

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, 11th September 2023 at 14:00 hours.

PRESENT:-

Members:-

R. Jaffray in the Chair

Councillors: Anne Clarke, Louise Fox, Justin Gilbody, Clive Moesby and Jane Yates.

Officers:- Jim Fieldsend (Service Director of Governance and Legal Services and Monitoring Officer) and Amy Bryan (Governance and Civic Manager).

STA9-23/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Catherine Tite.

STA10-23/24 URGENT ITEMS OF BUSINESS

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

STA11-23/24 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

STA12-23/24 MINUTES

Moved by Councillor Jane Yates and seconded by Councillor Anne Clarke
RESOLVED that the minutes of a meeting of the Standards Committee held on 19th June 2023 be approved as a true and correct record.

STA13-23/24 STANDARDS COMMITTEE TERMS OF REFERENCE

The Monitoring Officer stated that the Terms of Reference for the Committee had been included with the agenda to help those Members who were new to the Council and to the work of the Standards Committee.

STA14-23/24 ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2022/23

The Committee considered a report which provided information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2022/23. The Annual Review letter 2023 was attached to the report at Appendix 1.

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The LGSCO letter contained an annual summary of statistics on the complaints made against the Council for the financial year ending 31st March 2023.

The LGSCO had received three enquiries and complaints during 2022/23, two of which had been closed after initial enquiries and one case had not been upheld, with no fault found.

Benchmarking information of neighbouring authority's comparative figures had been included in the report for information. The LGSCO had upheld 74% of complaints submitted to them in 2022/23 (up from 61% in 2021/22), with the average being 59% for similar authorities.

Moved by Councillor Anne Clarke and seconded by Councillor Louise Fox

RESOLVED that the Annual Letter from the Local Government & Social Care Ombudsman 2022/23, be noted.

STA15-23/24 RECRUITMENT OF INDEPENDENT PERSONS

The Service Director of Governance and Legal Services and Monitoring Officer presented a report which outlined proposals for the replacement of one of the Independent Persons.

The report explained that under the Localism Act 2011, the Council was required to appoint at least one Independent Person (IP) to advise the Council's Monitoring Officer on Member code of conduct issues. When setting up the system the Council had decided to appoint two IPs. Each Councillor who was the subject of the complaint had the right to discuss the matter with one of the IPs, and the Monitoring Officer had an obligation to consult one of the IPs on each case, therefore two IPs allowed for the two consultations to be with different IPs.

The report stated that one of the IPs had submitted their resignation and it was therefore necessary to recruit a new IP. The proposal was to recruit two new IPs, which would cover situations where they may be conflicts of interest and where there were problems with availability.

Moved by Councillor Justin Gilbody and seconded by Councillor Louise Fox

RESOLVED that the Council undertakes a recruitment process for the appointment of two additional Independent Persons.

(Monitoring Officer)

STA16-23/24 COMPLAINTS UPDATE

The Committee received a verbal update from the Monitoring Officer regarding complaints received against Members.

There were currently two outstanding complaints, both regarding Parish Councillors. One complaint would be considered by the Standards Sub-Committee and the other had now been investigated and the Monitoring Officer would be assessing how to proceed with the complaint.

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STA17-23/24 WORK PROGRAMME 2023/2024

The Committee considered its work programme for the remainder of the 2023/24 municipal year.

The Monitoring Officer reported that part of the Committee's Terms of Reference was a requirement to oversee the Councillor Code of Conduct and its application. As part of this work, it was proposed to publish an article in the Council's InTouch magazine.

STA18-23/24 EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

STA19-23/24 STANDARDS COMMITTEE SUB-COMMITTEE

The Service Director of Governance and Legal Services and Monitoring Officer presented a report which informed the Committee of the need to call a Sub-Committee of the Standards Committee to deal with a member complaint hearing and the procedure that would be followed for the hearing.

A hearing was required to consider a complaint against a Parish Councillor concerning offensive comments he made against another Councillor on Facebook.

It was proposed that the procedure for conducting the hearing be the same procedure as agreed by the Standards Committee in August 2022 (Minute STA10-22/23). The procedure was attached to the report at Appendix 1.

Moved by Councillor Anne Clarke and seconded by Councillor Jane Yates

RESOLVED that:

- (1) a Sub-Committee of the Standards Committee be held to deal with the complaint referred to in the report.
- (2) Members of the Sub-Committee be chosen by the Monitoring Officer.
- (3) the procedure for the hearing, as set out in Appendix 1, be noted.

(Monitoring Officer)

The meeting concluded at 14:21 hours.