of any kind with the Council.
- (3) The only reasonable exceptions to the guidance given in (2) above are:-
 - (a) Small gifts of a purely token value given by way of trade advertisements (e.g., calendars, diaries, articles for general use in the office).
 - (b) Small articles, again purely of a token value given at the conclusion of courtesy visits (e.g. to a factory).
 - (c) A small gift offered without warning and where refusal would give particular offence.
- (4) Should you receive an unexpected gift, which falls outside the categories (see 3 above) you should consult your Director or Assistant Director, as appropriate, who will decide the course of action. This may include:-
 - (a) returning the gift, ensuring that the donor is told in a polite way why this has been necessary;
 - (b) passing the gift on to some charitable cause if it is appropriate to do so;
 - (c) agree that the gift may be kept by the recipient.
- (5) Details of all gifts covered by the above categories must be recorded in a book kept for this purpose by the Monitoring Officer.
- (6) Hospitality is sometimes offered to employees and it is not always possible or desirable to reject offers of a moderate nature. Examples of acceptable hospitality include a working lunch of a modest standard, provided to allow business discussion to continue.

- (7) Some offers of hospitality are clearly unacceptable and these would include offers of holiday accommodation, individual offer of theatre tickets for yourself or your family and individual invitation to dinner.
- (8) You should be particularly cautious when any form of hospitality is offered by an individual or organisation seeking to do business with, or a decision from, the Council as acceptance might affect your relations with the party offering it and how this might be viewed. If in any doubt at all you should consult with your Director or Assistant Director as appropriate before acceptance. Directors/Assistant Directors must consult with Monitoring Officer or Chief Financial Officer.
- (9) Acceptance of offers of hospitality must be recorded in the book kept for the purpose.
- (10) These guidelines are intended as a general overview on the acceptance of gifts and hospitality but cannot cover every eventuality. If you are in any doubt you should consult your Director or Assistant Director, as appropriate.
- (11) **The procedure for registering offers of gifts and hospitality to officers will be as follows:**
 - When a gift/hospitality arises it is the responsibility of the recipient to use the Gifts and Hospitality Declaration form which can be located on the intranet.
 - There will be two versions of the Declaration form –
 - **Gifts and Hospitality Corporate Declaration form**
– to be completed by all Bolsover District Council Employees
 - **Gifts and Hospitality Members Declaration form** –
to be completed by any District Councillor.
 - Note for officers only: Complete the relevant form and get the Authorising Officer to sign the document (if the gift or hospitality is being accepted).

REMEMBER

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality. **Members have 28 days to do this.**
- Members are required to declare any gift or hospitality that is above the value of £25. However, there is nothing to stop you from declaring any gift or hospitality that is below the stated value if you prefer to have this on record.

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality.
- Give an approximate value of the offer. You can say “*de minimis*” or “*less than £10*” if the gift is small.
- Name the donor, including where the Authority provides hospitality.
- It must be clear from the entry whether the offer is accepted or refused.
- The name and extension number of the individual who received the offer must be provided on the form.
- A reason for acceptance must be given and the Line Manager’s authorisation (signature) obtained.
- Line Managers should not authorise their own acceptance of gifts and hospitality. A Director or Assistant Director should be asked to authorise.
- Scan the signed and completed document and email the form to the Monitoring Officer.
- The register will be checked annually by the Monitoring Officer, on behalf of the Standards Committee, to ensure that the system is being used and to monitor the frequency of any gifts and hospitalities during the calendar year.

Gifts & Hospitality Inspection - January 2021 to December 2021

Department	Total amount of declared gifts	Description of gifts/hospitalities	Electronic Declarations - Total	Paper Declarations - total
Members				
GROWTH DIRECTORATE				
CEO				
Joint Strategic Directors				
CEPT	1	£20 Amazon Voucher:		
Economic Growth				
Planning & Env. Health				
Legal & Governance				
OPERATIONS				
Finance				
Revenues				
Street Scene				
Housing	6	Box of Ferrero Rocher; 4 tubes of Rolo's & 6 Snickers chocolate bars ; Bunch of flowers (approx £5); 8 Cupcakes ; Small box of Ferrero Rosher; Each officer received a nominal gift of biscuits, chocolate or wine;		
Community Safety	1	Small box containing a few low value treats of - hot chocolate sachet; 2 packs of Viennese Whirls; 2 packs of Love Heart sweets; tiny pack of marshmallows and a tiny candle tea light;		

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Estates & Properties				
TRANSFORMATION				
ICT				
Health & Wellbeing				
Leisure				
Human Resources				
Shirebrook Contact Centre				
Bolsover Contact Centre	1	Flowers (approx £5);		
Clowne Contact Centre	3	2 boxes of Quality Street (232g each); Box of chocolates ; Two boxes of Roses Chocolates (£3.50 each);		
South Normanton Contact Centre				
Customer Service & Improvement				

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*** Parish Council**
Code of Conduct for Councillors

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Each councillor's individual conduct affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

All councils are required to have a local Councillor Code of Conduct.

This is [NAME] Parish Council's Code of Conduct for Councillors which is based on the LGA Model Councillor Code of Conduct. [NAME] Parish Council will be referred to as "the Parish Council" throughout.

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of the Parish Council. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, Parish Council officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The use of support, training and mediation from the Monitoring Officer, the LGA and elsewhere is encouraged prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are in Appendix A to this Code. This Code should be read in conjunction with these principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- You misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

The Monitoring Officer for the District Council has statutory responsibility for the implementation of the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk in the first instance, who may refer matters to the Monitoring Officer if required.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made to the Monitoring Officer against you. This may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat Parish Council employees, employees and representatives of partner organisations and those volunteering for the Parish Council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the Parish Council, the relevant social media provider or the Police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and Parish Council employees, where concerns should be raised with the Parish Clerk.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as

offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Parish Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Parish Council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Parish Council.

Officers work for the Parish Council as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the**

Parish Council; and

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities including the Parish Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Parish Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or the Parish Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or the Parish Council and may lower the public's confidence in you or the Parish Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Parish Council into disrepute.

You are able to hold the Parish Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Parish Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the Parish Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of Parish Council's resources and facilities

As a Councillor:

7.1 I do not misuse Parish Council resources.

7.2 I will, when using the resources of the Parish Council or authorising their use by

others:

- a. act in accordance with the Parish Council's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Parish Council or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Parish Council to assist you in carrying out your duties as a councillor.

Examples include:

- Office support
- Laptop and/or Ipad or other technology
- Stationery
- Transport
- Access to and use of Parish Council buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Parish Council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by the Parish or District Council.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Parish Council or its governance. If you do not understand or are concerned about the Parish Council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the Parish Council

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Parish Council.

You need to register your interests so that the public, Parish Council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest (dpi) as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Clerk or the Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Parish Council or from persons who may apply to the Parish Council for any permission, licence or other significant advantage.

10.2 I register with the Clerk any gift or hospitality with an estimated value of at least £50 and where appropriate any with a value less than £50 within 28 days of its receipt.

10.3 I register with the Clerk any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the Parish Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, contact your Clerk for guidance.

11 Training

You must attend the training set out in **Appendix C** and any other training the Council may deem is required from time to time.

You must attend the training detailed above as soon as reasonably practicable:

- (a) after your election; and
- (b) after your re-election;
- (c) after your appointment to a relevant Committee or Sub-Committee; and
- (d) as required after changes in legislation, policy or procedure affecting the relevant Committee or Sub-Committee outlined above; and/or
- (e) as frequently as set out in Appendix C

You must attend training if you are instructed to do so by a Standards Hearing Sub-Committee. If you fail to do so after 3 months or having been offered training on two occasions the fact of your failure will be reported to the Committee.

12 Dispensations

The Parish Council may grant you a dispensation to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

Requests for dispensation must be made, in writing to the Clerk, on one of the following grounds:

- That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business.
- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- That the Parish Council considers that the dispensation is in the interests of persons living in the Authority's area;
- That the Parish Council considers that it is otherwise appropriate to grant dispensation.

13 Pre determination or bias

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member. However **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) the Clerk or

(b) the Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office as a Parish Councillor you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" (DPI) means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees, they will withhold the interest from the public register.

Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the Chamber or room where the meeting is being held unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive

interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships

- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
- (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management
-

Appendix C
Training

**BDC STANDARDS COMMITTEE WORK PROGRAMME
2021/2022**

Meeting date	Item	Comments
5 July 2021	<p>New Councillor Code of Conduct</p> <p>Review of Constitution – Part 1</p> <ul style="list-style-type: none"> • <i>Questions by Members</i> • <i>Delegations Scheme Amendments</i> • <i>HARP TOR</i> • <i>Deadlines</i> 	
20 September 2021	<p>Review of the Constitution - Part 2</p> <ul style="list-style-type: none"> • <i>Scrutiny Procedure Rules</i> • <i>Call-in Procedure</i> • <i>Budget and Policy Framework</i> • <i>Independent Persons Term of Office</i> • <i>Council Procedure Rules – substitutes</i> • <i>Planning Committee Procedure</i> • <i>Licensing Committee – Terms of Reference</i> 	
8 November 2021	<p>Compliments, Comments and Complaints/Customer Service Standards Report & Annual Summary</p> <p>LGSCO Annual Letter and Report</p> <p>Update on Delegations Scheme</p> <p>Members Training Attendance</p>	

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Agenda Item 11

	<p>Review of the Constitution - Part 3</p> <ul style="list-style-type: none"> • <i>Audit and Corporate Overview Scrutiny Committee Terms of Reference</i> • <i>Review of the guidance and constitutional rules on public speaking at Council</i> • <i>Training requirements for Councillors (review of current list)</i> 	
24 January 2022	<p>Gifts and Hospitality Review 2021</p> <p>Whistleblowing Policy Review 2021</p> <p>RIPA Annual Review</p> <p>Review of the Constitution - Part 4</p> <ul style="list-style-type: none"> • <i>Petitions scheme</i> • <i>Delegation Scheme</i> • <i>Substitution Scheme</i> • <i>Planning and Licensing Decisions (Application of CPR 13.2)</i> • <i>Clarification of Deferment and Adjournment</i> • <i>Constitutional Changes made under the MO's Delegated Powers</i> <p>Complaints Update</p> <p>Draft Parish Code of Conduct</p>	
14 March 2022	<p>Standards Committee Annual Report</p> <p>Members Training Attendance</p> <p>Review of the Constitution - Part 5</p> <p>Complaints Update</p>	

