

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, 4 November 2024 at 14:00 hours.

PRESENT:-

Members:-

R. Jaffray in the Chair

Councillors Jane Yates (Vice-Chair), Anne Clarke, Louise Fox, Justin Gilbody, Duncan Haywood and Tom Kirkham.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer) and Angelika Kaufhold (Governance and Civic Manager).

STA10-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

STA11-24/25 URGENT ITEMS OF BUSINESS

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

STA12-24/25 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.

STA13-24/25 MINUTES

Moved by Councillor Jane Yates ~~Janet Tait~~ and seconded by Councillor Anne Clarke
RESOLVED that the minutes of a meeting of the Standards Committee held on
2nd September 2024 be approved as a true and correct record.

STA14-24/25 COUNCILLOR COMPLAINTS PROCEDURE

Consideration was given to a report presented by the Director of Governance and Monitoring Officer relating to the Councillor Complaint Procedure.

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The report proposed a change to the procedure for the Monitoring Officer to recommend a local resolution to a complaint or refer it to a formal hearing without the approval of the complainant. The existing scheme was imbalanced with a disproportionate level of control in the hands of complainants who had to agree to any proposed resolutions by the Monitoring Officer.

Councillor Justin Gilbody arrived at this point in the meeting.

The proposed change below (excerpt from the Councillor Complaint Procedure paragraph 7.2. “you” relates to the complainant) was in line with guidance issued by the Local Government Association:

“if the Monitoring Officer considers that local resolution is not appropriate, ~~or you are not satisfied by the proposed resolution,~~ or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer’s report to the Sub-Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.”

During discussion the following additional information was provided in response to Members’ questions:

- The Sub-Committee would be convened in the event of a member complaint being referred by the Monitoring Officer for further investigation. The Sub-Committee would then review the complaint and decide whether any sanctions were appropriate. The Monitoring Officer did not have the authority to impose sanctions this was within the remit of the Sub-Committee.
- Local Resolution decisions made by the Monitoring Officer were reported to the Standards Committee at each meeting.

Moved by Councillor Duncan Haywood and seconded by Councillor Anne Clarke
RESOLVED that the amendment to the Councillor Complaint Procedure be approved.

STA15-24/25 DELEGATION OF THE DECISION TO GRANT DISPENSATIONS

Consideration was given to a report presented by the Director of Governance and Monitoring Officer relating to the proposal to delegate authority for the granting of dispensations.

At the meeting of the Standards Committee held on 2nd September 2024 Members requested that a benchmarking exercise be carried out by the Monitoring Officer to establish practice by other local authorities in respect of delegating authority to grant dispensations. The results detailed in the report highlighted the different approaches taken and where authority was delegated to the Monitoring Officer this was restricted to certain circumstances only.

Any decision which required a more objective view on whether the dispensation was justified would be reserved to the Standards Committee to avoid the risk of undue

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pressure being placed on the officer with the delegated authority.

It was confirmed that requests for dispensation were rare and in recent times only applied to the Councillor Directors of Dragonfly. It depended on the nature of the dispensation request whether it would be best placed either by referral to the Standards Committee or decided by the Monitoring Officer through delegated authority.

Some Members' raised concerns that by granting delegated authority it could place the Monitoring Officer in a difficult position and that as there were so few requests then these should always be considered by the Standards Committee itself.

It was suggested that all councillors be reminded that any requests for dispensations had to be submitted to the Monitoring Officer in a timely fashion so that the Standards Committee could be convened to make its decision.

Councillor Tom Kirkham moved to reject the recommendations within the report which was seconded by Councillor Justin Gilbody and following a vote it was **RESOLVED** that the recommendations in the report be rejected and not to change the rules relating to the granting of dispensations.

STA16-24/25 COMPLAINTS UPDATE

The Director of Governance and Monitoring Officer provided an update on complaints made against Councillors.

It was confirmed that there had been an influx of complaints recently with four new complaints relating to Cresswell Parish Council and one against Shirebrook Town Council as well as earlier complaints which were still ongoing. Once reviewed the outcomes/decisions relating to completed complaints would be reported to the next meeting of the Standards Committee.

The Monitoring Officer confirmed the process for reviewing complaints included:

- Initial assessment of the complaint to confirm if the individual was acting in their councillor role/capacity and if the issue fell within the jurisdiction of the Councillor Complaint Procedure.
- Whether a Local Resolution for example an apology could be applied or whether the complaint justified further investigation.
- Convening a Sub-Committee to consider the complaint including a hearing for the facts to be put by the complainant, the councillor and for the Investigation report to be considered.
- In the event of a breach being found the Sub-Committee had a range of sanctions to consider including:
 - Censure where the findings of the Sub-Committee had to be publicised by the relevant Parish/District Council;

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- Removal of the councillor from a position of office within the Parish/District council.

At present there was no power to suspend councillors following serious breaches but the Government was looking to review and enhance these powers which were considered to be too low at present.

STA17-24/25 WORK PROGRAMME - SEPTEMBER 2024 TO MARCH 2025

The Committee considered its work programme for the remainder of the 2024/25 municipal year. The Director of Governance and Monitoring Officer informed the Committee that Annual Summary of Compliments, Comments and Complaints which had originally be scheduled for today's meeting had been moved to the January 2025 meeting.

The meeting concluded at 14:32 hours.