

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, 5 July 2021 at 14:00 hours.

PRESENT:-

Members:-

Councillor R. Jaffray in the Chair

Councillors Clive Moesby (Vice-Chair), David Dixon, David Downes, Graham Parkin and Deborah Watson.

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

STA1-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Tricia Clough.

STA2-20/21 URGENT ITEMS OF BUSINESS

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

STA3-20/21 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.

STA4-20/21 MINUTES

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson

RESOLVED that the minutes of a meeting of the Standards Committee held on 22 February 2021 be approved as a true and correct record.

STA5-20/21 DRAFT NEW CODE OF CONDUCT FOR COUNCILLORS

Further to Minute STA43-20/21, Committee considered a report which presented a draft new Code of Conduct for Councillors, which had been based on the new Local Government Association (LGA) Model Code. The draft Bolsover District Council Code of Conduct for Councillors was attached to the report at Appendix 1.

The report stated that the draft was based on the LGA model with the following

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amendments or additions:

- Provision had been made for the granting of dispensations.
- The current Code included reference to Councillor's obligation to attend mandatory training, which was missing from the LGA model. The current Code included a requirement to attend Mandatory training as listed in an Appendix. This has been included in the draft.
- The current Code contained an explanation of Predetermination or Bias. This had been included in the draft Code.

The Committee was asked to consider the draft Code and to identify any other matters which it felt should be included.

The Committee discussed the draft and made the following comments:

- Section 8.1 - should be strengthened to stress the importance of training. It was suggested this could be changed to 'I will undertake Code of Conduct training provided by the District Council.'
- Section 10.2 – the limit to register a gift or hospitality should be £25 not £50.
- Section 13 – end of sentence was missing.
- Appendix C required the list of training to be copied over from the current Code of Conduct.

The Committee agreed that all Councillors would need to be informed of the contents of the new Code of Conduct and have the opportunity to ask questions. It was agreed that the best approach would be as a presentation at Council as part of the consideration of the Code which would be referred from this Committee.

The Committee also agreed that all Parish and Town Councils should be written to following the adoption of the Code by the Council to recommend their adoption of the same Code of Conduct. It was suggested that the Fire Authority could also be included.

The report stated that once Council had approved the new Code of Conduct for Councillors, each Councillor would have to agree to be subject to the Code. Therefore a letter or email would be sent to each Councillor following Council approval requiring that agreement.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson

RESOLVED – that:

- 1) the draft Code of Conduct be noted and the proposed amendments, as set out above, be made to the draft before submission for adoption.
- 2) the adoption of the draft Code of Conduct for Councillor be recommended to Council.
- 3) training be provided on the new Code of Conduct for Councillors, preferably at a meeting of Council when all Councillors would already be in attendance.
- 4) it be recommended to Parish and Town Councils that they adopt the Local Government Association Model Code of Conduct for Councillors.

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(Monitoring Officer)

STA6-20/21 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) Scope of Council Questions by Members

There was currently a disparity between the scope for questions from members of the public and Councillors. The scope applied to public questions did not currently apply to questions on notice by Councillors. It was proposed to change Procedure Rule 9 to include the same scope as for questions from members of the public (as set out below), which would bring both Procedure Rules 8 and 9 into line with each other.

The Monitoring Officer may reject a question if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the district;
- (b) it is defamatory, frivolous or offensive;
- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a planning application that is in the process of being determined by the District Council.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

b) Withdrawal of Questions by Members

There was currently no provision within the constitution for a Councillor to withdraw a question which had been submitted, accepted and published. Section 9 of the Council Procedure Rules was silent on this scenario. It was proposed to clarify the situation by adding the following a paragraph to set out that questions could be withdrawn in writing not later than 24 hours in advance of the meeting.

The Committee discussed the proposal and agreed that the deadline should be 9am on the day of the meeting. Therefore the following would be added to the constitution:

9.10: Withdrawal of Questions

A question which has been accepted and published may be withdrawn by the Member who asked it provided that they indicate this in writing to the Monitoring Officer and the Member to which the question has been asked not later than 9am on the day of the meeting.

c) Delegation Scheme Amendment

There were some statutory matters which were missing from the Proper Officer provisions

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within the Scheme of Delegation. Provisions required for the notification and control powers from transmissible diseases which were given to Proper Officers within:

Public Health (Control of Disease) Act 1984
S11, 18, 20, 21, 22, 24, 29, 31, 36, 40, 42, 43 and 48
Public Health (Infectious Diseases) Regulations 1988
Regulations 6,8,9,10
Sch 3 and 4

It was proposed to add these missing elements to the Proper Officer provisions.

d) Housing Allocations Review Panel (HARP)

The Housing Allocations Review Panel (HARP) membership needed to be updated as the Housing Needs Manager post had been disestablished. It was proposed to substitute the Housing Needs Manager post with the Community Safety and Enforcement Manager post.

Also, it was proposed to change a part of the terms of reference from 'The Housing Needs Manager or the Housing Enforcement Manger must be in attendance' to 'The Housing Enforcement Manager or the Community Safety and Enforcement Manager must be in attendance with at least one other panel member.' This change would ensure clarity on who needed to be present and that the panel should comprise of at least two officers.

e) Deadlines

Clarity was required when no time had been specified in respect of a deadline within the constitution.

This would require the following sentence to be added to the Council Procedure Rules - 'Unless otherwise stated, or where 'working day' is used as a description, a deadline within this constitution is deemed to be 5.00pm'.

Moved by Councillor David Downes 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)

STA7-20/21 COMPLAINTS UPDATE

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

There was one complaint that remained ongoing from 2019 and one from 2020. There had been six complaints submitted so far in 2021; one regarding a District Councillor which had been closed with no further action and five regarding Parish Councillors which were still ongoing.

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STA8-20/21 WORK PROGRAMME 2021/2022

Committee considered its work programme for the 2021/22 municipal year.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED – that the work programme be noted.

The meeting concluded at 14:37 hours.