

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 12th December, 2016 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

Councillors Amanda Brown, Steve Carroll,
Jackie James, Cathy Mason, Lachlan Morrison,
Phil Rostance, Helen-Ann Smith and
Jason Zadrozny.

Officers Present: Vicky Dawson, Ruth Dennis and Alan Maher.

SP.12 Declarations of Disclosable and Non Disclosable / Pecuniary Other Interests

SP.13 Minutes

RESOLVED

That the minutes of the Standards and Personnel Appeals Committee held on 10 October 2016 be received and approved as a true record.

SP.14 Members' Remuneration Scheme: Performance Related Element

The Committee was reminded that the Independent Remuneration Panel had met earlier in the year to review the Members' Allowances Scheme. Following on from this review, a new scheme had been approved by Council, in July 2016.

The Panel made a number of recommendations, which had been incorporated into the scheme. In particular, it had recommended the introduction of a Performance Element (£500 of the total allowance). This meant that Members would only receive their full allowances if they had attended at least 70% of those formal meetings and training sessions, which they were required to attend.

The report from the Monitoring Officer set out the suggested process for administering Performance Element payments. Under this, Members would have to explain why they had not been able to attend a meeting or training session. If they were absent for anything other than one of reasons set out in the scheme, (such as illness or family domestic emergencies), then their absence would be classed as 'not excused' and so would not contribute to the 70% attendance figure. Conversely, when a Member made it clear that they had been absent for one of the legitimate reasons set out in the scheme then this would be classed as an 'excused absence' which would contribute

towards the number of meetings they were required to attend.

Members noted that the Committee had been given an important part to play in the process by Council. The Committee would consider annually the attendance figures for each Member. It would approve the Performance Element for those Members who had attended a sufficient number of required meetings and withhold it from those who had not.

The Committee discussed the report. There was general support for the performance related element in the allowance scheme and the requirement that this only be paid to individual Councillors if they had attended at least 70% of their required meetings and training sessions.

During the discussion a number of practical concerns were raised about the suggested process for administering the Performance Element. One of the key concerns was about the criteria for determining acceptable and unacceptable absences. A range of possible anomalies were discussed, such as what might happen to those Members who could not attend a meeting because they were Pre-Determined (or had already reached a firm conclusion on an issue and so could not reach a decision based on the information presented before them at a meeting) or had a Disclosable Pecuniary Interest.

Concern was also raised about absences that might occur when meetings are arranged at short notice and cause unavoidable diary clashes. Similarly, the Committee recognised that caring responsibilities sometimes make it difficult to attend meetings. Members also felt that there should be a requirement that those attending meetings ought to be there for at least 51% of the time in order to qualify as having attended.

The Committee discussed whether Members should be entitled to a set period of annual leave, even if this meant that they missed some meetings; rather than expect them to take their holidays only in those periods when few or no meetings were scheduled, such as the school summer holidays and half term breaks. Finally, the Committee considered whether Members who substitute at meetings ought to have these accredited to their attendance totals.

There was a consensus that the suggested process might prove difficult to administer and be disproportionately time consuming, especially given just how few Members were likely to fall below the 70% figure. The Committee felt that it might also lead to unjustifiable outcomes. Concern was expressed that those who had actually attended more meetings might not receive the Performance Element of their allowances, whilst those who had attended fewer meetings received the payment - because they had offered reasons that under the scheme were classed as acceptable grounds for absence.

Given the potential difficulties, the Committee felt that a simplified approach ought to be adopted, focusing on attendance at the 70% of meetings and mandatory training sessions. The reasons for non-attendance would only be investigated when a Member had not attended enough meetings. The Committee also felt that the Monitoring Officer (rather than the Committee) ought to review the reasons for non-attendance offered by Members in these circumstances, and to determine whether to withhold the Performance Element from them.

Cllr Lachlan Morrison left the meeting at 7.35pm

Members concluded that quarterly information on attendances ought to be shared with the individual Member and political group leaders. This would help to ensure that any attendance issues were addressed before they became a problem and hopefully ensure that the few Members, if any, who were at risk of falling below the 70% attendance level could be helped not to do so.

RESOLVED

- a) That the Monitoring Officer be asked to produce revised proposals for administering the performance element of the Members Allowance Scheme based on attendance at 70% of the required meetings and training sessions;
- b) That as part of the revised proposals the political group leaders be provided with quarterly update information on attendance at meetings by their Members, so that they can hopefully resolve informally any problems or reasons why they have been unable to attend;
- c) That the Monitoring Officer draws up draft criteria for the Committee to consider and approve on the acceptable grounds for absence, taking on board the points made at the meeting around caring responsibilities, holidays, substitutions and obligatory absences – such as those who have Pecuniary Interests or who are Pre-Determined.
- d) That as part of these proposals the Monitoring Officer would be responsible for reviewing the reasons for absences in line with the criteria to be agreed by the Committee and to determine if the Performance Element of their allowance payments should be paid to the individual Members in such exceptional circumstances.
- e) That the revised proposals for administering the Performance Related Element of the Members Allowances Scheme be brought to the next meeting of the Committee for consideration.

Reasons

To ensure a clear and transparent process to determine the payment of the performance element of the Members' Allowance.

SP.15 Members Code of Conduct - Declarations of Interest

Members were reminded that the Council's Code of Conduct requires them to declare Disclosable Pecuniary Interests as well as Non Disclosable Pecuniary or Other Interests. They were also told that under the Localism Act 2011, local authorities can require their Councillors to declare other interests, such as their membership of private clubs or societies. It was explained that a significant number of authorities now do this.

The report to Committee asked Members to decide whether the Council's Code of Conduct should be amended so that Councillors have to disclose membership of private clubs or societies.

The Committee discussed the report and the approach taken by other local authorities. The point was made that Councillors have to declare any relevant interests and can face legal sanctions if they do not. The Committee also recognised that this provision would be difficult to enforce, as by its very nature the information was private. At the end of the discussion the Committee concluded that, on balance, the Code of Conduct ought to be amended, to require Councillors to declare their membership of any private club or society. This would, it was felt, help to improve the openness and transparency of elected Members to local people.

RESOLVED

That the Monitoring Officer make the necessary changes to the Council's Code of Conduct to require Members to disclose their membership of private clubs or societies and for these to be presented to Council for approval.

Reasons

To enhance the openness and transparency of the Council's elected Members.

SP.16 Draft Member Development Strategy

The Committee next considered the draft Member Development Strategy. The strategy had been amended to take into account the various points made by the Committee at its last meeting. The changes included pro-forma for identifying Member training & development needs, post-course evaluation and an additional emphasis on e-learning.

The Committee welcomed the revisions to the draft strategy and agreed to support it.

RESOLVED

- a) That the Committee endorses the draft Member Development Strategy;
- b) That the draft Strategy be recommended to Council for approval.

Reasons

Member Development is important because it progresses the work of the Authority. The Member Development Strategy will help to focus resources and make the best use of Members' time.

SP.17 Quarterly Complaints Monitoring Report

The report to Committee provided information on complaints of alleged Member misconduct and the progress which had been made in assessing them, for the period 1 October 2016 to 2 December 2016.

The Committee was told that it had not been possible to resolve the first case (ADC2016-01) informally and that this would now be decided through a formal investigation. The Committee was also told that additional information would be required before an assessment could be made on the second case. If this

information had not been received by 16 December 2016 then no further action would be taken.

Finally, Members heard that a new allegation had been received involving a Parish Councillor (ADC2016-03). Information was still being gathered on this.

The Committee discussed the report. Members reiterated their concerns about the length of time which it takes to investigate complaints. In this context, specific mention was made about how long it had taken to resolve the first case. Members emphasised that the option of an informal resolution ought to be explored as soon as possible, so that any investigation could move on to the next steps, if needed. The Monitoring Officer agreed to make the necessary changes to require this as part of the forthcoming review of the Council's constitution.

Cllr Helen-Ann Smith entered the meeting at 8.07pm

The Committee also discussed the Council's process for dealing with complaints and how this compares to those used by other authorities. Members agreed that these approaches should be investigated further, to determine what lessons could be applied to Ashfield.

RESOLVED

- a) That the Monitoring Officer investigates the approach taken to complaints against Members adopted by other local authorities and assesses how the best practice from these areas might be applied to Ashfield.
- b) That the Monitoring Officer reports back her findings at the next meeting of the Committee (27 March 2017).

Reasons

To reflect good practice.

The meeting closed at 8.25 pm

Chairman.