

STANDARDS COMMITTEE

Minutes of a meeting of Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 2nd September 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), Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)) and Amy Bryan (Governance and Civic Manager).

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

STA1-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

STA2-24/25 URGENT ITEMS OF BUSINESS

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

STA3-24/25 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.

STA4-24/25 MINUTES

Moved by Councillor Jane Yates and seconded by Councillor Tom Kirkham
RESOLVED that the minutes of the meeting of the Standards Committee held on 15th April 2024 on be approved as a true and correct record.

STA5-24/25 RIPA POLICY

Committee considered a report which sought the adoption of a new RIPA Policy.

The report explained that the Regulation of Investigatory Powers Act 2000 (RIPA) was concerned with the regulation of surveillance and other intelligence gathering by public

STANDARDS COMMITTEE

authorities in the conduct of their legitimate business. The ability to use surveillance methods to gather evidence was limited to those circumstances set out in the Act. In addition, the Investigatory Powers Act 2016 (IPA) set out the extent to which certain investigatory powers may be used to interfere with privacy. In particular, the interception of communications, equipment interference and the acquisition and retention of communication data. It was necessary for the Council to have a policy in place setting out a procedure for the use of the powers in both RIPA and IPA, however the current policy only referred to RIPA. The Legal Services Manager (Deputy Monitoring Officer) had reviewed the policy and produced a revised version to include all necessary legislative requirements.

The Committee asked questions regarding the use of social media and whether any Councillors had made requests under RIPA. It was noted that it had been several years since the Council had used any powers under RIPA but an up-to-date policy was still required.

Moved by Councillor Justin Gilbody and seconded by Councillor Louise Fox
RESOLVED that the RIPA Policy, as attached at Appendix 1 to the report, be approved.

STA6-24/25 DELEGATION OF THE DECISION TO GRANT DISPENSATIONS

The Committee considered a report which proposed to delegate the power to grant dispensations for Members to speak and vote in committees when they had declarable interests.

The report set out that in accordance with the Code of Conduct, a copy of which was attached to the report at Appendix 1, that where a Councillor was prevented from participating in a matter in a meeting by virtue of the existence of either a Disclosable Pecuniary Interest, Other Registerable Interest or a Non-Registerable Interest, they may still take part in the meeting and vote where they had been granted a dispensation.

The dispensation provisions referred to in Part 12 of the Code of Conduct referred to situations where a Councillor had a Disclosable Pecuniary Interest. There was no corresponding provision for the granting of dispensation for Other Registerable Interests or a Non-Registerable Interest. In order to clarify that the rules on dispensations applied to all interests it was proposed that the provisions set out in relevant paragraphs be changed to include reference to Other Registerable Interests and Non-Registerable Interests.

Any requests for a dispensation must be sent in writing to the Monitoring Officer. However, there was no ability for the Monitoring Officer to determine whether a dispensation should be granted. It was proposed in the report that the Standards Committee delegated the decision to determine dispensation applications to the Monitoring Officer. This would enable decisions to be made in a timely and efficient manner. The Committee discussed the proposal and concern was expressed by some members of the Committee regarding delegating this authority to an officer. The Committee asked the Director of Governance and Legal Services & Monitoring Officer to carry out further research on this matter, including if many other councils delegated this matter to their Monitoring Officer.

Resolution (1) moved by Councillor Louise Fox and seconded by Councillor Jan Yates

STANDARDS COMMITTEE

Resolution (2) moved by Councillor Duncan Haywood and seconded by Councillor Louise Fox

RESOLVED that (1) the addition of Other Registerable Interests and Non-Disclosable Interests to Part 12 of the Code of Conduct for Councillors be approved;

(2) the Director of Governance and Legal Services & Monitoring Officer carry out further work on the delegation to consider applications for dispensations proposal and report back to the next meeting of the Committee.

STA7-24/25 COMPLAINTS UPDATE

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

There was one complaint regarding a Parish Councillor and one complaint regarding a District Councillor, which were going ongoing. There had been two further complaints about Parish Councillors which had been considered, and no potential breach of the Code of Conduct had been found.

It was reported that further to the information in the report, a further complaint had been received last week regarding a Shirebrook Town Councillor.

It was confirmed that there were no complaints outstanding from the previous year.

In answer to a question regarding the complaint against the District Councillor, and whether the investigation could be sped up the Monitoring Officer confirmed that an investigation had taken place within weeks, and he was just waiting for the final report.

In answer to a question regarding the Committee receiving more information on the details of the complaints the Monitoring Officer confirmed that he couldn't go into much detail regarding live complaints, but once a complaint had been closed then he could provide the Committee with an anonymised summary of the main facts.

STA8-24/25 ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2023/24

The Committee considered a report which provided information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2023/24. The Annual Review letter 2024 was attached to the report at Appendix 1.

The LGSCO letter contained an annual summary of statistics on the complaints made against the Council for the financial year ending 31st March 2024.

The LGSCO had received eight enquiries and complaints during 2023/24, four had been closed after initial enquiries, three had been referred back for local resolution/internal complaints process, one case had been invalid or incomplete.

Benchmarking information of neighbouring authority's comparative figures had been included in the report for information. The LGSCO had upheld 80% of complaints submitted to them in 2023/24 (up from 74% in 2022/23), with the average being 63% for

STANDARDS COMMITTEE

similar authorities.

Moved by Councillor Louise Fox and seconded by Councillor Anne Clarke

RESOLVED that the Annual Letter from the Local Government & Social Care Ombudsman 2023/24, be noted.

STA9-24/25 WORK PROGRAMME 2024/2025

The Committee considered its work programme for the remainder of the 2024/25 municipal year.

In answer to a question regarding changes to scrutiny committees following the recent training by the Centre for Governance and Scrutiny, the Director of Governance and Legal Services & Monitoring Officer confirmed that the Scrutiny Officer was undertaking a review of scrutiny.

The meeting concluded at 14:40 hours.