

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, the Arc, High Street, Clowne on Monday 1<sup>st</sup> July 2019 at 1000 hours.

### **PRESENT:-**

Members:-

Ruth Jaffray (Independent Member) in the Chair

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

Officers:- Sarah Sternberg (Joint Head of Corporate Governance and Monitoring Officer), Nicola Calver (Governance Manager), Alison Bluff (Governance Officer) and Hannah Douthwaite (Governance Apprentice).

### **0105. APOLOGY**

An apology for absence was received on behalf of Councillor James Watson.

### **0106. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0107. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

### **0108. MINUTES OF A MEETING HELD ON 11<sup>th</sup> MARCH 2019**

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

**RESOLVED** that the Minutes of a Standards Committee Meeting held on the 11<sup>th</sup> March 2019 be approved as a correct record.

### **0109. ROLE OF THE STANDARDS COMMITTEE AND WORK UNDERTAKEN TO DATE**

At the last meeting of Standards Committee, Members were presented with the outcomes and recommendations from the Parliamentary Committee report on Standards in Public Life (Review into Local Government Ethical Standards) and the Customer Service and Transformation Scrutiny Committee's 7 recommendations from their Review of the Standards Committee (Operational Review).

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Members were now asked to consider those outcomes and recommendations and any other areas which they felt should be part of a review of the Committee's Terms of Reference and also items for inclusion on the Work Programme 2019/20. The current Terms of Reference for the Committee and both the CSPL Review and Scrutiny Review were attached to the agenda for Members information.

### Independent Remuneration Panel (IRP)

The Monitoring Officer advised the meeting that a suggestion had come forward that any report made by the Independent Remuneration Panel (IRP) be considered by Standards Committee in the first instance and that this be included in the Terms of Reference. However, Committee was advised that Council would have the ultimate decision on any recommendations made by the IRP in relation to changes to the Members Allowance Scheme. Members felt that this was a good suggestion.

### Scrutiny Review of Standards Committee

The Monitoring Officer noted that the 7 recommendations from the Scrutiny Review and the service responses had been extremely helpful when considering the role of the Committee.

Recommendations 1 related to training for Councillors on Code of Conduct and Disclosable Pecuniary Interests (DPI's) and that a refresher course be offered to Members after 2 years enabling changes in legislation to be considered and communicated. The Monitoring Officer noted that this had been carried out for District Councillors as part of the Member Induction Programme in May 2019. A further session would be included in the Member Development Programme in 2021/22.

Recommendation 2 related to training on DPI's and Code of Conduct to be given at Parish/Town Council level and that this be programmed in on a bi-annual basis. The Monitoring Officer advised the meeting that due to a capacity issue, preference would be for once a year training at Parish Council Liaison and a second session later in the year for Parish/Town Council Chairs, Vice Chairs and Clerks so they could deliver training to their own Parish Councils.

Members who were newly appointed to the Standards Committee requested that training be provided to them on the ethical framework, code of conduct, review of the Constitution, Whistle Blowing policy, RIPA policy and the corporate complaints procedure to ensure that they gained a full understanding of the function of the Standards Committee. The Monitoring Officer noted that the formal Corporate Complaints process was available on the Council's website for public information but could be used for Member training. It was also noted that the outcome of Corporate Complaints were now reported to Standards Committee on a regular basis.

A Member stated that as training was an important element of how Members carried out their roles, Standards Committee Members should set an example to other Members by ensuring they attended any training sessions provided to them.

Recommendation 3 related to the Council's website and that it be reviewed to ensure information regarding the Standards Committee was both accessible and user-friendly and included publication of the Standards Annual Report as a free standing document. The

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Monitoring Officer noted that the whole of the website was currently being reviewed and a new approach would feature an A-Z guide. Members requested that they receive a practical demonstration on how to find items once the new website was up and running.

Recommendation 4 requested that Standards Committee consider the analysis of its current membership and benchmark data as part of any review of Article 9 of the Constitution. The Monitoring Officer noted that this would be added to the Work Programme for the September meeting.

Recommendation 5 related to the appointment of the co-opted Independent Chair of Standards Committee and the Monitoring Officer advised that this had been dealt with formally at Annual Council in May 2019.

Recommendation 6 requested that information gathered as part of the Review benchmark exercise would be taken in to consideration when reviewing the Committee's Terms of Reference. This would be added to the Work Programme for the September meeting.

Recommendation 7 referred to an Induction Pack for all new Councillors, District and Parish. The Monitoring Officer acknowledged that Councillors could reach overload at Induction time if given too much information, therefore, a reminder to Members regarding the training pack would be discussed at the September Standards meeting.

### Parliamentary Committee on Standards in Public life (CSPL) – Review into Local Government Ethical Standards

The Governance Manager highlighted the recommendation made at the last meeting of Standards Committee that the findings of the recommendations from the CSPL Review into Local Government Ethical Standards, which could be implemented without statute, be considered in line with the Committee's Terms of Reference.

- Independent Persons should be appointed for a two year term renewable once to ensure they are seen as independent,
- Standards Committee should be able to co-opt independent Members and Parish representatives with voting rights,
- There was a need for a more comprehensive form for registering and declaring interests going wider than the statutory minimum.

In relation to the CSPL recommendation that Parish Clerks hold a suitable qualification, the District Council had no powers to impose this on parishes but Members felt that, in liaison with DALC, parish clerks should be encouraged to follow up the relevant qualification. A Member noted that the clerk in her parish had completed the qualification and the Monitoring Officer suggested that, via the Partnership Team, the clerk could be invited to attend the next Parish Council Liaison meeting to talk about the aspects of the qualification.

With regard to the recommendation for a more comprehensive form for Members registering and declaring their interests going wider than the statutory minimum, the Governance Manager noted that the Council's Declarations of Interest form had been reviewed last year and was already at a higher level than the statutory minimum.

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Members questioned whether they should be subject to a DBS check as Elected Members. The Monitoring Officer advised Members that she would look into this and report the outcome at the next meeting in September.

A Member queried the necessity for Councillors to be registered with the Information Commissioners Office (ICO). Members were informed that this had been looked into and there was no longer a requirement for Councillors to be registered with the ICO.

The CSPL had also looked at Code of Conduct for Councillors and a recommendation had been made for a model Code of Conduct to be created. However, this had caused some confusion in relation to local choice Code of Conduct and a national working group was currently looking at creating a standard Code that all councils could use. The Governance Manager would keep Committee updated as developments were made known.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough  
**RESOLVED** that in relation to the role of Standards Committee and its Terms of Reference, the following items be added to the Committee's Work Programme;

- a) Independent Persons should be appointed for a two year term renewable once to ensure they are seen as independent,
- b) any report made by the Independent Remuneration Panel (IRP) be considered by Standards Committee in the first instance,
- c) Standards Committee should be able to co-opt independent Members and Parish representatives with voting rights,
- d) newly appointed Members to the Standards Committee be provided with training on the Ethical Framework, Code of Conduct, the Council's Constitution, Whistle Blowing Policy, RIPA Policy and the Corporate Complaints procedure,
- e) information regarding the Standards Committee be made both accessible and user-friendly on the Council's website and also to include publication of the Standards Annual Report as a free standing document, following a full review of the website and Members to receive a practical demonstration on how to find items once the new website was up and running,
- f) the analysis of Standards Committee's current membership and benchmark data be considered as part of any review of Article 9 of the Constitution,
- g) a reminder to all Members regarding the training pack in relation to DPIs be discussed at the September meeting,
- h) the Monitoring Officer to enquire if elected Members should be subject to a DBS check and report the outcome at the Standards meeting in September.

(Governance Manager/Monitoring Officer)

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### 0110. REVIEW OF THE COUNCIL'S CONSTITUTION

Committee considered a report which set out the following areas of the Council's Constitution which had been identified for review;

- UECC Terms of Reference
- Safety Committee Terms of Reference
- Contract Procedure Rules – Contract Formalities
- Parental Leave Policy and Constitutional Implications
- Standards Committee Terms of Reference
- Review of Employee Code of Conduct
- Employment Rules
- JEAC Terms of Reference
- Questions and Motions to Council (limitations)
- Delegation Scheme (MO Delegations)
- Minor wording changes or updating of job titles (housekeeping)

Members were requested to put forward any further areas of the Constitution they felt should also be considered for review.

A Member requested that the dates in relation to the parts of the Constitution which had already been reviewed be included in the Work Plan for clarity.

With regard to the Parental Leave Policy and Constitutional Implications, a Member queried if the policy would be inclusive of Carers. The Monitoring Officer advised that this would be added for clarity.

#### Joint Employment and Appeals Committee

A Member referred to the last Standards Committee meeting held on 11<sup>th</sup> March 2019 and highlighted that a full review of the Joint Employment and Appeals Committee (JEAC) should have commenced in July 2019 following on from a temporary acceptance of the Terms of Reference. The Committee was advised that this would be presented to the September meeting for full discussion.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough  
**RESOLVED** that the areas of the Council's Constitution outlined in paragraph 1.2 of the report be accepted for review.

(Governance Manager/Monitoring Officer)

### 0111. MEMBER CHAMPIONS

Committee considered a report which sought Members views in relation to a role profile to establish Member Champions.

Member Champions were Councillors who acted as advocates or spokespersons for a specific area of the Council's business and activities.

The main responsibility of a Member Champion was to encourage communication and

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positive action over the issue they represented. A Member Champion could not make decisions and could not commit the Council in any way or in a manner which could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.

In response to a Member's question, the Monitoring Officer confirmed that Council would be responsible for identifying the areas that would have Member Champions with Standards Committee and Member Development Working Group having consideration also.

Members welcomed the report but felt that further clarity was needed regarding the additional work and responsibility involved as part of the Member Champion remit.

A Member suggested that Members meet as a working group to explore further the role profile of Member Champions and the outcomes be provided to the Monitoring Officer and Governance Manager with a detailed report to be presented at the next meeting of Committee.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury  
**RESOLVED** that (1) the report be noted,

(2) Members meet as a working group to explore further the role profile of Member Champions and the outcomes be provided to the Monitoring Officer and Governance Manager with a detailed report to be presented to the September meeting of the Committee.

(Monitoring Officer/Governance Manager)

### 0112. DRAFT STANDARDS COMMITTEE ANNUAL REPORT

Committee considered the draft Standards Committee Annual Report which summarised the work undertaken by the Committee during the 2018/19 Municipal year.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes  
**RESOLVED** that the Annual Report be submitted to the next meeting of Council.

(Governance Manager)

### 0113. COMPLAINTS AGAINST MEMBERS UPDATE

Committee was advised that 9 complaints received had resulted in no further action being taken. Eight of the 9 complaints made were related to parish councils.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes  
**RESOLVED** that the update be noted.

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### **0114. STANDARDS WORK PROGRAMME 2019/20**

The Governance Manager advised the meeting that the Work Programme would be updated with the items considered earlier in the meeting including Member Champions.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes  
**RESOLVED** that the Work Programme be noted.

The meeting concluded at 1050 hours.