

## 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, 27 January 2025 at 14:00 hours.

### PRESENT:-

Members:-

R. Jaffray (Coopted Member) in the Chair

Councillors Jane Yates (Vice-Chair), Anne Clarke, Louise Fox, Justin Gilbody and Duncan Haywood.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer, Lesley Botham (Customer Service, Complaints and Standards Manager) and Angelika Kaufhold (Governance and Civic Manager).

### STA18-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

### STA19-24/25 URGENT ITEMS OF BUSINESS

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

### STA20-24/25 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
STA27-24/25	Councillor Anne Clarke	Councillor Clarke declared an interest in agenda item 10 as a Dragonfly Board Member and left the meeting during discussion of the item.

### STA21-24/25 MINUTES

Moved by Councillor Anne Clarke and seconded by Councillor Louise Fox  
**RESOLVED** that subject to the amendment below the minutes of a meeting of the Standards Committee held on 4<sup>th</sup> November 2024 be approved as a true record.

### STA13-24/25 MINUTES

To be amended to read

“moved by Councillor Jane Yates and seconded by Councillor Anne Clarke.....”

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### **STA22-24/25 COMPLIMENTS, COMMENTS AND COMPLAINTS ANNUAL SUMMARY**

The Customer Service, Complaints and Standards Manager presented the Annual Report which provided members with the performance data in relation to its customer service standards for 2023/24 which included:

- Data relating to the number of compliments, comments and complaints received including those from the Local Government & Social Care Ombudsman and dealt with during the year as detailed in Appendix 1.
- The Housing Ombudsman Service Complaint Handling Code – Self Assessment 2024 at Appendix 2.
- The Housing Ombudsman Service Complaint Handling Code – Annual Complaint Handling and Service Improvement report 2023-24 at Appendix 3.

Members attention was drawn to:

- The number of Stage 1 frontline resolution complaints received was 265 of which 93% were responded to within the customer standard of 3 working days.
- The number of Stage 2 formal investigation complaints received by department were 103 and as well as 213 MP enquiries, 98% of both were responded to within 15 working days (the target being 97%).
- The number of Stage 3 internal review complaints received was 27 all of which were responded to within the target 20 working days.
- Two complaints were received from the Local Government & Social Care Ombudsman neither of which were investigated due to there being no evidence of fault, and the information provided being insufficient or speculative.
- One complaint was received from the Housing Ombudsman relating to the handling of alleged anti-social behaviour but they decided they had no legal jurisdiction to investigate the matter.
- The appendices included the breakdown of all complaints and compliments by service areas.
- Performance had improved in comparison to previous years for response times and that the positive improvements to the administration of and new complaints handling code.
- Appendices 2 and 3 demonstrated that the Council was meeting the requirements of the new complaints handling code.
- There had been improvements in the performance for responding to complaints and positive feedback shared with service areas.
- It was confirmed that all service areas had been updated with the changes arising from the implementation of the new code and reporting for 2024/25 and that the

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old Stage 1 informal complaints would no longer be included in the comparison data for 2024/25.

Moved by Councillor Jane Yates and seconded by Councillor Anne Clarke

**RESOLVED** that the performance on the Customer Service Standards and Compliments, Comments and Complaints for 2023/24 be noted.

### **STA23-24/25      REDUCTION IN NUMBER OF STANDARDS COMMITTEE MEETINGS PER YEAR**

Consideration was given to a report presented by the Director of Governance and Monitoring Officer which proposed a reduction in the scheduled number of Standards Committee meetings during the year. It was proposed that with effect from the 2025/2026 municipal year the Standards Committee be scheduled to take place on a quarterly basis. This was proposed due to the short meetings which had previously taken place with few agenda items. The business of the Committee could be managed in a reduced number of meetings but if an urgent item such as a dispensation request was received then additional meetings could be called.

Moved by Councillor Jane Yates and seconded by Councillor Louise Fox

**RESOLVED** to recommend to Council to reduce the number of Standards Committee meetings from six to four.

### **STA24-24/25      WHISTLEBLOWING POLICY ANNUAL REPORT**

Consideration was given to a report presented by the Director of Governance and Monitoring Officer which provided an annual update on the use of the Whistleblowing Policy. The policy had been reviewed and a minor change to the policy was suggested in order that the contact details for the external organisation was updated. There had been no whistleblowing incidences to report for 2023/24.

Councillor Jane Yates stated that whilst it was positive there hadn't been any whistleblowing reports, clarification was requested on how staff were being informed of whistleblowing procedures and where to report concerns. It was confirmed that this information was included on the council's intranet but could also be added to the weekly bulletin.

Councillor Duncan Haywood commented that it was good practice to review the policies each year.

Moved by Councillor Anne Clarke and seconded by Councillor Jane Yates

**RESOLVED** (1) that it was agreed the current Whistleblowing Policy was fit for purpose subject to the change referred to in paragraph 2.1 of the report; and (2) that the report be noted.

*Councillor Anne Clarke left the chamber prior to consideration of the next agenda item.*

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### STA25-24/25 GIFTS AND HOSPITALITY ANNUAL REPORT

Consideration was given to a report of the Director of Governance and Legal Services and Monitoring Officer which provided details of the Annual Gifts and Hospitality and register. The Monitoring Officer advised that there was no proposal to amend the protocol for registering of Gifts and Hospitality.

Moved by Councillor Jane Yates and seconded by Councillor Duncan Haywood

**RESOLVED** that the Annual Report for the period January 2023 to December 2024 of offers of gifts and hospitality to members and officers be noted.

### STA26-24/25 REGULATION OF INVESTIGATORY POWERS ACT 2000 ANNUAL REPORT

Consideration was given to a report of the Director of Governance and Legal Services and Monitoring Officer which provided an update of the Regulation of Investigatory Powers Act 2000 (RIPA) following the approved policy changes in September 2024. The Monitoring Officer confirmed that no applications had been applied for during the last year in fact for a number of years. However, it was essential to have properly trained staff and a joint training event with North East Derbyshire Council for Environmental Staff would be provided.

Moved by Councillor Jane Yates and seconded by Councillor Louise Fox

**RESOLVED** that the report be noted.

### STA27-24/25 REQUEST FOR DISPENSATION

Consideration was given to a report presented by the Director of Governance and Monitoring Officer which advised members that a dispensation request had been received from Councillor Deborah Watson on behalf of the Dragonfly Board Members. The request sought dispensation to allow all Dragonfly Board members to remain in meetings, take part in debates and to vote on matters pertaining to the setting of the Council's future budgets and the English Devolution White Paper including local government reorganisation.

The reasoning for the dispensation requests was

*"As Council members, it is imperative that we as Board members are able to fulfil our original role of representing the people of our District and that we should not lose our democratic right to participate in the process of budget setting....."*

The Director of Governance and Monitoring Officer drew members' attention to paragraphs 2.3 and 2.4 of the report and reiterated that:

- There was only a small risk of a conflict of interest for these councillors to participate in the debate and vote on the Council's budget. The Council's budget was one of the most important decisions councillors would be involved in therefore it was likely to be in the interests of council taxpayers that their councillor took an active part in budget setting.

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- However, the request for a blanket dispensation for Dragonfly Board members to remain in meetings and vote on items relating to local government reorganisation was problematic and not as straightforward as budget setting. It was not known what decisions they may be asked to vote on and the extent of any potential conflict of interest that could arise. The Standards Committee may prefer to consider such dispensations on an 'as and when' basis to enable each request to be considered on its merits. It was acknowledged that whilst Dragonfly Board members would not benefit personally there was still potential for conflict of interest.

It was confirmed that a dispensation had been granted for Dragonfly Board members to remain and participate in the budget discussion and vote on the Council's budget for the 2024/25 budget year. Therefore, it would be consistent to grant this dispensation as previously done.

Moved by Councillor Duncan Haywood and seconded Councillor Yates

**RESOLVED** that (1) a dispensation be granted to allow all Dragonfly Management (Bolsover) Limited members to remain in meetings, take part in any debates, and ultimately vote on matters pertaining to the setting of the Council's future budget; and

(2) a blanket dispensation was not granted to allow Dragonfly Management (Bolsover) Development Limited members to remain in meetings, take part in debates and vote on matters which pertain to any preparations for Devolution and the role of BDC and Dragonfly as part of this process. Dispensations should be sought on an as and when basis and determined on its merits.

*Councillor Anne Clarke returned to the meeting for the next agenda item.*

### **STA28-24/25      UPDATE OF STANDARDS INVESTIGATION**

Consideration was given to a report presented by the Director of Governance and Monitoring Officer detailing a member complaint and findings of the external investigation undertaken by Oadby and Wigston Borough Council. Members were advised that a complaint had been received from Mr Mark Fletcher, former Member of Parliament for Bolsover against Councillor Steve Fritchley alleging he had used homophobic language in a meeting at Council offices. A copy of the external investigator's report was attached as Appendix 1 to the report.

The report found that whilst Councillor Steve Fritchley had used words that may be perceived to be homophobic by someone who did not understand the context of why the words had been said, there was no evidence to suggest that they had been used with homophobic intent. However, it was found that by using a term which could be perceived to be homophobic by someone who would not understand the context, this had breached the Nolan Principles which required councillors to lead by example and had brought the Council into disrepute contrary to paragraph 5.1 of the Council's code of conduct.

It was confirmed that Councillor Steve Fritchley had read out a statement at Council on 2<sup>nd</sup> December 2024 explaining the findings of the investigator's report and apologising for his actions.

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The Director of Governance and Monitoring Officer considered that the apology was an appropriate resolution in response to the findings of the report and that there had been no evidence of homophobic intent despite Councillor Steve Fritchley using ill-judged language. Therefore, it would have been disproportionate in the circumstances to refer the matter further to a Standards hearing. However, there was a requirement to report the findings to the Standards Committee.

Moved by Councillor Justin Gilbody and seconded by Councillor Anne Clarke  
**RESOLVED** that the report be noted.

### **STA29-24/25      COMPLAINTS UPDATE**

The Director of Governance and Monitoring Officer provided an update on the complaints received for the 2024/25 municipal year and confirmed that two additional complaints had been received since publication of the agenda. There had been a lot of complaints this year with some still ongoing, some dealt with without the need for an investigation for example by way of an apology by the councillor which has been accepted by the complainant.

### **STA30-24/25      WORK PROGRAMME 2024/25**

The Committee considered its work programme for the remainder of the 2024/25 municipal year. The Director of Governance and Monitoring Officer confirmed that the next meeting would be 31 March 2025.

The meeting concluded at 14:46 hours.