

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held as a Virtual Meeting on Monday, 22 February 2021 at 15:30 hours.

PRESENT:-

Members:-

R. Jaffray in the Chair

Councillors Tricia Clough, David Downes, Andrew Joesbury, Clive Moesby and Deborah Watson.

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

Also in attendance at the meeting was Ian Kirk, Independent Person.

STA38-20/21 APOLOGIES FOR ABSENCE

No apologies for absence were received.

STA39-20/21 URGENT ITEMS OF BUSINESS

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

STA40-20/21 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.

STA41-20/21 MINUTES

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough
RESOLVED - that the minutes of a meeting of the Standards Committee held on 30th November 2020 be approved as a true and correct record.

STA42-20/21 CUSTOMER SERVICE STANDARDS AND COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2020/21 - APRIL TO SEPTEMBER 2020

Committee considered a report regarding the Council's performance in relation to its customer service standards and the number of compliments, comments and complaints

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for the period 1st April 2020 to 30th September 2020.

In respect of customer services standards the report set out performance against the targets for 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 in this monitoring period.

Members thanked officers for their work and adaptability during the circumstances that everyone had been working under during the past year.

Moved by Councillor Andrew Joesbury and seconded by Councillor David Downes

RESOLVED - that the overall performance on compliments/comments and complaints and customer service standards, particularly in the light of the constraints officers had been working within during Covid-19 arrangements, be noted.

STA43-20/21 THE LOCAL GOVERNMENT ASSOCIATION MODEL CODE OF CONDUCT

Committee considered a report which set out the model Members' Code of Conduct which had been published by the Local Government Association. The model Member Code of Conduct was attached to the report at Appendix 1.

The stated purpose of the Code of Conduct was to protect Councillors by modelling the behaviour expected of Councillors, providing a personal check and balance and setting out the type of conduct that could lead to action being taken against Councillors.

Committee discussed the draft Model Code of Conduct and suggested amendments and additions including:

- Referring to formal and informal meetings (general principles)
- Specific reference or cross reference to GDPR and Data Protection legislation and the Member Officer Protocol (section 4)
- A reference to not trying or seeking to obtain information they shouldn't (section 4)
- Word 'authority' is missing at 7.2 (section 7)

It was suggested that it would be very useful if Parish and Town Councils adopted the same Code of Conduct. The Monitoring Officer confirmed that once the draft District Code of Conduct had been completed the Parish Councils would be written to with the offer that they could adopt the code as their own should they wish to.

Moved by Councillors Tricia Clough and seconded by Councillor David Downes

RESOLVED – that:-

- 1) the model Code of Conduct be noted and the comments made by the Committee be incorporated in the draft Bolsover Members Code of Conduct
- 2) a draft Bolsover Members Code of Conduct be submitted to the Standards Committee on 21 April 2021.

(Monitoring Officer)

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STA44-20/21 **CODE OF PRACTICE - AUDIO AND VISUAL FOOTAGE OF MEETINGS**

Committee considered a report which presented a proposed Code of Practice for Audio and Visual Footage of Meetings. The proposed code of practice was attached to the report at Appendix 1.

The report noted that it was good practice to have a code of practice to refer to and ensured a consistent application of the process.

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough

RESOLVED – that the proposed Code of Practice for Audio and Visual Footage of Meetings be approved.

(Governance Manager)

STA45-20/21 **CODE OF PRACTICE - VACATING OFFICE**

Committee considered a report which presented a proposed Code of Practice for Vacating Office. The proposed code of practice was attached to the report at Appendix 1.

The report stated that this proposed code of practice was for the application of Section 85 of the Local Government Act 1972 (known as the 6 month rule), notification processes and other means by which a Member could vacate public office.

The Governance Manager suggested that the following paragraphs regarding Co-opted Members for whom Section 85 and 86 of the Local Government Act 1972 did not apply, be added to the proposed code of practice:

1.7 In reference to a Co-opted Member, S. 85 and S.86 of the LGA 1972 do not apply, nor does the LHGHA 1989 S.1. A Co-opted Member may vacate office where they choose to do so through resignation, sadly when they die during their term of office, or where the Council removes them by resolution.

In respect of Co-opted Members:

2.8 Where a Committee or Outside Body to which the Council has appointed a Co-opted Member wishes to replace its nominee, the matter will be referred to Council. Council alone can determine whether to accede to the request.

2.9 This matter would be considered in private session, and should only be brought forward where resolution to the reason for replacement cannot be brokered. An example of a reason for replacement could be sustained non-attendance of non-contact.

5.2 The Elections Manager will issue the vacancy of notice. **In the case of a Co-opted Member, the Governance Manager will manage the replacement.**

Moved by Councillor David Downes and seconded by Councillor Clive Moesby

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RESOLVED – that the proposed Code of Practice for Vacating Office, including the proposed additions stated at the meeting, be approved.

(Governance Manager)

STA46-20/21 JOINT WHISTLEBLOWING POLICY - ANNUAL REPORT

Committee considered a report which provided an update on the use of the Joint Whistleblowing Policy. The Joint Whistleblowing Policy was attached to the report at Appendix 1.

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

There were no instances of Whistleblowing to report since the last review of the Policy in February 2020.

Moved by Councillor David Downes and seconded by Councillor Andrew Joesbury

RESOLVED – that:

- 1) the current Joint Whistleblowing Policy be agreed as fit for purpose.
- 2) there had been no instances of whistleblowing made since the 2020 Annual Review of the Joint Whistleblowing Policy, be noted.

(Monitoring Officer)

STA47-20/21 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) Contract Procedure Rules – raise level for Request for Quotations (RFQs)

It was proposed to raise the level at which a RFQ could be used in place of tenders to £75k. It was currently £50k. This would still require the active involvement of the Procurement Team for contracts with a value of £10 to £75k.

b) Extraordinary Council Meetings

It was proposed under the 'housekeeping' process to add a footnote to clarify that 3.3 (of the Council Procedure Rules) did not restrict the agenda for Extraordinary Council meetings to one item of business and that such items as Questions and Motions shall be included on the agenda.

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c) Delegation to EH Officers to serve section 215 Town and Country Planning Act 1990 notice

The Planning Committee, Assistant Director for Development and the Planning Manager currently hold a delegation for Planning and Development Control functions, including enforcement for which the Council was responsible in Schedule 1 of the Functions Regulations. It was proposed to extent this delegation to Environmental Health officers who were often the instigators of the need for such action.

d) Delegation given to Monitoring Officer to temporarily approve dispensations under the Section 85 Rule

It was proposed to add a delegate to the Head of Corporate Governance and Monitoring Officer in relation to Councillor attendance dispensations under Section 85 of the Local Government Act 1972. This was to be able to provide a dispensation only when there was no Council meeting to consider the application before the expiry and a dispensation would only be granted until the date of the next Council meeting which would consider the application.

e) Review of the Constitution

Each year, as part of the Review of the Constitution report that Council considered, a delegation was given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation. It was proposed that this be incorporated in to the Delegation Scheme.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED – that the Committee support the submission of all the proposals to Council as part of the next Constitution Review.

(Monitoring Officer)

STA48-20/21 COMPLAINTS UPDATE

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

There were three complaints that remained ongoing from 2019 in respect of Parish Councillors. There were five complaints submitted in 2020 which were currently being considered; two related to District Councillors and 3 related to Parish Councillors. There had been one complaint submitted so far in 2021 in respect of a District Councillor.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough
RESOLVED – that the update be noted.

STA49-20/21 WORK PROGRAMME 2020/2021

Committee considered their work programme for the remainder of the 2020/21 municipal year.

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Moved by Councillor Andrew Joesbury and seconded by Councillor David Downes
RESOLVED – that the work programme be noted.

The meeting concluded at 16:36 hours.