

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 11th December, 2017 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

Councillors Amanda Brown, Steve Carroll,
Jackie James, Cathy Mason, Paul Roberts
(substitute for Lachlan Morrison), Phil Rostance,
Helen-Ann Smith and Jason Zadrozny.

Apology for Absence: Councillor Lachlan Morrison.

Officers Present: Ruth Dennis and Julie Robinson.

SP.5 Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary/Other Interests

There were no declarations of interest.

SP.6 Minutes

RESOLVED

that the minutes of the meeting of the Standards and Personnel Appeals Committee held on 3rd July, 2017 be received and approved as a correct record.

SP.7 Update on the Review of the Members' Code of Conduct Complaints Process and Social Media Policy

The Director of Legal and Governance presented the report to update the Committee on the review of the Members' Code of Conduct Complaints Process and the Members' Social Media Policy which was identified as a work plan item for the Committee during 2017/18.

The Peer Challenge had suggested making changes to the complaints process to address the volume of trivial or low level complaints being made relating to Member conduct. Members had also suggested a review of the Members' Social Media Policy in light of a significant number of complaints being made about Members' use of social media.

The Director of Legal and Governance reported that the Member Working Group (made up of Councillors Lauren Mitchell, Lachlan Morrison, Phil Rostance and Helen-Ann Smith) had met twice to consider what changes could be made to the Members' Code of Conduct Complaints Process and the Members' Social Media Policy.

The Working Group had considered the following:-

- Current Members' Code of Conduct;
- Current Complaints Handling Process;
- Current Social Media Policy for Members;
- Outline information regarding complaints made during 2017 (including indicative costs information);
- Latest complaints schedule;
- Examples of complaints made regarding the use of social media;
- Examples of policies from other Authorities.

The Director of Legal and Governance briefly outlined the estimated costs for dealing with a complaint. She reported that for the 17 complaints lodged during 2017 approximately £7,000 of officer time had been spent on carrying out the basic complaints process, of which around £4,400 was related to Selston Parish Council cases. The Committee were also advised that the Legal Section had recently acquired a new Case Management System which going forward would allow actual time recording to be carried out on complaints work and therefore give a more accurate picture of the resources allocated to this process.

The Director of Legal and Governance explained that in an attempt to address certain issues, and having considered the arrangements at other local authorities, the Working Group had recommended the following:-

Complaints Process

- Complaints made by a Councillor against a fellow Councillor to be referred to the Group Leaders of the relevant Political Groups to resolve the complaint if possible.
- In the event that the matter cannot be resolved by the Group Leaders the complaint be referred to a Panel of the Standards Committee (3-5 Members subject to Political Balance and including the Independent Person) for consideration and determination. Group Leaders would be expected to attend to speak on the position.
- If a non-aligned Member is involved in a complaint the matter be referred to a Panel of the Standards Committee for consideration and determination and the non-aligned Member would attend in place of the Group Leader.

Social Media Policy

- The Policy be reworded to ensure that Members are more aware that they are responsible for the content of their own posts on social media accounts and also responsible for deleting inappropriate content both written and sent by other people.
- An "Idiots Guide" on the use of social media be produced to include advice on privacy settings.

The Director of Legal and Governance added that the Working Group would be carrying out further work in respect of local sanctions, apologies and presumptions based on non-cooperation with the process and the findings would be presented to the next meeting.

RESOLVED that

- a) the work undertaken to date by the Members' Working Group be noted;
- b) the Monitoring Officer be instructed to draft changes to the Members' Code of Conduct Complaints Process and the Members' Social Media Policy, in line with the suggested amendments, and a further report be submitted to the next meeting of this Committee for consideration and approval.

(Councillor Cathy Mason left the meeting at 7.04 p.m. and returned at 7.05 p.m. during consideration of the above item).

Reason:

To consider appropriate changes to the Members' Code of Conduct Complaints Process and the Members' Social Media Policy.

SP.8 Review of Politically Restricted Posts

The Director of Legal and Governance presented the report to provide the Committee with an overview and list of Politically Restricted Posts and to seek approval from the Committee to commence a review of the current list to ensure that it is up to date.

The Director of Legal and Governance informed the Committee that there had been a number of restructures within the organisation, including the Corporate Leadership Team and the Housing Management function, since the list was last updated. Consequently, the list would need to be updated to reflect such changes.

RESOLVED that

- a) the Monitoring Officer be requested to produce a revised draft list of Politically Restricted Posts, in association with the HR Shared Service and as required by the Local Government and Housing Act 1989 and associated regulations;
- b) the Monitoring Officer be requested to consult with the Trade Unions and the Corporate Leadership Team in respect of the draft list and report back to the next meeting of this Committee accordingly.

Reason:

To comply with the requirements of the Local Government and Housing Act 1989, the Local Government (Political Restrictions) Regulations 1990 and the Local Democracy, Economic Development and Construction Act 2009.

SP.9 Quarterly Complaints Monitoring Report

The Director of Legal and Governance presented the report to provide an update in respect of the number of alleged Member misconduct complaints received for the period 6th October to 30th November, 2017 and also provide a summary of the complaints which were outstanding. Members were advised that five new complaints had been received since the publication of the agenda.

RESOLVED

that the updated position in relation to Members' Code of Conduct complaints for the period 6th October to 30th November, 2017, as outlined in the Appendix to the report, be noted.

Reason:

To reflect good practice and to enable Members to monitor the volume and progress of complaints.

The meeting closed at 7.15 p.m.

Chairman.