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To: Chair and Members of the
Standards Committee

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Friday 12th August 2022

Dear Councillor

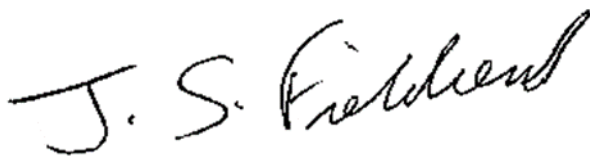
STANDARDS COMMITTEE

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, 22nd August, 2022 at 14:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully



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**

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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.

**STANDARDS COMMITTEE
AGENDA**

**Monday 22nd August 2022 at 14:00 hours taking place in the Council Chamber,
The Arc, Clowne**

Item No.		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 19 th April 2022	3 - 6
5.	Complaints Update Update on statistics of complaints received by the Council against District and Parish Councillors	7 - 8
6.	Work Programme 2022/2023 To consider the Standards Committee Work Programme for the 2022/2023 municipal year.	9
7.	Officer Delegation Scheme - Report 1	10 - 12
8.	Officer Delegation Scheme - Report 2	13 - 15
	<u>PART 2 - EXEMPT ITEMS</u>	
9.	Sub Committee of the Standards Committee Exempt Paragraph 1	16 - 20

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Tuesday 19th April 2022 at 14:00 hours.

PRESENT:-

Members:-

Ruth Jaffray (Co-optee Member) in the Chair

Councillors Clive Moesby, Tricia Clough, David Dixon, Graham Parkin and Deborah Watson.

Officers:- Jim Fieldsend (Monitoring Officer), Lisa Ingram (Legal Team Manager – Contentious Team), Liz Robinson (Customer Standards and Complaints Officer) and Tom Scott (Governance Officer).

STA38-21/22 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor David Downes.

STA39-21/22 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

STA40-21/22 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.

STA41-21/22 MINUTES – 24TH JANUARY 2022

Councillor Tricia Clough requested that the minutes be amended to show her apologies.

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson

RESOLVED that subject to the inclusion of Councillor Tricia Clough's apologies, the Minutes of a meeting of the Standards Committee held on 24th January 2022 be approved as a true and correct record.

STANDARDS COMMITTEE

STA42-21/22 CUSTOMER SERVICE STANDARDS/ COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2021/22 - 1ST APRIL 2021 TO 30TH SEPTEMBER 2021

Committee considered a report which set out performance in relation to Customer Service Standards and the effective management of complaints.

The Monitoring Officer noted that some missed targets for telephony had been as a result of Covid 19 and resource issues.

A Member requested for future reports that the performance tables compare current statistics with figures from the previous 12 months rather than the previous quarter. The Monitoring Officer confirmed that this would be included for future reports.

Moved by Councillor Graham Parkin and seconded by Councillor David Dixon
RESOLVED that the overall performance on Customer Service Standards and Compliments, Comments and Complaints be noted.

(Customer Standards and Complaints Officer)

STA43-21/22 NEW BOLSOVER JOINT PARTNERSHIP COMMITTEE - PROPOSAL TO DISESTABLISH THE COMMITTEE

Committee's approval was sought to recommend to Council that the New Bolsover Joint Partnership Committee be disestablished.

At its meeting held on 17th March 2022, Members of the New Bolsover Joint Partnership Committee had supported the proposal to disestablish the Committee as the New Bolsover New Beginnings project had come to an end. However, Members had expressed the prospect of accommodation continuing to be provided for the Friends of New Bolsover. The Monitoring Officer confirmed that discussions were ongoing to find the group a venue.

Moved by Councillor Deborah Watson and seconded by Councillor Graham Parkin
RESOLVED that Standards Committee support the disestablishment of the New Bolsover Joint Partnership Committee for the reasons outlined in the report.

RECOMMENDED that Council agree to disestablish the New Bolsover Joint Partnership Committee for the reasons outlined in the report.

(Monitoring Officer)

STA44-21/22 DRAFT STANDARDS COMMITTEE ANNUAL REPORT

Committee considered a draft Annual Report on the work they had undertaken during the municipal year 2021/22, prior to submission to Annual Council.

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson
RESOLVED that the Committee's Annual Report be presented to Annual Council on 18th May 2022.

(Governance/ Monitoring Officer)

STANDARDS COMMITTEE

STA45-21/22 MEMBER TRAINING ATTENDANCE

Committee considered a report which provided information relating to Councillor attendance at training events between November 2021 and March 2022.

The Monitoring Office emphasised the importance of Members attending Code of Conduct training.

A Member believed it was the responsibility of political group leaders to ensure their Members attended training.

Members agreed that future Member update reports include the genuine reasons for a Member not being able to attend training.

In response to a query from the Legal Team Manager, a Member felt that training should be delivered in a more interactive way.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED that the information and statistics for Member attendance at training between November 2021 and March 2022 as attached at Appendix 1 to the report be noted.

STA46-21/22 UPDATE ON RIPA TRAINING

Committee considered a verbal update on the Regulation of Investigatory Powers Act (RIPA) training.

The Monitoring Officer noted that all authorising officers who undertook covert surveillance would need to undertake the training.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED that the verbal report be noted.

STA47-21/22 COMPLAINTS UPDATE

Committee considered a report which set out the figures for complaints made against Members since 1st January 2022.

In response to a Member's question, the Monitoring Officer explained that currently, if a complaint was made against a parish councillor, only the parish clerk was notified, however, he was considering the possibility of notifying parish councillors as well.

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson
RESOLVED that the report be noted.

STA48-21/22 WORK PROGRAMME 2021/2022

Committee considered the remainder of their Work Programme for 2021/22.

STANDARDS COMMITTEE

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson
RESOLVED that the Work Programme 2021/2022 be noted.

The meeting concluded at 14:45 hours.

Agenda Item 5

BDC COMPLAINTS MADE AGAINST MEMBERS – FULL UPDATE OF COMPLAINTS RECEIVED SINCE 1ST JANUARY 2022

List of Cases which do not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION/ ACTION
30/05/22	Respect	South Normanton Parish Council	Yes	Minor breach. Complainant happy to accept an apology
01/06/22	Respect	South Normanton Parish Council	No	Councillor not acting in capacity as a councillor at the time
13/06/22	Discrimination and bias Failure to comply with Nolan principle of objectivity	Bolsover District Council	No	MO considered no further action required
13/06/22	Failure to comply with Nolan principles of objectivity, openness and impartiality Respect	Bolsover District Council	No	MO considered no further action required
21/06/22	Making a dishonest statement at a parish council meeting	Bolsover District Council	No	Councillor not acting in capacity as a councillor at the time

**BDC COMPLAINTS MADE AGAINST MEMBERS – FULL UPDATE OF
COMPLAINTS RECEIVED SINCE 1ST JANUARY 2022**

List of Cases which did proceed to investigation:

There are currently no investigations at a formal investigation stage

Currently there are 3 outstanding complaints at an informal stage.

**BDC STANDARDS COMMITTEE WORK PROGRAMME
2022/2023**

Meeting date	Item	Comments
June 2022	MEETING CANCELLED	
August 2022	Complaints against Members Officer Delegation Scheme – Report 1 Officer Delegation scheme – Report 2 Sub Committee of the Standards Committee	
December 2022	Customer Service Standard Report	

Bolsover District Council

Standards Committee

Officer Delegation Scheme – Report 1

Report of the Assistant Director & Monitoring Officer

Classification	This report is Public
Report By	Assistant Director & Monitoring Officer Jim.fieldsend@bolsover.gov.uk 01246 242472
Contact Officer	As above

PURPOSE/SUMMARY OF REPORT

- To propose a change to the officer delegation scheme relating to use of the exemptions in the contract procedure rules

REPORT DETAILS

1. Background

- 1.1 The Council's Contract Procurement Rules as contained in Part 4.8 of the Constitution provides a framework for the procurement of all goods services and works for the Council. All purchases are required to go through a set process depending on the value of the purchase. In exceptional circumstance these rules may not be followed. These circumstance are set out in paragraph 4.8.4 of the rules- "Exemptions to the Contract Procedure Rules"- and generally relate to situations where there is only one possible supplier, where the contract would amount to an extension of an earlier contract or where it is urgent to award a contract without going out to tender.
- 1.2 The rules require that the decision to apply one of the exemptions should only be made by Director or Assistant Director by a formal Delegated Decision. There is however no specific power to make such decision in the current Scheme of Delegation for Officers and so decision makers tend to use one of the general power to exercise day to day administration and operational management
- 1.2 This report is proposing that a more specific power to use a contract exemption be included within the Scheme of Delegation.

2. Details of Proposal

- 2.1 Standards Committee is asked to add the following power to paragraph 4.10.9 of the Scheme of Delegation for Officers at part 3.1 of the Constitution:

To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met

3. Reasons for Recommendation

To provide for a more specific power targeted at the use of a Contract Procurement Rules exemption

4 Alternative Options and Reasons for Rejection

Not to agree to the above addition. This is rejected as the addition of the above will provide a clearer and more specific power to apply contract procurement exemptions.

RECOMMENDATION(S)

That the Committee give consideration to proposals for the amendment to the Scheme of Delegation for Officers as set out in the report and support the submission of the proposal to Council.

IMPLICATIONS:

Finance and Risk:

Yes ☐

No ☒

Details:

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.

On behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	(please state which wards or state All if all wards are affected)
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details: Councillor Duncan McGregor, Portfolio Holder for Corporate Governance

Links to Council Ambition: Customers, Economy and Environment.
Demonstrating good governance

DOCUMENT INFORMATION	
Appendix No	Title

Background Papers
<i>(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 Executive you must provide copies of the background papers).</i>

Bolsover District Council

Standards Committee

Officer Delegation Scheme – Report 2

Report of the Assistant Director & Monitoring Officer

Classification	This report is Public
Report By	Assistant Director & Monitoring Officer Jim.fieldsend@bolsover.gov.uk 01246 242472
Contact Officer	As above

PURPOSE/SUMMARY OF REPORT

- To propose a change to officer delegation scheme relating to making of footpath diversion orders

REPORT DETAILS

1. Background

- 1.1 The current scheme of officer delegation enables both the Executive Director of Resources and Executive Director of Strategy and Development 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).
- 1.2 These regulations provide for the making of footpath orders under the Highways Act however it does not provide for footpath orders under the Town & Country Planning Act 1990.
- 1.3 As many footpath orders are made under the Town & Country Planning Act this report is proposing that this power is included within the delegations.

2. Details of Proposal

- 2.1 Standards Committee is asked to approve the amendment of the relevant power from:

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).

to:

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) together with rights of way powers as set out in the Town & Country Planning Act 1990.

3. Reasons for Recommendation

To include all available rights of way powers

4 Alternative Options and Reasons for Rejection

Not to agree to the above addition. This is rejected as there is no reason why Town & Country Planning Act powers should be excluded from the delegation

RECOMMENDATION(S)

That the Committee give consideration to proposals for the amendment to the Scheme of Delegation for Officers as set out in the report and support the submission of the proposal to Council.

IMPLICATIONS:

Finance and Risk:

Yes ☐

No ☒

Details:

On behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☐

No ☒

Details:

On behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	(please state which wards or state All if all wards are affected)
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details: Councillor Duncan McGregor, Portfolio Holder for Corporate Governance

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Agenda Item 9

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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