

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Agenda

# Standards and Personnel Appeals Committee

Date: **Wednesday, 28th March, 2018**

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Time: **6.30 pm**

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Venue: **Committee Room, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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For any further information please contact:

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01623 457317

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# STANDARDS AND PERSONNEL APPEALS COMMITTEE

## Membership

**Chairman:** Councillor Lauren Mitchell

**Councillors:**

Amanda Brown  
Jackie James  
Lachlan Morrison  
Helen-Ann Smith

Steve Carroll  
Cathy Mason  
Phil Rostance  
Jason Zadrozny

## FILMING/AUDIO RECORDING NOTICE

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## SUMMONS

You are hereby requested to attend a meeting of the Standards and Personnel Appeals Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**R. Mitchell**  
**Chief Executive**

## **AGENDA**

## **Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Committee held on 11th December, 2017. 5 - 8
4. Annual Ethical Governance Review. 9 - 18
5. Whistleblowing Policy Update. 19 - 32
6. Annual Constitution Review. 33 - 36
7. Review of Politically Restricted Posts. 37 - 42
8. Update on the Review of the Members' Code of Conduct Complaints Process and Social Media Policy. 43 - 50
9. Quarterly Complaints Monitoring Report. 51 - 60

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## 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 3<sup>rd</sup> 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 6<sup>th</sup> October to 30<sup>th</sup> 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 6<sup>th</sup> October to 30<sup>th</sup> 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.



<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>ANNUAL ETHICAL GOVERNANCE REVIEW</b>		
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>		
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## Purpose of Report

To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2017/2018.

## Recommendation(s)

### **Committee is asked to:**

- 1. Note the progress made in relation to the agreed work plan;**
- 2. Consider future work plan items;**
- 3. Consider whether to proceed with a further attempt to appoint Independent Co-optees to the Standards and Personnel Appeals Committee;**
- 4. Consider whether to appoint representatives from the two Parish Councils to the Committee either instead of, or addition to, the Independent Co-optees;**
- 5. Note the number of Member complaints received during the year as summarised in the report;**
- 6. Note the update in relation to Members' Development;**
- 7. Note the position in relation to Member DBS checks;**
- 8. Note the position in relation to attendance at meetings;**
- 9. Consider and make a recommendation to Council in respect of the Independent Persons;**
- 10. Consider and provide comments in relation to the Standards in Public Life consultation.**

## Reasons for Recommendation(s)

To enable the Committee to carry out its role in monitoring ethical governance.

## **Alternative Options Considered**

*(with reasons why not adopted)*

Options are considered within the body of the report.

## **Detailed Information**

### **Work Plan – 2017/2018**

At its meeting in July 2017, the Committee agreed a programme of work for the 2017/2018 year.

The table below sets out the work item, the agreed timeframes and an update in relation to the progress made.

<b>Proposed Work Item</b>	<b>Timeframe</b>	<b>Progress</b>
<b>1. Quarterly Complaint Update</b> <ul style="list-style-type: none"><li>A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.</li></ul>	July 2017 October 2017 (meeting cancelled) December 2017 March 2018	Reports have been submitted to each Committee meeting and Members have commented on the information provided.  The time taken to deal with complaints remains a concern.
<b>2. Review of the Members' Code of Conduct Complaints Process</b> <ul style="list-style-type: none"><li>The LGA Peer Challenge suggested a review of the complaints process to address politically motivated and trivial complaints.</li></ul>	December 2017	A Cross Party Working Group has met on a number of occasions to consider the complaints process and other issues.  A report is presented to this Committee meeting elsewhere on the agenda.
<b>3. Review of Politically Restricted Posts</b> <ul style="list-style-type: none"><li>It is good practice to ensure the list is kept up to date – it is advisable to review the list following Management restructures since the list was last reviewed in March 2016</li></ul>	December 2017	A report is presented to this Committee meeting elsewhere on the agenda.
<b>4. Review of Co-opted Members and Independent Person Arrangements</b>	March 2018	The details are contained within this report for consideration.

<p><b>5. Whistleblowing Policy</b></p> <ul style="list-style-type: none"> <li>Annual report to consider amendments (if required) to the policy and to monitor the application of the policy</li> </ul>	<p>March 2018</p>	<p>A report is presented to this Committee meeting elsewhere on the agenda.</p>
<p><b>6. Annual Review</b></p> <ul style="list-style-type: none"> <li>Report to consider the work of the Committee over the year compared to the Work Programme</li> <li>To consider an overview of the ethical governance of the Council</li> </ul>	<p>March 2018</p>	<p>This report.</p>
<p><b>7. Constitution Review</b></p> <ul style="list-style-type: none"> <li>Consideration of proposed amendments to the Constitution for recommendation to Council</li> </ul>	<p>March 2018</p>	<p>A report is presented to this Committee meeting elsewhere on the agenda.</p>

The Committee will note that all items have been actioned during the year as planned and that subject to the reports which appear elsewhere on this meeting's agenda the actions are completed or in progress for completion shortly.

**Committee is therefore asked to:**

- **Note the progress made in relation to the agreed work plan.**
- **Consider future work plan items.**

### **Independent Co-optees**

At the AGM on 21 May 2015 the Council approved the recommendations of this Committee to appoint 2 Independent Co-opted Members to the Standards and Personnel Appeals Committee. The first recruitment process was carried out during Autumn 2015. When this did not produce any applications, the Committee on 11 January 2016 confirmed that a further recruitment process should be carried out. A process took place during March/April 2016 and again no applications were received.

The Working Group has suggested that the Council may wish to seek representation from the Parish Councils to the Committee this could be instead of, or in addition to, the Independent Co-optees. The Working Group considered this may be of benefit in light of the high number of Member complaints received during 2017/2018 regarding Parish Councillors. A number of Councils have representatives from the Parish Councils in their area sitting on their Standards Committees. These representatives would have the status of a non-voting Co-optee.

**Committee is therefore asked to:**

- Consider whether to proceed with a further attempt to appoint Independent Co-optees to the Standards and Personnel Appeals Committee; *(Note that a recommendation to no longer seek Independent Co-opted Members will require Council approval)*
- Consider whether to appoint representatives from the two Parish Councils to the Committee either instead of, or addition to, the Independent Co-optees; *(Note that a recommendation to seek Parish Council representative on the Committee will require Council approval)*

### Summary of Member Complaints Received during 2017/2018

As Monitoring Officer I have received **18** formal complaints during 2017 and **12** during 2018 (to date) regarding the behaviour of Councillors. Of these 30 complaints:

- 7 complaints relate to District Councillors during 2017
- 1 complaint relates to District Councillors during 2018 to date
- 11 complaints relate to Parish Councillors during 2017
- 11 complaints relates to Parish Councillors during 2018 (to date)

Comparing the total number of complaints since 2011:

Year	Number of Complaints
2011	0
2012	13
2013	15
2014	8
2015	12
2016	4
2017	18
2018 to date	12

The progress in relation to the complaints made during 2017/2018 is dealt with in another report presented to this Committee meeting.

**Committee is therefore asked to note the number of Member complaints received during the year.**

### Members' Development

Following the approval of the Member Development Strategy in September 2017, all Members were contacted on 3 separate occasions and asked to complete a training needs survey. In total only 6 responses were received. Going forward, I would suggest another e-mail circulation in preparation for the new Council year (2018/19), with responses collated between April and May (possibly using a telephone survey for those who do not respond via e-mail).

All mandatory training has continued to be delivered as required during the past 12 months and will continue during the 2018/19 Council year.

A full programme of training needs is in development in preparation for the induction programme for Members following the 2019 Elections to ensure that all new Councillors are adequately trained alongside training for existing Councillors based on their self identified needs from the survey. A

cross party working group has been suggested to consider and develop the induction programme with meetings of this group likely to start from September onwards.

**Committee is therefore asked to note the update in relation to Members’ Development.**

**Member DBS checks**

The Committee will recall that as part of its work plan during 2016/2017 this Committee recommended that Council adopt a Policy on Disclosure and Barring Service “DBS” Checks for Councillors. Council approved the policy on 8 December 2016. The policy was effective from 25 May 2017. The Policy requires all Councillors to undergo standard level DBS checks with Councillors bearing the cost of their DBS check. The Policy is to be reviewed every two years or when legislative changes occur. The Policy will be due for review during 2018/2019 and the Committee may wish to add this to next year’s work plan.

To date 29 Members have completed DBS Checks with 6 remaining outstanding. Democratic Services have actively worked with Members to ensure the checks have taken place.

**Committee is therefore asked to note the position in relation to Member DBS checks.**

**Attendance at Meetings**

Members will recall that during 2016/2017 as a result of the Independent Remuneration Panel’s recommendations an element of attendance related allowance was introduced (Performance Special Responsibility Allowance) from June 2017 onwards. The allowance consists of £500 which is paid to Members achieving 70% attendance at all their formal meetings and mandatory training. This Committee developed and recommended a policy which was approved by Council relating to authorised absences which is taken into account when collating attendance data.

**Summary Information - Q1, Q2 and Q3 (cumulative) - June 2017 to February 2018**

Members with 100% attendance	6
Members with attendance between 90% and 99%	12
Members with attendance between 80% and 89%	8
Members with attendance between 70% and 79%	8
Members with less than 70% attendance	1

	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>
Authorised absences	1 for close family bereavement 2 for family emergency 3 for illness	1 for close family bereavement 1 for medical operation 11 for illness	11 for illness

No apologies given for absence	5	11	6
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Reasons for absences for the first three quarters:

Reason	Number of times
Bereavement (Authorised)	2
Family Emergency (Authorised)	2
Medical Operation (Authorised)	1
Work Commitment (Unauthorised)	13
Illness (Authorised)	25
Personal (Unauthorised)	30
Holiday (Unauthorised)	9
Other engagement (Unauthorised)	2
No reasons for absence (Unauthorised)	22

Assessment for the payment of the Performance Special Responsibility Allowance will occur during June 2018 and will be reported to the next available Committee thereafter.

During consideration of this policy last year it was perceived initially that this was occurring frequently, however, statistics did not demonstrate this to be the case. Members will recall asking me to monitor the number of Councillors leaving committee meetings early during the current municipal year. I can report that out of 66 meetings held during the year to date, only 10 Councillors have left a meeting early, before its conclusion. As such I would invite Members to conclude that this does not appear to be a significant issue requiring further action.

**The Committee is therefore asked to note the position in relation to attendance at meetings.**

**Independent Person**

The Council currently retains two individuals to act as Independent Persons who assist the Monitoring officer in considering complaints received in relation to member conduct. The Council is required to appoint an Independent Person to consult with in relation to complaints pursuant to the Localism Act 2011. Hazel Salisbury was appointed to the role in 2012 and Neil Stent appointed in 2013. Both individuals are retained on payment of the sum of £1,000 per year and this cost is shared with Mansfield District Council (50:50 in respect of Hazel Salisbury and 70:30 in respect of Neil Stent -ADC agreed to pay 70% due to having a significantly higher number of complaints to process at the time of the appointment). A second Independent Person was appointed to the role to avoid potential conflicts arising.

Since their appointment, both Independent Persons have built up experience and knowledge of considering Member complaints. They have each adopted a flexible and pragmatic approach with the Council in considering the complaints and the arrangement works well. It is therefore proposed to retain both Hazel Salisbury and Neil Stent for a further two years at the same £1000 annual retention fee. If approved the Council will seek to share this cost with Mansfield District Council, on

either the same or better terms as before and discussions with their Monitoring Officer have indicated that this is highly likely to be acceptable.

The Council could conduct a recruitment exercise to “test the market” for alternative provision, however this would be both a lengthy and costly process and it is considered highly unlikely that anyone with the same level of experience and knowledge of Ashfield District Council policies, procedures and complaints is likely to apply.

**The Committee is therefore asked to consider and make a recommendation to Council in respect of the Independent Persons.**

## **Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

### Terms of reference

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

### Consultation questions

The Committee invites responses to the following consultation questions:

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

#### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
  - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
  - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

#### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?
  - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
  - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

#### *Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
  - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
  - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.



- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials?  
Are these satisfactory?

*Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?  
j. What steps could *central government* take to improve local government ethical standards?

*Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?  
i. What measures could be put in place to prevent and address this intimidation?

**The Committee is therefore asked to consider and provide comments in relation to the Standards in Public Life consultation.**

**Implications**

**Corporate Plan:**

This report is presented in accordance with the Corporate Plan Priority “Organisational Improvement” ensuring effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

**Legal:**

The local Code of Conduct and any related processes must comply with relevant legislation, including the Localism Act 2011 and earlier Local Government Acts.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
Lack of transparency. Lack of monitoring. Failing to meet the duty of maintaining high standards of behaviour.	The work plan for this committee, the quarterly update reporting and this Annual report ensures the Council is open and transparent in the way it deals with ethical governance. The reporting and work of the Committee demonstrates the Council’s commitment to maintaining high levels of ethical behaviour.

**Human Resources:**

There are no significant Human Resource issues identified in the report.

**Equalities:**

There are no significant equalities issues identified in the report.

**Other Implications:**

None.

**Background Papers**

None.

**Report Author and Contact Officer**

**Ruth Dennis**

**DIRECTOR OF LEGAL AND GOVERNANCE**

**MONITORING OFFICER**

**[r.dennis@ashfield.gov.uk](mailto:r.dennis@ashfield.gov.uk)**

**01623 457009**

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>WHISTLEBLOWING POLICY UPDATE</b>		
<b>Portfolio Holder:</b>	N/A		
<b>Ward/s:</b>	N/A		
<b>Key Decision:</b>	NO		
<b>Subject to Call-In:</b>	NO		

## **Purpose of Report**

To provide the Committee with an annual update as required by paragraph 8.1 of the Council's Whistleblowing Policy.

## **Recommendation(s)**

- 1. To approve the amended Whistleblowing Policy as attached to the report;**
- 2. To note how the policy has operated in the preceding 12 months.**

## **Reasons for Recommendation(s)**

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the Committee's Terms of Reference as set out in Part 3, Paragraph 1.8 of the Constitution.

To ensure the policy remains up to date and fit for purpose.

## **Alternative Options Considered**

*(with reasons why not adopted)*

None as this is a requirement of the Constitution.

## **Detailed Information**

The Standards and Personnel Appeals Committee last reviewed the policy at its meeting on 27 March 2017 and approved minor changes to the document.

Paragraph 8.1 of the current Whistleblowing Policy states that:

*“The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (in a form which does not endanger your confidentiality) and will report these to the Standards Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”*

Following the recommendations of CMAP it is suggested that this paragraph is amended to require reporting to the Audit Committee on an annual basis as well. This will ensure the Committee charged with overseeing Fraud and Corruption is kept up to date and is able to monitor the use of the policy.

## **Application of Policy during the Preceding 12 Months**

During the past 12 months there have been 3 reported incidents of whistleblowing drawn to the Monitoring Officer’s attention.

### **Complaint 2017-01**

This was an anonymous complaint alleging bullying by a number of officers towards other members of staff. Having carried out initial investigations, the Monitoring Officer concluded the anonymous complaint as presented did not merit further investigation for the following reasons:

- The complaint lacked detail including failing to identify the alleged bullies and the alleged victims with sufficient clarity
- This lack of detail would have made investigating difficult
- There was no evidence of specific incidents
- Due to the lack of detail, corroboration or testing of information would prove to be difficult
- A number of the allegations were historic and some already appeared to have been investigated
- On the face of the complaint it appeared that the issues should have been raised under either the grievance or harassment policy.

However, three recommendations were made the relevant Director and third tier Manager:

### **Recommendation 1**

Recommended that the Manager monitors the performance of a newly appointed team leader during his probationary period and ensures the support and training given to him is appropriate. It may be appropriate, if managers are concerned, to extend the probationary period and it was recommended that the Manager discussed this with HR.

### **Recommendation 2**

There does not seem to be a co-ordinated approach to providing management or team leader training within the relevant section. It was therefore recommended that this is discussed with HR and appropriate training rolled out across the section. Consideration of any gaps in such skills may also form part of the PDR process. The use of the new behavioural competencies and reference to the Council’s values should be part of recruitment, training and supervision processes.

### **Recommendation 3**

This complaint does not appear to be the first such anonymous complaint relating to this section and so it was considered worthwhile reminding the team of the Whistleblowing Policy and the other policies which might be more suitable. A briefing note was prepared by the Monitoring Officer and this was rolled out to the relevant section by the CEO and relevant Director. This communication

was designed to reassure employees that whistleblowing complaints are investigated and not swept under the carpet.

### Complaint 2017-02

This complaint was made by a member of the public. It relates to alleged time recording issues and the possibility that staff (2) concerned might be carrying out personal business activities during work time and/or without permission for secondary employment. The matter is being investigated by CMAP and remains ongoing. A report is expected shortly.

### Complaint 2017-03

This complaint was made by a member of the public about a Council employee. The complaint related to matters occurring outside the work environment and were domestic in nature. However, as the alleged incident involved the police and a potential safeguarding issue, enquiries were made via our Community Safety Hub of the police. The Monitoring Officer was satisfied there were no further enquiries to be made and that there were no safeguarding concerns to be raised or taken further. The complaint was closed with no further action.

### Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy since 2010 to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY INVESTIGATION
2010	4	1	2	1
2011	0	N/A	N/A	N/A
2012	3	0	2	1 (action taken)
2013	1	0	0	1 (action taken)
2014	4	1	1	3 (2 with action taken)
2015	2	1	1	0
2016	2	0	1	1
2017	3 (1 ongoing)	1	1	0
2018 (to date)	0	N/A	N/A	N/A

The following table sets out the types of complaints made in order to identify trends and enable the Committee, if appropriate, to make recommendations.

TYPE OF COMPLAINT	NUMBER OF COMPLAINTS
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Time recording failures – which challenge that flexi time, TOIL and annual leave has been taken when not accrued	7
Failure to follow systems/processes	3
Issues relating to line management	1
Working whilst off sick	1
Inappropriate comments	1
Data Protection Breach	1
Misuse of Council resources	1
Bullying	1
Safeguarding issues	1
Operating a business/secondary employment without permission	1

### **Review of Policy**

A review of the policy has been undertaken. It is recommended that the policy is amended to:

1. Take account of new job roles/titles
2. Amend 7.1 to identify current prescribed contacts
3. Amend 8.1 to include annual reporting to the Audit Committee

Committee is asked to approve the revised policy which is attached as Appendix 1. The revised policy was reported to the Audit Committee on 19 March 2018 for approval.

### **Implications**

#### **Corporate Plan:**

The Council is committed to treating its employees fairly and respectfully. The Council aims to be an employer of choice and an organisation people want to work for.

#### **Legal:**

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith.

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None

General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
Failure to maintain integrity and confidence in the policy and its applications.	Annual reporting to the Audit Committee and Standards and Personnel Appeals Committee Annual update on the application of the policy Update reporting in accordance with the policy to the whistleblower Identification of trends in disclosure to inform management

**Human Resources:**

Regular review, maintenance and consistent application of the Whistleblowing Policy infer good employment practices. As such it is important to maintain the integrity of the policy

**Equalities:**

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any whistleblowing investigation.

**Other Implications:**

*(if applicable)*

None

**Background Papers**

*(if applicable)*

None

**Report Author and Contact Officer**

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# **ASHFIELD DISTRICT COUNCIL**

## **WHISTLEBLOWING POLICY**

**Director of Legal and Governance  
(Monitoring Officer)**

**APPROVED:**  
**Audit Committee – 19 March 2018**  
**Standards Committee – 28 March 2018**

**REVIEW:**  
**March 2019**

**Version Control**

<b>Version Number</b>	<b>Detail</b>
Original	January 2008
Revised V1	January 2011
Revised V2 due	1 <sup>st</sup> July 2013
Revised V2 (Website)	25 February 2014
Revised V3	14th April, 2014
Revised V4	20 July 2015
Revised V5	14 March 2016
Revised V6	28 March 2018

# **WHISTLEBLOWING POLICY**

## **1. Introduction**

- 1.1 All of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.
- 1.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do.
- 1.3 Ashfield District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that you can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable you to raise serious concerns within the Council rather than overlooking a problem or reporting it outside.

## **2. Aims of this Policy**

- 2.1 This policy aims to:
  - encourage you to feel confident in raising concerns at the earliest opportunity
  - provide avenues for you to raise concerns and receive feedback on any action taken
  - allow you to take the matter further if you are dissatisfied with the Council's response
  - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith

## **3. Scope of this Policy**

- 3.1 In this Policy, "Whistleblowing" means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council.
- 3.2 This Policy is intended to enable those who become aware of wrongdoing in the Council affecting some other person or service, to report their concerns at the earliest opportunity.
- 3.3 The Policy is not intended to replace existing procedures:
  - If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures

- If a member of the public has a concern about services provided to him/her, it should be raised as a complaint to the Council.
- Complaints of misconduct by Councillors are dealt with under a separate procedure (the Monitoring Officer can advise you in relation to this process)

3.3 Under this Policy you should report any serious concerns that you have about service provision or the conduct of officers or Council Members or others acting on behalf of the Council that:

- make you feel uncomfortable in terms of known standards
- are not in keeping with the Council's Standing Orders and policies
- fall below the established standards of practice
- is improper behaviour

The concern may be something that relates to:

- conduct which is an offence or a breach of the law
- disclosures relating to miscarriages of justice
- the deliberate breaching of a Council policy or official code or regulation
- misuse of public funds or other assets
- possible fraud or corruption
- the endangering of health and safety of the public and/or other employees,
- damage to the environment
- the deliberate concealment of information which would constitute evidence of any of the above

## 4. Safeguards

### Your Legal Rights

4.1 This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith.

The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Council cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

### Harassment or Victimisation

4.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take

action to protect you when you raise a concern in good faith. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern or who has disclosed the name of the whistleblower to any person other than those named in this document.

### **Confidentiality**

- 4.3 The Council will do its best to protect a person's identity when a concern is raised. During the course of an investigation attempts will be made to find independent corroborating evidence to allow a person's identity to remain confidential. However, it must be recognised that in some circumstances identities will have to be revealed to the person the allegation is made against and those making the allegation may be asked to provide written or verbal evidence in support of the allegation. If the matter is reported to the Police or another external body they may be unable to guarantee to withhold a person's identity.
- 4.4 If a person's identity is to be disclosed, he or she will be told before the disclosure and the reasons why disclosure is necessary. The Council will offer advice and guidance on the procedures and arrangements in the event of a person having to give evidence to an external body or in court.

### **Anonymous Allegations**

- 4.5 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Monitoring Officer in consultation with the Chief Executive Officer.
- 4.6 In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised
  - the credibility of the concern
  - the likelihood of confirming the allegation from attributable sources

If you choose to use this method of reporting, the allegation should contain as much information as possible to ensure the allegation is considered as a credible concern that requires further investigation.

### **Untrue Allegations**

- 4.7 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations appropriate action that could include disciplinary action may be taken against you. It will be a matter for the Monitoring Officer to form a view of whether an allegation has been made maliciously or vexatiously and to refer her view to the relevant Director if disciplinary action needs to be considered.

## 5. How to raise a concern

### Make an immediate note of your concern

- 5.1 Note all relevant details. Set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

### Reporting your concern

- 5.2 This will depend on the seriousness and sensitivity of the issues involved or who is thought to be involved in the malpractice. You should normally raise concerns initially with your line manager or Director. If this is not appropriate you should contact:

Position	Contact	E-mail
Chief Executive	(01623) 457250	<a href="mailto:r.mitchell@ashfield.gov.uk">r.mitchell@ashfield.gov.uk</a>
Monitoring Officer	(01623) 457009	<a href="mailto:r.dennis@ashfield.gov.uk">r.dennis@ashfield.gov.uk</a>

If you suspect fraud or corruption you may also approach the officers detailed below. This is consistent with the Council's Financial Regulations and the Anti-Fraud and Corruption Strategy.

Position	Contact (External)	E-mail
Chief Finance Officer	(01623) 457202	<a href="mailto:s.lynch@ashfield.gov.uk">s.lynch@ashfield.gov.uk</a>

- 5.3 You can raise your concerns in writing, by telephone or in person. All correspondence should be addressed to the Monitoring Officer and marked 'Strictly Private and Confidential' and sent to:

**The Monitoring Officer  
Ashfield District Council  
Council Offices  
Urban Road  
Kirkby-in-Ashfield  
Nottingham  
NG17 8DA**

- 5.4 The earlier you express the concern, the easier it is to take action.
- 5.5 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.6 You may wish to consider raising your concern with a colleague first and you may find it easier to do so if there are two (or more) of you who have shared the same experience or concerns.

5.7 You may invite your trade union or professional association to raise a matter on your behalf. It is expected that in the first instance the procedure detailed at 5.2 will be followed.

## **6. What the Council will do**

6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the external auditor
- form the subject of an independent inquiry

6.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

6.3 Some concerns may be resolved by agreed action without the need for investigation.

6.4 Where the concern has been raised includes a contact name and address, then within ten working days of a concern being received, the Council will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- telling you if further investigations will take place, and if not, why not

6.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or professional association representative or a workplace colleague who is not involved in the area of work to which the concern relates. If you wish, the meeting may take place away from the Council Offices.

6.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

6.8 The person investigating the concerns will produce a written report that:

- outlines the concerns/allegations
- details the investigation procedure
- gives the outcomes of the investigation
- details recommendations where appropriate

6.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

## 7. How the matter can be taken further

7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- A Councillor of Ashfield District Council
- A prescribed person - See Gov.uk Guidance – Whistleblowing: List of prescribed people and bodies  
Website: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- The Comptroller and Auditor General  
The Comptroller and Auditor General  
National Audit Office  
157-197 Buckingham Palace Road  
London  
SW1W 9SP  
Tel: 020 7798 7999  
Website: [www.nao.org.uk/contact-us/whistleblowing-disclosures/](http://www.nao.org.uk/contact-us/whistleblowing-disclosures/)
- The independent charity Public Concern at Work on  
Work Helpline: (020) 7404 6609  
E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)  
Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)
- ACAS  
Helpline number: 0300 123 1100 Monday-Friday: 8am-8pm and Saturday 9am-1pm  
Website: <http://www.acas.org.uk/index.aspx?articleid=1919>
- A Solicitor
- The Police
- Your Local Member of Parliament

If you raise concerns outside the Council you should ensure that it is to one of these contacts. A public disclosure to anyone else could take you outside the protection of the Public Disclosure Act and of this Policy. **When raising a concern externally remember to make it clear that you are raising the issue as a whistleblower; this gives you additional statutory rights.**

You should not disclose information that is confidential to the Council or to anyone else, except to those included in the list of contacts.

## **8. The Responsible Officer**

- 8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed on bi-annual basis.



<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>ANNUAL CONSTITUTION REVIEW</b>		
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>		
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## **Purpose of Report**

To report proposed changes to the Constitution to the Standards and Personnel Appeals Committee for their consideration and comment prior to being reported to the AGM of the Council in May 2018.

## **Recommendation(s)**

**To consider the proposed changes to the Council's Constitution and make comments and recommendations to Council.**

## **Reasons for Recommendation(s)**

To ensure that the Council's Constitution remains up to date and fit for purpose it is reviewed annually.

The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

## **Alternative Options Considered**

*(with reasons why not adopted)*

Do not update the Constitution. However, this would not be best practice and would reduce the value of the document, both to the Council and the wider Community as an authoritative guide to how the Council works.

## Detailed Information

### Constitution Review 2018

It is good practice to review the Constitution regularly and it is the Council's practice to carry out a review annually.

The proposed changes to the Constitution are outlined below:

<b>Part of the Constitution</b>	<b>Proposed Amendments</b>
<b>Part 1 – Summary</b>	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.
<b>Part 2 – Articles</b>	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.  Article 7 – Overview and Scrutiny Committee – to be checked for clarity. For example, the minority reporting process.
<b>Part 3 – Functions and Delegations</b>	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.  Executive Scheme of Delegation to be checked and amended as necessary in accordance with the Leader's instructions.  Audit Committee terms of reference to be reviewed to take account of current good practice.  Planning Committee terms of reference and delegations to be reviewed to reflect changes in legislation  Licensing delegations and terms of reference will be given a general review and the "nature of functions" will be updated to take into account any changes in legislation or function. For example, Alcohol Disorder Zones no longer exist.
<b>Part 4 – Rules of Procedure</b>	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.  Council Procedure Rules - general review to ensure fit for purpose – no significant changes identified at this stage.  Financial Regulations to be reviewed, concentrating on virement levels and reserves.  Petition Scheme - general review and clarification of process.  Overview and Scrutiny Rules - general review and clarification of process and function.

	<p>Employment Procedure Rules – general review and clarification if necessary.</p> <p>Disposal of Land and Property - general review to ensure up to date.</p> <p>Contract Procedures Rules to be reviewed to reflect changes in legislation.</p>
<b>Part 5 – Members’ Code of Conduct</b>	No changes proposed.
<b>Part 6 – Member/Officer Protocol</b>	<p>Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.</p> <p>Changes needed as a result of GDPR.</p>
<b>Part 7 – Allowances</b>	Changes to figures to incorporate annual inflation as appropriate.
<b>Part 8 – Management Structure</b>	New structure to be inserted.
<b>Part 9 – Employees Code</b>	No changes proposed.
<b>Part 10 – Planning Code</b>	<p>Areas being reviewed include lobbying to see if we can clarify further the decision making process and policy 19.</p> <p>Further consideration will be given to behaviours at Committee and expectations and formally noting recording of events.</p> <p>The Code will also be reviewed to reflect changes in legislation including “Permission in Principle”. This can be achieved either by:</p> <ul style="list-style-type: none"> <li>a) Specific Permission in Principle as a separate process; or</li> <li>b) Defining in the Code “planning application” as a generic term which includes both planning applications and permission in principle.</li> </ul>

It is intended that the detailed amendments will be presented to the AGM on 24 May 2018 for approval. The comments and recommendations of the Standards and Personnel Appeals Committee will be reported to the Council.

### **Implications**

#### **Corporate Plan:**

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

#### **Legal:**

In accordance with Article 14 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. Any changes to the Constitution must be approved by the Council.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
Not updating the Constitution on a regular basis would increase the risk of failing to reflect current legislation and practices which would negatively impact decision-making.	Ensuring the Council’s Constitution remains up to date and fit for purpose it is reviewed annually.

**Human Resources:**

There are minimal HR implications as outline in the body of the report with regard to minor changes to Member/Officer protocol.

**Equalities:**

*(to be completed by the author)*

There are no specific equalities issues highlighted in the report or apparent at this stage in relation to proposed changes.

**Other Implications:**

*(if applicable)*

None

**Background Papers**

*(if applicable)*

None

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# Agenda Item 7



<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>REVIEW OF POLITICALLY RESTRICTED POSTS</b>		
<b>Portfolio Holder:</b>	N/A		
<b>Ward/s:</b>	N/A		
<b>Key Decision:</b>	NO		
<b>Subject to Call-In:</b>	NO		

## **Purpose of Report**

To seek approval from the Committee for a revised list of the posts that are considered to be politically restricted following consultation with the Trade Unions.

## **Recommendation(s)**

To approve the attached list of Politically Restricted Posts in accordance with the requirements of the Local Government and Housing Act 1989 and associated regulations.

## **Reasons for Recommendation(s)**

To comply with the requirements of the Local Government and Housing Act 1989 and associated regulations.

## **Alternative Options Considered**

*(with reasons why not adopted)*

None considered. The Council is under a duty to comply with the legislation.

## **Detailed Information**

Members will recall a report being presented to the Committee at its meeting on 11 December 2017 to consider authorising the Monitoring Officer to proceed to refresh the list of politically restricted posts.

Members delegated authority to the Monitoring Officer to consult with the Trade Unions and report back to this Standards and Personnel Appeals Committee (Minute SP.8 refers).

As a reminder to Members, the legislation regarding politically restricted posts is to be found in Part 1 of the Local Government and Housing Act 1989 (LGHA 1989) with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009. The aim of this legislation is to ensure the political impartiality of local government employees who hold posts involving duties of a politically sensitive nature.

The effect of including a local authority employee on the list of 'politically restricted posts' is to prevent that individual from having any active political role either in or outside the workplace.

Politically restricted employees will automatically be disqualified from standing for or holding elected office and these restrictions are incorporated as terms in the employee's contract of employment under the Local Government (Politically Restricted Posts) Regulations 1990. It is left to the discretion of each authority whether or not to reinstate an employee who resigns his post and then consequently fights and loses an election.

In accordance with the resolution of the Committee, the Trade Unions have both been consulted in relation to the draft list of Politically Restricted Posts.

Both GMB and UNISON commented as follows:

*"The Trade Unions have been consulted and have no adverse comments to make in relation to the report."*

The recommended list of politically restricted posts takes account of the ongoing consultation with officers regarding a review of third tier officer posts; the review potentially re-designates some posts and creates new roles/revised roles and this is reflected in the attached list. The list will be updated subject to the outcome of the third tier officer review as shown, otherwise existing job titles will remain.

Having consulted with the Trade Unions and them having no objections to the posts identified, approval is therefore sought in respect of the attached list.

## **Implications**

### **Corporate Plan:**

We will be open and transparent in our decision making.

- We will promote positive and respectful behaviour, treating people fairly and respectfully.
- We value our employees and will recognise their effort and commitment
- The Council commits to treating employees fairly and respectfully
- The Council will engage with and consult with employees and Trade Unions on key issues affecting our organisation
- The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

### **Legal:**

Politically restricted posts are governed by legislation set out in the body of the report and the draft list has been developed taking the statutory criteria into account.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
<p>The current list of Politically Restricted Posts was last updated in March 2016 and a number of restructures have taken place in the meantime as well as bringing the housing management function back in house.</p> <p>The list should be updated every two years. Failing to update the list during 2018 would leave the Council at risk of not complying with the legislation.</p>	<p>Approving the revised list of Politically Restrict Posts will ensure the Council has an up to date list in place and is acting in compliance with the requirements of the legislation.</p>

**Human Resources:**

The review of politically restricted posts has been undertaken in conjunction with Human Resources.

**Equalities:**

*(to be completed by the author)*

The review of politically restricted posts has been carried out in accordance with legislation and consideration of the Council's commitment to equality and diversity implications.

**Other Implications:**

*(if applicable)*

None

**Background Papers**

*(if applicable)*

None

**Report Author and Contact Officer**

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## ASHFIELD DISTRICT COUNCIL

### LIST OF POLITICALLY RESTRICTED POSTS

#### **1. Specified Posts:**

- Chief Executive
- Director of Resources and Business Transformation
- Director Place and Communities
- Director of Housing and Assets
- Director of Legal and Governance (Monitoring Officer)
- Chief Finance Officer (& Section 151 Officer)

#### **2. Posts paid at or above a certain level**

All posts where the remuneration level is or exceeds the 'spinal column point' 44 on the NJC for Local Government Services scales, will be automatically included on the list of politically restricted posts (Local Government (Politically Restricted Posts) (No. 2) Regulations 1990).

- Chief Accountant
- Corporate Planning and Building Control Manager to be re-designated to Service Manager, Planning and Regulatory Services
- Corporate Performance and Improvement Manager to be re-designated to Service Manager Corporate Support and Transformation
- Principal Solicitor to be re-designated to Service Manager Legal Services
- Transport and Depot Services Manager
- Locality & Community Empowerment Manager to be re-designated to Service Manager, Place and Well-being
- Service Manager – Neighbourhood Services
- Asset and Procurement Manager to be re-designated to Service Manager, Assets and Investments
- Corporate Manager (Revenues & Customer Services) to be re-designated to Service Manager Revenues and Benefits
- ICT Manager to be re-designated to Service Manager, ICT
- Building Control & Land Charges Manager
- Locality Team Leader
- Forward Planning Team Manager
- Community Protection Manager to be re-designated to Service Manager, Community Safety
- Senior Solicitor
- Development Team Manager
- Corporate Risk Manager - to be re-designated to Service Manager Risk and Emergency Planning
- Projects and Partnership Team Leader
- Lettings and Strategic Housing Manager to be re-designated to Service Manager, Strategic Housing and Lettings
- Planned, Cyclical and Estates Manager
- Responsive and Voids Manager
- Support Services Manager
- Senior Operations Manager – Technical Services to be re-designated to Service Manager, Repairs and Maintenance
- Tenancy Support Housing Manager to be re-designated to Service Manager, Housing Management and Tenancy Services

- Service Manager – Democratic and Scrutiny Services
- Service Manager – Electoral Services
- Service Manager – Commercial Development – subject to approval as a new post as part of the Third Tier Review

### **3. “Sensitive” posts**

#### *Definition*

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive or to any member of that executive who is also a member of the authority;
- giving advice on a regular basis speaking on behalf of the authority on a regular basis to journalists or broadcasters.
  - Democratic Services Officer
  - Assistant Solicitor
  - Legal Executive
  - Senior Communications Officer
  - Communications Officer

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>UPDATE ON THE REVIEW OF THE MEMBERS' CODE OF CONDUCT COMPLAINTS PROCESS AND SOCIAL MEDIA POLICY</b>		
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>		
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## Purpose of Report

The report is to update the Committee on the review of the Members' Code of Conduct Complaints Process and Members' Social Media Policy.

## Recommendation(s)

**Committee is asked to:**

- 1. Note the work undertaken by the Members' Working Group;**
- 2. Consider and comment on the suggested changes to the Members' Code of Conduct Complaints Process and Members' Social Media Policy;**
- 3. Instruct the Monitoring Officer to draft changes to the policies in line with the suggested amendments for approval by Council.**

## Reasons for Recommendation(s)

The review of the Members' Code of Conduct Complaints Process and Members' Social Media Policy is a work plan item for the Committee during 2017/2018.

The Peer Challenge suggested making changes to the complaints process to address the volume of trivial or low level complaints being made relating to Member conduct which is a drain on Council resources to consider and process.

Members 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 Committee is asked for its views in relation to the suggestions of the Member Working Group to enable the Monitoring Officer to draft appropriate changes to the policies for Council to approve.

## **Alternative Options Considered**

*(with reasons why not adopted)*

The Committee may wish to suggest alternatives or additional changes to the policies.

## **Detailed Information**

### **Committee on 11 December 2017**

Members will recall that an update on the progress made by the Working Group was reported to the Committee on 11 December 2017. An extract from the minutes is set out below (SP.7)

#### 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.*

At the meeting the Committee raised a number of points which it wished the Working Group to consider further:

- If the complaint involves the Group Leaders who would the complaint be referred to?
- Should the Panel be politically balanced?
- How many should be on the panel ideally? Committee suggested 4 or 5

- Committee suggested the Independent Person should be on the Panel and asked if they could vote?
- Could the Panel be a standing Sub-Committee?
- Apologies – should recognise they have done wrong and be genuine/sincere
- Should not create further delays in the process

## Cross Party Update Meeting

The Monitoring Officer attended the Cross Party Update Meeting on 19 January 2018 to update those present on the work of the group and to ask for their observations. All Group Leaders agreed that it was necessary to look for an alternative approach and that the suggestions put forward by the Standards Committee was a good approach in principle. There was an acknowledgement that there may be further issues created as a result and this may mean the approach needs amending once the process has been put in to practice. The Group Leaders were happy for the Committee to continue with this work with a view to taking a report to the AGM for Council approval.

## Working Group

The Working Group has met on a further occasion to consider the outstanding issues and puts forward the following suggestion/responses for consideration by the Committee:

- If the complaint involves the Group Leaders who would the complaint be referred to?  
The Working Group considers this would be the Group Whip or other nominated Member – for instance, the Conservative Group does not have a whip and so could nominate a Member for this purpose.
- Should the Panel be politically balanced?  
Due to the potential size of the Panel being relatively small and current political balance, the Working Group considered this would be difficult in practice. The Working Group suggested that the Panel could be made up of four people in total – one from each of the political parties (three) and one of the Independent Persons.
- How many should be on the Panel ideally? (Committee suggested 4 or 5)  
See above response. The Working Group was clear that any more than five Members and the whole Committee of nine might as well sit defeating the object of having a Panel.
- The Committee suggested the Independent Person should be on the Panel and asked if they could vote?  
The Working Group agreed with this suggestion. There is no legal power for the Independent Person to vote.
- Could the Panel be a standing Sub-Committee?  
The Committee noted that this was possible Constitutionally, however, practically could be problematic. A Standing Sub-Committee would be appointed by Council at the AGM. Constitutionally, as a regulatory committee there can be no substitutions if a Member is not available, as such, there could be significant problems in calling a Panel meeting if a Member is not available. Having a pre-selected set of Members could also be problematic in the event one of those Members is themselves the subject of a complaint. On balance, therefore, the Working Group felt the Panel should be appointed on an ad hoc basis from the Members of the Committee.
- Apologies – should recognise they have done wrong and be genuine/sincere.  
The Working Group agreed.

- The new process should not create further delays.  
The Working Group agreed.
- Could sanctions be imposed locally at District and Parish Council levels?

The Council currently has approved 10 sanctions as set out below:

1. *Censure or reprimand the member;*
2. *Publish its findings in respect of the member's conduct;*
3. *Report its findings to Council or to the Parish Council, or both for information;*
4. *Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;*
5. *Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;*
6. *Recommend to Council that the member be replaced as Executive Leader;*
7. *Instruct the Monitoring Officer to or recommend that the Parish Council arrange training for the member;*
8. *Remove or recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;*
9. *Withdraw or recommend to the Parish Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or*
10. *Exclude or recommend that the Parish Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub Committee meetings.*

A significant amount of research was carried out by the Monitoring Officer during 2014/2015 in relation to sanctions. National advice was that following the repeal of the previously statutory sanctions, the sanctions set out above and adopted by the Council were the only ones left available to councils under Common Law. Members will be aware that previous powers to suspend or disqualify are no longer available.

When last researched in 2014/2015 there was very little variation to the sanctions adopted by this Council, any differences appeared to exclude sanctions rather than adding "stronger" sanctions. At this time advice was also obtained from the Local Government Association and external lawyers. A summary of their advice at the time is set out below:

## **The LGA**

### Sanctions

A Council has recently been successful in obtaining an injunction and a costs order against a Councillor. The Councillor had removed commercial, legally confidential and privileged material from a council meeting under a ruse/deception. He was likely to publish this information.

### CEO Powers to Remove from the Premises

As the head of paid service, this post carries quite a lot of power and responsibilities in terms of managing the business of the council and in relation to staff. So, in many places it has been accepted that this post can take independent action, when warranted, to protect the staff and business of the council where this is perceived to come under threat.

This could be when a councillor is behaving in a threatening, abusive and or obstructive manner, for example they might be drunk and/or disorderly or in any instance justifying immediate action. The circumstances are likely to be **extreme**.

One would expect the ejection or removal of an elected member from the premises would be followed up with some form of correspondence indicating why such action was deemed necessary and also seeking or recommending a resolution or even a referral to the MO and or standards committee as appropriate. To ensure some fairness, there should be some follow up and/or review.

They were not aware of any council which had adopted this approach in a formal policy document, but it could form part of a member/officer protocol, as an acknowledgment of the powers/duties of the chief executive with respect to managing the business and his/her responsibility to staff.

### **External Lawyers**

#### CEO Powers to Remove from the Premises

*R v Broadland DC ex p Lashley*

Establishes that a Council does have the power to take action that it considers **necessary to allow it to discharge its functions effectively** and to protect the safety and welfare of its staff.

Can only justify such action in **extreme** cases.

Care should be taken to amass the evidence which supports the proposed action, otherwise there could be a challenge for ultra vires.

#### Sanctions

No sanction can interfere with the member's duties.

It is not possible to withhold an allowance.

It is not possible to withhold confidential information (unless the law restricts such access).

If behaviour amounts to harassment then criminal offences may have occurred and also it may be possible to seek a civil injunction.

Having reviewed the current position, there is very little change from that reported to Committee in 2014/2015. There has been no change in legislation or the common law position and as such it is the Monitoring Officer's view that the advice given to Committee three years ago and set out above remains the same.

Members will note that the Standards in Public Life consultation which appears in a separate report on this agenda is asking for comments in relation to the sanctions available for breaches of the Member Code and as such gives the Committee an opportunity to comment on the current position.

- At what stage should apologies be permitted in order to informally resolve complaints.  
The Working Group was of the view that apologies should be allowable provided they are given as soon as possible and certainly pre-investigation stage. If a time limit was to be set, the Working Group suggested that an apology may be allowable if received within 14 days of the Member being notified of the receipt of the complaint by the Monitoring Officer. This should be pointed out to the Member in the notification letter.
- Could the political groups play more of a role in helping to prevent and resolve complaints?  
The Working Group could only suggest that the Political Groups ensure they invoke party disciplinary principles.
- Would a presumption of guilt on those who refuse to co-operate with complaint investigations be permissible?  
The Working Group agreed that if someone refuses to co-operate this could be taken into account, however, in the interests of fairness there would still need to be some checking of evidence and complaint details to try to corroborate a complaint. The Working Group felt the Member should be warned about this in the initial notification letter giving 14 days to contact the Monitoring Officer (or her nominee). If they do not respond, then the Group felt they should be sent a reminder letter giving them a further 14 days in which to respond. If there is no response over the four week period then the Monitoring Officer should proceed with the complaint. The Working Group felt these time limits should also apply to complainants and witnesses. The Working Group felt there would need to be some flexibility in very exceptional circumstances, for example, the Member is known to have been out of the country for an extended period.

The Committee is therefore asked to consider the suggestions and further work undertaken by the Working Group and instruct the Monitoring Officer accordingly to make suitable changes to the Members' Code of Conduct Complaints Process and the Members' Social Media Policy.

## **Implications**

### **Corporate Plan:**

We will promote positive and respectful behaviour, treating people fairly and respectfully.

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

### **Legal:**

The complaints process must be open, transparent and fair.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	The Authority incurs costs in investigating complaints of alleged Member misconduct, and these charges are borne by the General Fund. The Council investigates complaints in house as far as possible to reduce costs; where complaints need to be investigated externally these costs are expected to be contained within existing budgets.
General Fund – Capital Programme	N/A



Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

**Risk:**

Risk	Mitigation
<p>The Council has recognised the following Corporate Risk: <i>Members’ Ethical Framework – Failure to demonstrate high standards of behaviour (CR003)</i></p> <ul style="list-style-type: none"> <li>• Significant resource to deal with implications of Code of Conduct Complaints.</li> <li>• Potential for negative perception of the Council which impacts upon the Council’s reputation</li> <li>• Potentially adverse impact upon the workings of the Council</li> <li>• New legislation does not provide “strong” sanctions for breaches to the Code which may make regulation of poor ethical behaviour difficult and leave complainants dissatisfied with outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Standards and Personnel Appeals Committee approves an annual work programme which includes an annual review.</li> <li>• A review of the Members’ Code of Conduct Complaints Process will be carried out during 2017/2018 in accordance with the recommendations of the LGA Peer Challenge 2017.</li> <li>• Present Quarterly Complaint Monitoring reports to Standards and Personnel (Appeals) Committee.</li> <li>• The Standards and Personnel Appeals Committee has agreed in its 17/18 work plan to review the Complaints Process, the Code and guidance relating to social media use.</li> <li>• The Committee has established a working group of members from the Committee to work with the Monitoring Officer to review best practice and make recommendations to the Committee.</li> </ul>

**Human Resources:**

There are no human resource issues relating to the recommendation contained in this report.

**Equalities:**

Reasonable adjustments would be considered and taken into account in relation to any specific complaint.

**Other Implications:**

None.

**Background Papers**

None.

**Report Author and Contact Officer**

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<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>QUARTERLY COMPLAINTS MONITORING REPORT</b>		
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>		
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## **Purpose of Report**

This report provides an update in respect of Members' Code of Conduct complaints.

## **Recommendation(s)**

**The Committee is requested to note the updated position in respect of Members' Code of Conduct complaints as set out in the Appendix for the period commencing on 1 December 2017 to 20 March 2018.**

## **Reasons for Recommendation(s)**

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

## **Alternative Options Considered**

No alternative options are considered appropriate.

## **Detailed Information**

This report outlines in the Appendix the number of complaints of alleged Member misconduct which have been received since the last update and a summary of those which are outstanding.

Two new complaints have been received regarding District Councillors since the last report was presented to Members in December 2017.

Members will see that a significant number of new complaints (11 in total) have been received in respect of Selston Parish Council Members and the way that Parish Council meetings have been run since the last report was presented to Members.

Various complaints have also been raised with the police which I understand are related to a number of the Member complaints received. I have had an initial meeting with the police to confirm their position. I am informed that the police are looking into the issues raised with them and that this is ongoing. As such, I am unable to look into some complaints until the police have concluded their investigation in order that I do not prejudice these investigations. The police have agreed to keep me informed.

However, as general governance issues have also been raised in relation to the Parish meeting I have spoken to the Parish Clerk and the Chairman of the Parish Council and recommended that an ethical governance review is undertaken by an independent person. They were in agreement with this and I will be liaising with the Parish Clerk in order to establish the scope of the review and identify potential independent people or organisations to carry out the review.

## **Implications**

### **Corporate Plan:**

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

### **Legal:**

There are no legal issues identified as a result of this monitoring report.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	The Authority incurs costs in investigating complaints of alleged Member misconduct, and these charges are borne by the General Fund. The Council investigates complaints in house as far as possible to reduce costs; where complaints need to be investigated externally these costs are expected to be contained within existing budgets.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
<p>The Council has recognised the following Corporate Risk:  <i>Members’ Ethical Framework – Failure to demonstrate high standards of behaviour (CR003)</i></p> <ul style="list-style-type: none"> <li>• Significant resource to deal with implications of Code of Conduct Complaints.</li> </ul>	<p>Standards and Personnel Appeals Committee approves an annual work programme which includes an annual review.</p> <ul style="list-style-type: none"> <li>• A review of the Members’ Code of Conduct Complaints Process will be carried out during 2017/2018 in accordance with the recommendations of the LGA Peer Challenge 2017.</li> <li>• Present Quarterly Complaint Monitoring reports to Standards and Personnel (Appeals) Committee.</li> </ul> <p>(This page 52)</p>

<ul style="list-style-type: none"> <li>• Potential for negative perception of the Council which impacts upon the Council's reputation</li> <li>• Potentially adverse impact upon the workings of the Council</li> <li>• New legislation does not provide "strong" sanctions for breaches to the Code which may make regulation of poor ethical behaviour difficult and leave complainants dissatisfied with outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• The Standards and Personnel Appeals Committee has agreed in its 17/18 work plan to review the Complaints Process, the Code and guidance relating to social media use. The Committee has established a working group of members from the Committee to work with the Monitoring Officer to review best practice and make recommendations to the Committee.</li> </ul>
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**Human Resources:**

There are no HR implications associated with this monitoring report.

**Equalities:**

There are no Equality and Diversity implications associated with this monitoring report.

**Other Implications:**

None.

**Background Papers**

None.

**Report Author and Contact Officer**

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MONITORING OFFICER

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## QUARTERLY UPDATE OF COMPLAINTS FROM 1 DECEMBER 2017 TO 20 MARCH 2018

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	LOCAL ASSESSMENT DECISION (MONITORING OFFICER IN CONSULTATION WITH INDEPENDENT PERSON)	DATE OF ASSESSMENT DECISION
ADC2017-03	5 March 2017 and 26 May 2017	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Counter complaint made. Gathered outline information. Held initial discussions with the Independent Person. Subject Member offered an apology. Further discussion with Independent Person held on 8 December 2017. Independent Person minded to accept the apology and conclude the complaint. Complainant expressed reservations in relation to the apology. Further update to be provided at Committee.	8 December 2017
ADC2017-04	1 September 2017	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Informal fact finding exercise with Complainant carried out on 8 November 2017. Informal Fact Finding	

					exercise with Councillor carried out on 15 December 2017. Matter concluded following discussions with the Independent Person and a formal letter sent. No further action.	
ADC2017-05	4 October 2017	Parish Councillor and District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Awaiting assessment.  Further information requested from Complainants, specifically Social Media postings. No further information provided.  Discussion to be held with Independent Person shortly.	
ADC2017-06	7 November 2017	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Bullying	Meeting held with the complainant. Gathering further information Awaiting assessment	
ADC2017-07	5 December 2017	Employee	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	No further action - Councillor not acting within official capacity.	



				2.3 Bullying		
ADC2018-01	16 February 2018	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Bullying	The matter is being investigated by the police and is ongoing. Complaint to be considered once the police have concluded their investigations.	
SPC2017-11	14 November 2017	Parish Councillor	Parish Councillor	2.8 Improper use of information gained as a Councillor for the advancement yourself, your family, friends or your business	Further information obtained from the Parish and various parties spoken to. The recording of the meeting has been listened to. Investigated as far as able to. Insufficient evidence of a potential breach of the Code and not in the public interest to investigate further. Awaiting discussion with Independent Person to conclude the matter.	
SPC2018-01	9 February 2018	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Recording of the meeting has been considered. Need to carry out further initial investigations as recording	

					does not provide evidence of a breach.	
SPC2018-02	11 February 2018	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Relates to Facebook. Awaiting assessment.	
SPC2018-03	11 February 2018	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Relates to Facebook. Awaiting assessment.	
SPC2018-04	27 February 2018	Public and Councillors	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	
SPC2018-05	27 February 2018	Public and Councillors	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	

SPC2018-06	27 February 2018	Public and Councillors	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	
SPC2018-07	27 February 2018	Public and Councillors	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	
SPC2018-08	27 February 2018	Public and Councillors	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	
SPC2018-09	27 February 2018	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	

SPC2018-10	27 February 2018	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered once the police have concluded their investigations.	
SPC2018-11	19 March 2018	Parish Councillor	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Facebook	