

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 29th 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 13th 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

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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.

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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.

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- 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.