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To: Chair & Members of the Standards  
Committee

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Wednesday 3<sup>rd</sup> April 2024

Dear all,

**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, 15th April, 2024 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 3 onwards.

Yours faithfully



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

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- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**STANDARDS COMMITTEE  
AGENDA**

***Monday, 15 April 2024 at 14:00 hours taking place in the Council Chamber, The Arc,  
Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>	
	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.	
<b>3.</b>	<b>Declarations of Interest</b>	
	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.	
<b>4.</b>	<b>Minutes</b>	4 - 7
	To consider the minutes of the last meeting held on 29 <sup>th</sup> January 2024.	
<b>5.</b>	<b>Proposed Amendment to the Scheme of Delegation for Officers</b>	8 - 10
<b>6.</b>	<b>Member Training Attendance 2023/24</b>	11 - 14
<b>7.</b>	<b>Annual Report of the Standards Committee 2023/24</b>	15 - 22
<b>8.</b>	<b>RIPA Update</b>	Verbal Report
<b>9.</b>	<b>Complaints Update</b>	23 - 24
	Update on statistics of complaints received by the Council against District and Parish Councillors	

# Agenda Item 4

## 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 29<sup>th</sup> January 2024 at 14:00 hours.

### **PRESENT:-**

Members:-

Ruth Jaffray in the Chair

Councillors Clive Moesby (Vice-Chair), Anne Clarke, Louise Fox, Justin Gilbody and Jane Yates.

Officers:- Jim Fieldsend (Service Director Governance and Legal Services & Monitoring Officer), Thomas Dunne-Wragg (Scrutiny Officer), and Amy Bryan (Governance and Civic Manager).

### **STA29-23/24 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor Catherine Tite.

### **STA30-23/24 URGENT ITEMS OF BUSINESS**

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

### **STA31-23/24 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.

### **STA32-23/24 MINUTES**

Moved by Councillor Jane Yates and seconded by Councillor Justin Gilbody  
**RESOLVED** that the minutes of a meeting of the Standards Committee held on 13<sup>th</sup> November 2023 be approved as a true and correct record.

### **STA33-23/24 WHISTLEBLOWING POLICY - ANNUAL REPORT**

The Monitoring Officer presented the Committee with the Whistleblowing Policy Annual Report.

There had been no instances of whistleblowing to report for the 2023 calendar year.

The Whistleblowing Policy had been reviewed to ensure it remained fit for purpose, and it had been concluded that the existing version was satisfactory and up to date with current

## STANDARDS COMMITTEE

legislation. Therefore, no changes were recommended. The Whistleblowing Policy was attached to the report at Appendix 1.

In answer to a question regarding what training staff received in relation to Whistleblowing, the Monitoring Officer confirmed that it was covered in staff induction but there was no specific training. The Monitoring Officer suggested he speak to the Communications Team about reminding all staff of the policy.

Moved by Councillor Justin Gilbody and seconded by Councillor Louise Fox  
**RESOLVED** that (1) the current Whistleblowing Policy, be agreed as fit for purpose.

(2) it be noted that there had been no instances of Whistleblowing during 2023.

### **STA34-23/24      GIFTS AND HOSPITALITY - ANNUAL REPORT**

The Monitoring Officer presented the Committee with an annual review of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitalities made to Members and officers of the Council during the period January 2023 to December 2023.

A copy of the provisions of the Constitution in respect of gifts and hospitality was attached to the report at Appendix 1. Details of the entries in the Council's Gifts and Hospitality Register for the period January 2023 to December 2023 was attached to the report at Appendix 2.

It was noted by the Committee that no gifts or hospitality had been declared by Councillors.

In answer to a question regarding gifts received by refuse collection workers, the Monitoring Officer said that he would raise the matter with the relevant Director and that a reminder about the policy would be circulated to all staff.

Moved by Councillor Jane Yates and seconded by Councillor Louise Fox  
**RESOLVED** that the annual report for the period January 2023 to December 2023 in respect of offers of gifts and hospitality made to Members and officers, be noted.

### **STA35-23/24      PROPOSED AMENDMENT TO THE SCHEME OF DELEGATION FOR OFFICERS**

The Monitoring Officer presented a report, which proposed an amendment to the officer delegation scheme relating to acceptance of external funding and its associated terms.

The report explained that it was proposed that the Officer Delegation Scheme be amended to enable all Assistant Directors, Directors and the Chief Executive to accept all external grant funding below the key decision threshold. In addition, it was proposed that the Chief Executive be given delegated authority to accept all external grant funding including those that exceeded the key decision threshold. Where the funding exceeded the key decision threshold a proposed decision would still need to be recorded on the Forward Plan for at least 28 days unless the exceptions in the Constitution were invoked.

## STANDARDS COMMITTEE

This proposal required the following changes to the Constitution:

- Add the following wording to the delegation to Assistant Directors and Directors 'To agree to the receipt of any external funding below the key decision level and the acceptance of any associated funding conditions.'
- Add the following wording to the delegation to the Chief Executive 'To agree to the receipt of an external funding and the acceptance of any associated funding conditions.'

In answer to a question the Monitoring Officer confirmed that the procedure for exercising delegated authority included consultation with the Monitoring Officer and Section 151 Officer.

Moved by Councillor Clive Moesby and seconded by Councillor Jane Yates

**RESOLVED** that the proposed amendment to the Constitution, in relation to the Officer Delegation Scheme be recommended to Council for approval.

### **STA36-23/24      PROPOSED AMENDMENT TO THE COUNCIL'S CONTRACT PROCEDURE RULES**

The Monitoring Officer presented a report, which set out proposed changes to the Council's Contract Procedure Rules.

The report explained that the Council's Contract Procedure Rules, as contained in Part 4.8 of the Constitution provided a framework for the procurement of all goods, services and works for the Council. All purchases were required to go through a set process depending on the value of the purchase. Legal Services and Procurement Services had reviewed the Contract Procedure Rules and had recommended changes, which were attached to the report at Appendix 1.

The proposed changes included:

- Dragonfly Management (Bolsover) Limited was a company wholly owned and controlled by the Council. It was also a company that provided over 80% of its services directly to the Council. This was known as a Teckal company. This meant that the Council could make direct contractual awards to it without complying with the statutory requirements set out in The Public Contract Regulations 2015. Changes were required to the Council's Contract Procedure Rules to enable the Council to make a direct award to Dragonfly Management (Bolsover) Limited in relation to all contracts subject to it meeting the specific criteria as set out within Regulation 12 of the Regulations. The changes proposed were set out in part 4.8.4 sections 4(i) and 4(ii).
- Dragonfly Development Limited was also a company wholly owned by the Council, however it was not a Teckal company and therefore the Council could not directly award contracts over the Regulation's financial thresholds. Currently the threshold for public work contracts was £5,372,609. The Council would however award contracts below this threshold, provided the Contract Procurement Rules provided for this. This change was proposed in part 4.8.4 section (5).
- Clarifying the position on signing / awarding contracts.

## **STANDARDS COMMITTEE**

- Removal of references to OJEU and replacing them with current provisions and other reference/job title updates.
- Clarification to ensure contracts dealt with in service areas were confirmed to procurement for noting on the contracts register.

The Monitoring Officer also confirmed a further proposed change, which was to remove the final sentence from 4.8.4 section (5).

Moved by Councillor Jane Yates and seconded by Councillor Clive Moesby  
**RESOLVED** that the proposed amendments to the Constitution, in relation to the Contract Procedure Rules, be recommended to Council for approval.

### **STA37-23/24 COMPLAINTS UPDATE**

The Monitoring Officer provided a verbal update on complaints made against Councillors. It was reported that there were currently no outstanding complaints. One complaint had been submitted against a District Councillor but it had related to their private life, and not when they had been acting as a Councillor.

In answer to a question regarding the outcome of the Standards Sub-Committee hearing that had been held in October 2023, the Monitoring Officer confirmed that the Sub-Committee had found that there had been a breach of the Code of Conduct. As it was regarding a Parish Councillor, the Parish Council had agreed to issue a censure.

### **STA38-23/24 WORK PROGRAMME 2023/2024**

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

The meeting concluded at 14:36 hours.

## **Bolsover District Council**

### **Standards Committee on 15<sup>th</sup> April 2024**

#### **Proposed Amendment to the Scheme of Delegation for Officers**

#### **Report of the Director of Governance and Legal Services & Monitoring Officer**

<b>Classification</b>	This report is public.
<b>Report By</b>	Jim Fieldsend Director of Governance and Legal Services & Monitoring Officer

#### **PURPOSE/SUMMARY OF REPORT**

- To propose a change to the officer delegation scheme to enable the Strategic Director of Services to purchase vehicles above Key Decision threshold.

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#### **REPORT DETAILS**

##### **1. Background**

- 1.1 The Council sets the budget for capital spend including an amount for replacement vehicles. The purchase of individual vehicles is then approved by either officers under delegated powers or the Executive if the value of the vehicles to be purchased exceeds the Key Decision threshold for capital spend, i.e. £150,000. The Director of Services is seeking delegated powers to enable him to acquire all vehicles whether above or below the Key Decisions threshold, in particular, where budget is afforded in the approved capital programme.

##### **2. Details of Proposal or Information**

- 2.1 It is proposed that the Officer Delegation Scheme be amended to enable the Director of Services to agree to the purchase of all vehicles. This power would only be used where the Council's Contract Procurement Rules have been complied with. Where the cost of the vehicles exceeds the key decision threshold a proposed decision will still need to be recorded on the Forward Plan for at least 28 days unless the exceptions in the Constitution are invoked.
- 2.2 The proposed wording of the delegation to Strategic Director of Service is "To agree to the purchase of all vehicles subject to the purchase being in accordance with the approved capital budget and the Contract Procurement Rules".

**3. Reasons for Recommendation**

3.1 Delegating the ability to make decisions on all vehicle purchases to the Director of Services will make the process more efficient and enable the Council to take advantage of time limited pricing reductions.

**4 Alternative Options and Reasons for Rejection**

4.1 Not to agree to the delegation. This would slow down the vehicle purchase process and may lead to the Council having to pay higher prices.

**RECOMMENDATION(S)**

That the Committee consider the proposals for the amendment of the Scheme of Delegation for Officer as set out in the report and recommends the proposal to Council.

<b><u>IMPLICATIONS:</u></b>	
<b><u>Finance and Risk:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>	On behalf of the Section 151 Officer
<b><u>Legal (including Data Protection):</u></b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Details:</b> 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.	
The purchase of all vehicles will need to follow the relevant process as set out in the Contract Procurement Rules	
	On behalf of the Solicitor to the Council
<b><u>Environment:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.	
<b>Details:</b> None	
<b><u>Staffing:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b> None arising from this report.	
	On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>          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><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<p><b>District Wards Significantly Affected</b></p>	None
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/></p>	Details:

<p><b>Links to Council Ambition: Customers, Economy and Environment.</b></p>
<p>Demonstrating good governance</p>

DOCUMENT INFORMATION	
Appendix No	Title

<p><b>Background Papers</b></p>
<p><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></p>



## **Bolsover District Council**

### **Standards Committee on 15<sup>th</sup> April 2024**

### **Member Training Attendance 2023/2024**

### **Report of the Director of Governance and Legal Services & Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Amy Bryan Governance and Civic Manager

### **PURPOSE/SUMMARY OF REPORT**

To provide the Standards Committee with information relating to Councillor attendance at training events.

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### **REPORT DETAILS**

#### **1. Background**

- 1.1 Part of the Terms of Reference of the Standards Committee is to oversee Member Training including the attendance of Members at courses. This was in relation to matters affecting their conduct and probity including relevant information provided to newly elected District Councillors.

#### **2. Details of Proposal or Information**

- 2.1 For Standards Committee to monitor and oversee Member training as set out at Appendix 1 to the report.

#### **3. Reasons for Recommendation**

- 3.1 For the Standards Committee to oversee Member Training, including the attendance of Members at courses.

#### **4. Alternative Options and Reasons for Rejection**

- 4.1 There are no alternative options as the report is for information only.
-

## **RECOMMENDATION(S)**

That Standards Committee note the information and statistics for Member attendance at training so far during 2023/2024 as attached at Appendix 1 to the report.

### **IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:** The Member Development Budget should cover the cost of any external trainers required to deliver any training identified for the year and any sessions Members attend externally. Additional conferences that Members attend can be unexpected costs and it is important that these are identified with the Governance Team as early as possible.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

Essential training to cover the legal obligations and responsibilities of Members and the Council is included in the Member Development Programme as part of induction and with regular refreshers. Subjects such as data protection, safeguarding, code of conduct, will be addressed bi-annually with committee specific training on an annual basis or as needed.

On behalf of the Solicitor to the Council

**Environment:**            Yes             No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

None

**Staffing:**            Yes             No

**Details:**

Training delivered in house adds to the workloads of officers across the Council, however, as much notice as possible will be given to minimise impact.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>  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><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	N/A

<p><b>District Wards Significantly Affected</b></p>	None
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/></p>	<p><b>Details:</b>  The Member Development Working Group receives regular updates and coordinates the Member Development Programme.</p>

<p><b>Links to Council Ambition: Customers, Economy and Environment.</b></p>
<p>Demonstrating good governance</p>

DOCUMENT INFORMATION	
Appendix No	Title
1	Attendance at training courses held internally – 2023/2024

<p><b>Background Papers</b></p>
<p><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></p>
<p>None</p>

# Appendix 1

## SUMMARY OF COUNCILLOR TRAINING ATTENDANCE 2023/2024

<b>Training and Date</b>	<b>Number of Councillors Attended</b>	<b>% of all Councillors in attendance</b>	<b>% of Committee members in attendance</b>
Councillor Induction – Session 1	28	75%	
Councillor Induction – How the Council Works	25	68%	
Councillor Induction – Risk Management	23	61%	
Councillor Induction – Data Protection and FOI	16	43%	
Councillor Induction – Safeguarding	15	41%	
Councillor Induction – Equalities and Diversity	25	68%	
Councillor Induction – Code of Conduct	24	65%	
Councillor Induction – Health & Safety / Lone Working	22	59%	
Councillor Induction – Planning Committees	18	49%	
Councillor Induction – Corporate Priorities/Performance/Partnerships	23	61%	
Councillor Induction – Dragonfly	20	61%	
Councillor Induction – Licensing Committees	10	27%	
Councillor Induction – Fraud Awareness and Local Government Finance	23	61%	
Councillor Induction – Environmental Health	23	61%	
Licensing Committees	6		60%
Prevent (Counter Terrorism) Training 6 September 2023	5	14%	
Safeguarding Training (catch up session) 15 January 2024	11	30%	
FOI and Data Protection (catch up session) 5 February 2024	11	30%	

**Bolsover District Council**

**Standards Committee on 15<sup>th</sup> April 2024**

**Annual Report of the Standards Committee 2023/24**

**Report of the Director of Governance and Legal Services & Monitoring Officer**

<b>Classification</b>	This report is public
<b>Report By</b>	Jim Fieldsend Director of Governance and Legal Services & Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

For Standards Committee to consider the Standards Committee Annual Report on the work it has undertaken during the municipal year 2023/24.

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**REPORT DETAILS**

**1. Background**

1.1 At the end of each municipal year, the Standards Committee produces an annual report of the work it has undertaken during the year for consideration by Annual Council.

**2. Details of Proposal or Information**

2.1 For Standards Committee to consider the draft Annual Report which sets out the work of the Committee during the municipal year 2023/24 prior to submission to Annual Council.

The draft Annual Report 2023/24 is attached as Appendix 1 to this report. The section on training will need to be completed following the meeting.

**3. Reasons for Recommendation**

3.1 To enable the Council to consider the Annual Report of the Standards Committee in relation to its work during the municipal year 2023/24.

**4. Alternative Options and Reasons for Rejection**

4.1 This report is to inform the Council of the work of the Standards Committee therefore there are no alternative options.

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**RECOMMENDATION(S)** that;

Standards Committee approves the draft Annual Report on the work it has undertaken during the municipal year 2023/24, as attached at Appendix 1.

**IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:** None arising from this report.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:** None arising from this report.

On behalf of the Solicitor to the Council

**Environment:**                            Yes             No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:** None

**Staffing:**            Yes             No

**Details:** None arising from this report.

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<p><b>Is the decision a Key Decision?</b> 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><b>Revenue - £75,000</b>   <input type="checkbox"/>   <b>Capital - £150,000</b>   <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	Details: Councillor Duncan McGregor, Portfolio Holder for Corporate Governance  Standards Committee

<b>Links to Council Ambition: Customers, Economy and Environment.</b>
Demonstrating good governance

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Draft Annual Report of the Standards Committee 2023/2024

<b>Background Papers</b>
<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>



**Standards Committee  
Annual Report 2023/24**

## **Standards Committee Annual Report 2021/22**

### **Foreword from the Chair of the Standards Committee**

*The work of the Standards Committee remains central to the ethical and governance responsibilities of the Council which are an essential element in local government continuing to retain the trust of the public which it serves.*

*I would like to take the opportunity to thank the Members on the Committee, the Independent Persons and officers of the Council, for their continued hard work and support in the work of the Committee during the year.*

**Mrs Ruth Jaffray**

*Co-opted Member*

The Annual Report outlines the work of the Standards Committee during the municipal year 2022/23 and covers the following subjects:

- 1 Chair and Co-optees of the Standards Committee 2023/24;
- 2 Independent Persons;
- 3 Complaints received during 2023/24;
- 4 Councillor Complaint Procedure;
- 5 Establishment of a Sub-Committee to deal with Member complaints;
- 6 Constitution Review Work;
- 7 Policy Review Work;
- 8 Gifts and Hospitality;
- 9 Member Training Attendance;
- 10 Increase of Public Awareness.

## **1 Chair and Co-optees of Standards Committee 2023/24**

The Articles of the Constitution require that a co-opted member be appointed Chair of the Standards Committee. The Council therefore approved the appointment of Mrs Ruth Jaffray in November 2016 who has undertaken that role since then.

## **2 Independent Persons**

2.1 The Council has two Independent Persons who advises the Monitoring Officer on complaints against District or Parish Councillors and also advises Councillors who were the subject of complaints. These are Mr Stephen Wainwright and Mr Ian Kirk.

2.2 In September 2023 it was reported that one of Independent Persons may need to resign and approval was granted to recruit two new Independent Person, one to replace the retiring Independent Person and another to provide additional resilience. It transpired that the Independent Person did not need to retire. The third Independent Person has not yet been appointed.

## **3 Complaints received during 2023/2024**

It has been a quiet year with only 8 complaints against Members were received during the period May 2023 to April 2024 with 4 of those complaints relating to the same incident. Six complaints related to parish councils and 2 related to the District Council. Further they were all closed with no further action. There are no outstanding complaints.

## **4 Councillor Complaint Procedure**

In November Standards Committee approved changes to the Councillor Complaint Procedure. This is the procedure undertaken when a complaint is made that a district or parish councillor has breached a relevant code of conduct. Under the procedure once a complaint has been investigated and the investigator recommends that there has been a breach of the code, the matter can be dealt with informally or by way of a hearing. Under the previous procedure before determining that a formal hearing was not required the Monitoring Officer was essentially required to seek approval from the complainant. This meant that where the Monitoring Officer did not believe that a formal hearing was appropriate a complainant could still force a hearing to take place. This took away the discretion of the Monitoring Officer and put disproportionate control in the hands of the complainant. Standards Committee addressed this imbalance and approved changes to the procedure that gave the Monitoring Officer the discretion to refer a complaint for a formal hearing. This change is in line with guidance issued by the Local Government Association.

## **5 Establishment of a sub-committee to deal with Member complaint hearing**

Where an investigation into a Members behaviour recommends that the Member breached their relevant code of conduct the Monitoring Officer will seek to resolve the matter with the agreement of the parties. If an agreement cannot be reached the matter may be referred to a hearing by a sub-committee of the

Standards Committee. This is unusual and only one such hearing prior to this year has been held for over the last 11 years.

A complaint was received in February 2023 regarding the conduct of a Clowne Parish councillor. Following an investigation by the Deputy Monitoring Officer in which she recommended that the Parish Councillor had breached the Clowne Parish Council code the councillor concerned failed to acknowledge the Deputy Monitoring Officer's conclusions. In September 2023 the Standards Committee agreed to establish a sub-committee to consider the matter and the hearing eventually took place on 24<sup>th</sup> October 2023. The sub-committee found that the Clowne Parish Councillor was in breach of part 1.1 of the Clowne Parish Council's code of conduct which requires a Councillor "to treat other Councillors and members of the public with respect". Further, the sub-committee recommended that the Parish Council censure the councillor by reading out the sub-committee's decision notice. Clowne Parish Council agreed to this and the Member was censured at the Parish Council meeting on 21<sup>st</sup> February.

## **6 Constitution Review Work**

One of the functions of the Standards Committee is to undertake a review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. The Committee considered a number of areas that had been identified for review including;

- Officer Delegation Scheme;
- Access to Information Rules;
- Creation of Junior Executive roles;
- Council's Contract Procurement.

## **7 Policy Review Work**

### Whistle-blowing Policy Review

The Council is committed to updating the Whistle-blowing policy on a regular basis to ensure it is fit for purpose and a review was conducted in January 2024 with no substantive changes being made other than housekeeping amendments.

The Monitoring Officer has overall responsibility for the maintenance and operation of the policy and would maintain a record of any concerns raised and the outcomes. The Monitoring Officer is also required to report as necessary to the Council on instances relating to Whistleblowing. It was noted by the Standards Committee at its meeting in January, that the policy was fit for purpose and there had been no instances of whistle blowing since the 2023 annual review.

## **8 Gifts and Hospitality**

- 8.1 The Council's Constitution specifies detailed arrangements for the registering of gifts and hospitality made to Members and officers.

- 8.2 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. The register of Gifts and Hospitality is also published on the Council's website.
- 8.3 In January this year, the Standards Committee received and noted an annual report in respect of offers of gifts and hospitality made to Members and officers for the period January 2023 to December 2023.
- 8.4 Members are reminded that advice is available from the Monitoring Officer, Deputy Monitoring Officer and Legal Services in relation to any offer of gift or hospitality and Members and officers are encouraged to seek this advice where they were unsure.

## **9 Member Training Attendance**

Part of the Terms of Reference of the Standards Committee is to oversee Members training including attendance at courses.

## **10 Increase of Public Awareness**

In November the Committee approved an article to be published in the Council's InTouch magazine. The report explained that one of the roles of the Standards Committee was to increase the public awareness of the Code of Conduct and its application. This could be achieved through the use of the Council's communication media. One such channel was the InTouch magazine which was delivered quarterly to homes and businesses across the District. At the time of writing this report the article has not yet been published in InTouch.

*Footnote: If any Member would like a copy of any of the reports referred to in this report, they should contact the Governance Team on 01246 242529*

**BDC COMPLAINTS MADE AGAINST MEMBERS –**  
**FULL UPDATE OF**  
**COMPLAINTS RECEIVED 2023/24**

List of Cases which did not proceed to investigation

<b>DATE OF RECEIPT</b>	<b>PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED</b>	<b>NAME OF COUNCIL</b>	<b>WHETHER A POTENTIAL BREACH WAS FOUND</b>	<b>REASONS FOR DECISION/ ACTION</b>
<b>15/06/23</b>	Bringing the role of the Council into disrepute due to spreading of misinformation	Scarcliffe Parish Council	<b>No</b>	Evidence clearly indicated that the information was correct
<b>22/06/23</b>	Respect – councillor used inappropriate language on social media	Old Bolsover Town Council	<b>No</b>	Councillor not acting in capacity as a councillor at the time
<b>02/10/23</b>	Respect-	Bolsover District Council	<b>No</b>	Councillor not acting in capacity as a councillor at the time
<b>03/10/23</b>	Misuse of Council resources	Bolsover District Council	<b>Yes</b>	Minor breach. MO considered no further action required other than to remind Members not to ask staff to assist them with non-Council matters.
<b>02/24</b>	Four complaints relating to the same incident. Respect/bringing council into disrepute	South Normanton Parish Council	<b>No</b>	The councillor in question resigned as a parish councillor.

**BDC COMPLAINTS MADE AGAINST MEMBERS – FULL UPDATE OF COMPLAINTS RECEIVED 2022/23 & CONCLUDED IN 2023/24.**

List of Cases which did proceed to investigation:

<b>DATE OF RECEIPT</b>	<b>PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED</b>	<b>NAME OF COUNCIL</b>	<b>WHETHER A POTENTIAL BREACH WAS FOUND</b>	<b>REASONS FOR DECISION/ ACTION</b>
<b>21/10/22</b>	Respect-behaviour during parish council meeting	Shirebrook Parish Council	<b>Yes</b>	Technical and minor breach which the Monitoring Officer considered did not require any further action
<b>20/02/23</b>	Respect Social media posting	Clowne Parish Council	<b>Yes</b>	This matter was considered by a Standards Sub-Committee hearing on 24 <sup>th</sup> October 2023. The panel found that the Clowne Parish Councillor was in breach of the code of conduct. The panel has recommended to Clowne Parish Council that the councillor be censured at a meeting of the Council and that he receives appropriate Code of Conduct training