

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Monday, 2nd July, 2018**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

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01623 457317

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Membership

Chairman: Councillor Christine Quinn-Wilcox

Councillors:

Cheryl Butler
Lauren Mitchell
Helen-Ann Smith

Cathy Mason
Phil Rostance
Vacancy

Parish Representatives:

Councillor Jason Zadrozny
Vacancy

Annesley & Felley Parish Council
Selston Parish Council

Co-opted Representatives:

Vacancy
Vacancy

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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 28th March, 2018. 5 - 10
4. **Standards and Personnel Appeals Committee Work Plan 2018/2019.** 11 - 16
5. **Members' Attendance - Update.** 17 - 36
6. **Politically Restricted Posts - Update.** 37 - 42
7. **Quarterly Complaints Update.** 43 - 52

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STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Wednesday, 28th March, 2018 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

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

Apology for Absence: Councillor Amanda Brown.

Officers Present: Lynn Cain and Ruth Dennis.

SP.10 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

SP.11 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 11th December, 2017, be received and approved as a correct record.

SP.12 Annual Ethical Governance Review

The Director of Legal and Governance presented the report and gave the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2017/18 as follows:-

Independent Co-optees

Members were advised that following two former recruitment exercises that had proved unsuccessful, Members of the Working Group had suggested that the Council could seek to recruit two Independent Co-optees from the Parish Councils. Members considered the suggestions and views were mixed as to the potential input/benefits that could be achieved from having Parish representatives (as Independent Co-optees) on the Committee.

Member Complaints

A summary of current Member complaints was presented to the Committee.

Member Development

Following approval of the Member Development Strategy in September 2017, Members had been asked to complete a training needs survey to enable

officers to consider their individual training requirements. Only 6 surveys were completed and it had been agreed that the Service Manager – Scrutiny and Democratic Services would contact Members again shortly to consider any 2018/19 requirements. Work was also due to commence shortly on the full induction training programme for new Councillors following the 2019 District Elections next year and a Working Group was due to be set up to enable appropriate Member input into the process.

Member DBS Checks

To date 29 Member DBS checks had been completed with 6 still outstanding to date. An item to review the Councillor DBS Policy would be included on the work plan for 2018/19.

Attendance at Meetings

Following a recommendation from the Independent Remuneration Panel in 2016/17, an element of the Councillor's annual allowance (£500) would be related to attendance at meetings and mandatory training sessions with a minimum achievement of 70%. For 2017/18, only one Member was currently under the 70% attendance threshold although it was noted that there had been an increase in Members not submitting their apologies to the Democratic Services Team for being absent from meetings. It was also acknowledged that the perceived issue of Members leaving meetings early once they had signed in their attendance, was not a problem with the data showing a decrease from the figures presented in 2016/17.

Independent Persons

Committee were advised that the Council was intending to continue to pay a retainer to the two Independent Persons that were originally appointed in 2012. The costs were shared with Mansfield District Council on agreed proportions which took into account the Council's increased use of the Independent Persons to assist with the larger number of Member complaints received.

Review of Local Government Ethical Standards – Stakeholder Consultation

The Committee on Standards in Public Life was currently undertaking a stakeholder consultation in relation to reviewing local government ethical standards. The consultation was due to end on 18th May and it was agreed that the Working Group Members could formulate a detailed response and circulate to the remaining Committee Members for comment.

All items on the work plan had been completed and Members were requested to consider any new items for 2018/19.

Members were advised that the annual reviews/reports for the Constitution, Work Programme and Whistleblowing Policy would be added to the work plan as per standard practice and Members acknowledged that an item would be included to consider the governance issues surrounding current Councillor relationships and working arrangements at Selston Parish Council.

RESOLVED that

- a) the progress made to complete the agreed work plan for 2017/18, be received and noted;

- b) the work plan for 2018/19 to include the standard Constitution, Work Programme and Whistleblowing Policy annual reviews, a Member DBS Check review and a further item to consider the governance issues surrounding current Councillor relationships and working arrangements at Selston Parish Council;
- c) a further recruitment exercise be undertaken to appoint two Independent Co-optees to the Standards and Personnel Appeals Committee;
- d) in addition to c) above, Council be recommended to agree to seek two Parish Council representatives as Co-opted Members (one from each Parish Council: Annesley & Felley and Selston) to the Standards and Personnel Appeals Committee;
- e) the number of Member complaints received during the year, as summarised in the report, be received and noted;
- f) updates in relation to the following, be noted;

Members' Development
 Member DBS Checks
 Member Attendance at Meetings;

- g) Council be recommended to retain Hazel Salisbury and Neil Stent as Independent Persons for a further two years and to continue to pay a retainer to the two Independent Persons of £1,000 per annum each with the costs being shared with Mansfield District Council in the proportions originally agreed in 2012/2013;
- h) in relation to the stakeholder consultation being undertaken by The Committee on Standards in Public Life as part of their review of local government ethical standards, it be agreed that the Working Group Members meet to consider and formulate a detailed response to the document (and circulate to the remaining Committee Members for comment) prior to the deadline date of 18th May, 2018.

Reason:

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

SP.13 Whistleblowing Policy Update

The Director of Legal and Governance presented the report and provided Members with an update as to the operation of the Whistleblowing Policy over the preceding 12 months.

Members were given a brief synopsis of the three whistleblowing allegations that had been received during 2017/18 and accepted that there would be some minor changes to the Whistleblowing Policy and the Council's Constitution to reflect changes to job roles/titles, prescribed contacts and the additional reporting mechanism to the Audit Committee.

RESOLVED that

- a) the amended Whistleblowing Policy, as appended to the report, be approved;
- b) the update as to the operation of the Whistleblowing Policy over the preceding 12 months, be received and noted.

Reason:

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.

SP.14 Annual Constitution Review

The Director of Legal and Governance asked the Committee to consider the proposed changes to the Constitution in readiness for their presentation to the Annual Council meeting in May 2018.

For future reference, it was requested that the textual changes to the content of the Constitution document be tracked and highlighted and appended to the report in full for consideration each year. This would enable Members to have a better overview of how the proposed changes might influence/improve the document and how the overall business of the Council is governed.

RESOLVED

that the proposed changes to the Council's Constitution, as presented, be accepted for submission to the Annual Council meeting in May 2018.

Reason:

To ensure that the Council's constitution remains up to date and fit for purpose. The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

(During consideration of this item, Councillor Jackie James entered the room at 7.20 p.m.)

SP.15 Review of Politically Restricted Posts

The Director of Legal and Governance sought approval from the Committee to agree the revised list of posts considered to be politically restricted following consultation with the Trade Unions. Members were asked to note that due to the ongoing consultation of third-tier officer posts, the list contained some additional re-designated and new job titles in readiness for the outcome of the review. This list would be further updated once this had been finalised.

RESOLVED

that the list of Politically Restricted Posts, as appended to the report and compiled in accordance with the requirement of the Local Government and Housing Act 1989 and associated regulations, be approved.

Reason:

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

(During consideration of this item, Councillor Helen-Ann Smith left the room at 7.26 p.m. and returned to the meeting at 7.28 p.m.)

SP.16 Update on the Review of the Members' Code of Conduct Complaints Process and Social Media Policy

The Director of Legal and Governance updated Members in relation to the review of the Members' Code of Conduct Complaints Process and the Members' Social Media Policy.

The Cross Party Leaders' Group had considered the Working Group's suggestions in relation to the review of the Members' Code of Conduct Complaints Process and had agreed to the approach in principle but wished for some flexibility to amend the process further should any issues arise once the agreed changes were implemented.

Committee considered and debated the Working Group's suggestions for changes to the Code of Conduct Complaints Process but acknowledged that since the last review, no legislative changes had been made to the unsatisfactory sanctions that were currently in place. However, it was agreed that the Council's response to the consultation document regarding the review of local government ethical standards would be a good opportunity to express the Council's concerns for the current regime and make some suggestions for improvement.

RESOLVED that

- a) the work undertaken by the Working Group in relation to the Members' Code of Conduct Complaints Process and the Members' Social Media Policy, as presented, be noted;
- b) the Monitoring Officer be instructed to draft changes to the policies, in line with the suggested amendments and the additional comments made at the meeting, for approval by Council.

Reasons:

1. The review of the Members' Code of Conduct Complaints Process and Members' Social Media Policy was a work plan item for the Committee during 2017/2018.
2. 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.
3. 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.

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

(During consideration of this item, Councillor Cathy Mason left the room at 7.30 p.m. and returned to the meeting at 7.32 p.m.)

SP.17 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 1st December, 2017 to 20th March, 2018 and also provide a summary of the complaints which were outstanding. Members were advised that two new complaints had been received since the publication of the agenda.

Committee were made aware that the majority of the recent Members' Code of Conduct complaints were in relation to Selston Parish Council Members. To endeavour to address the issue, the Council had agreed to send a representative (the Deputy Monitoring Officer) to attend the Parish Council meetings over the next 2/3 months to observe the governance arrangements and Member behaviour at such meetings. It was hoped that this insight would provide some clarity to the Monitoring Officer to resolve the underlying issues that were preventing the Parish Council from functioning effectively.

A suggestion was made that some additional cross-party presence (i.e. Group Leaders alongside the Chairman of Standards and Personnel Appeals Committee) at the Parish Council meetings might also be beneficial as part of the Council's observation exercise and this approach was welcomed by the Committee.

RESOLVED

that the updated position in relation to Members' Code of Conduct complaints for the period 1st December, 2017 to 20th March, 2018, 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 8.00 pm

Chairman.

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	2 JULY 2018
Heading:	STANDARDS AND PERSONNEL APPEALS COMMITTEE WORK PLAN 2018/2019		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

This report asks Members of the Committee to consider and approve the attached Work Plan for the Committee for the next municipal year.

Recommendation(s)

The Committee is requested to consider and approve the Standards and Personnel Appeals Committee Work Plan for 2018-2019.

Reasons for Recommendation(s)

To reflect good practice.

Alternative Options Considered

(with reasons why not adopted)

The Committee may consider adding or deleting work items and may consider if the timeframe for completion of tasks needs amending.

Detailed Information

The draft work plan for the Standards and Personnel Appeals Committee for the municipal year 2018-2019 is attached at Appendix 1 to the report.

The Committee is asked to consider the draft plan for approval. The Work Plan includes items previously put forward by the Committee when it considered the Annual Report in March 2018.

Implications

Corporate Plan:

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

Legal:

There are no significant legal issues associated with the approval of the work plan. Legal issues in relation to specific pieces of work will be considered at that time.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None. There are no financial implications associated with approving the work plan. Any financial issues in relation to specific pieces of work will be considered at that time.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
<p>There are no risks associated with the approval of the work plan itself.</p> <p>Failing to adopt a work plan would not be considered best practice as the Council would then not be able to ensure the Council exercises its duties to promote and maintain high standards of ethical conduct.</p> <p>The Council has recognised the following Corporate Risk: <i>Members’ Ethical Framework – Failure to demonstrate high standards of behaviour (CR003)</i></p>	<p>Approval of the work plan.</p> <p>The implementation of the work plan for this committee 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.</p>

Human Resources:

There are no direct HR issues relating to the adoption of the work plan.

Equalities:

There are no direct equalities issues relating to the adoption of the work plan. Each work plan item will consider equalities issues as part of its development and implementation.

Other Implications:

None.

Background Papers

None

Report Author and Contact Officer

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Standards and Personnel Appeals Committee

Work Plan – 2018/2019

Proposed Work Item	Timeframe
<p>1. Quarterly Complaint Update</p> <ul style="list-style-type: none"> A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members. 	<p>July 2018 October 2018 December 2018 March 2019</p>
<p>2. Members' Attendance – Update</p> <ul style="list-style-type: none"> To update Members in relation to attendance at meetings during the past municipal year and the implementation of the attendance element of the Members' allowance 	<p>July 2018</p>
<p>3. Politically Restricted Posts – Update</p> <ul style="list-style-type: none"> To seek approval to update the list of politically restricted posts following the recent review of third tier managers and the introduction of Assistant Director roles. 	<p>July 2018</p>
<p>4. Review of Members' DBS Check Policy</p> <ul style="list-style-type: none"> A report to consider and review the existing policy following its approval in 2016 	<p>October 2018</p>
<p>5. Members' Development – Induction Programme</p> <ul style="list-style-type: none"> To develop an induction programme for after the District Elections in May 2019 	<p>December 2018</p>
<p>6. Review and Update of Ethical Governance Arrangement at Selston Parish Council</p>	<p>December 2018</p>

<ul style="list-style-type: none"> to consider and make recommendations regarding the governance issues surrounding current Councillor relationships and working arrangements at Selston Parish Council 	
<p>7. Whistleblowing Policy</p> <ul style="list-style-type: none"> Annual report to consider amendments (if required) to the policy and to monitor the application of the policy 	<p>March 2019</p>
<p>8. Annual Review</p> <ul style="list-style-type: none"> Report to consider the work of the Committee over the year compared to the Work Plan To consider an overview of the ethical governance of the Council 	<p>March 2019</p>
<p>9. Constitution Review</p> <ul style="list-style-type: none"> Consideration of proposed amendments to the Constitution for recommendation to Council 	<p>March 2019</p>

Agenda Item 5



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	2 JULY 2018
Heading:	MEMBERS' ATTENDANCE UPDATE		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

To update the Committee in relation to Members' attendance at meetings and training over the past municipal year and the payment of the Performance Related Element of the Members' Allowance.

Recommendation(s)

To note the record of attendance by Members as set out in the report and to discuss the operation of the Performance Related Element of the Members' Allowance.

Reasons for Recommendation(s)

To ensure a clear and transparent process regarding the payment of the performance element of the Members' Allowance. To enable the Committee to perform its monitoring role in relation to the ethical governance of the Authority.

Alternative Options Considered

(with reasons why not adopted)

None as the report is for noting and general discussion by the Committee.

Detailed Information

The Committee will recall that as part of its review of the Members' Allowances Scheme, the Independent Remuneration Panel (IRP) recommended that an annual £500 performance related Special Responsibility Allowance (SRA) be established; in conjunction with a reduction in the basic allowance for Councillors of the same amount. All Members would be entitled to claim this SRA, if they had attended 70% of their scheduled meetings and compulsory training events.

The IRP's recommendations were accepted by Council on 21 July 2016 (min. C.20 refers) and agreed that the Performance SRA would come into operation at the start of the new local government year, in May 2017.

The Committee was tasked with producing guidance for the payment of the performance related element of the allowance to recommend to Council for approval. The Council meeting on 20 April 2017 (min. C.73 refers) approved the Guidance (which is attached as Appendix 1) following the recommendation of this Committee which worked with the IRP to identify an appropriate approach to the practical application of this element of the allowance.

The Guidance sets out the criteria for excused and unexcused absences, provided for the Monitoring Officer to administer the process and at her discretion to consult with Group Leaders regarding absences caused by "exceptional circumstances".

It was agreed that Members would be individually informed of their attendance record on a quarterly basis and that this information would also be shared with their relevant Group Leader. Information has been given to Members on this basis over the past municipal year.

Members Attendance – Summary Information - June 2017 to May 2018

The year-end information was collated and circulated to Members. The attendance information can be summarised as set out below:

Members with 100% attendance	5
Members with attendance between 90% and 99%	12
Members with attendance between 80% and 89%	16
Members with attendance between 70% and 79%	1
Members with less than 70% attendance	1

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
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	10 for illness 5 for rescheduled meeting and holiday booked
No apologies given for absence	5	11	6	2

Reasons for absences:

Reason	Number of times
Bereavement (Authorised)	2
Family Emergency (Authorised)	2
Medical Operation (Authorised)	1
Rescheduled Meeting and Holiday booked (Authorised)	5
Work Commitment (Unauthorised)	15
Illness (Authorised)	35
Personal (Unauthorised)	34
Holiday (Unauthorised)	14
Other engagement (Unauthorised)	2
No reasons for absence (Unauthorised)	24

At the end of the municipal year, one member (Councillor Joanne Donnally) fell below the 70% required attendance level by recording 36% attendance overall. According to the Scheme therefore, this Councillor did not receive the £500 performance related element of the allowance. All other Councillors reached the 70% threshold and received the £500 allowance during June.

Members are asked to note the record of attendance by Members as set out in this report and to discuss the operation of the Performance Related Element of the Members' Allowance over the past year.

Implications

Corporate Plan:

Ensuring effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

The Council has to comply with the requirements prescribed in the Members' Allowances (England) Regulations 2003 and arrange to adopt a revised Allowances Scheme following recommendations from an Independent Remuneration Panel. Further independent guidance was sought from the Panel to implement the Performance SRA.

Finance:

Budget Area	Implication
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General Fund – Revenue Budget	The underspend of £500 against the Performance Related element of the Members’ Allowances Budget will be reflected in the 2018/19 financial monitoring reports to Cabinet.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
No risks have been identified associated with the recommendations in this report.	

Human Resources:

There are no Human Resource implications arising from this report.

Equalities:

The guidance approved by Council has given due regard to equalities and diversity legislation, particularly with regard to childcare and dependent carer’s provision.

Other Implications:

(if applicable)

None.

Background Papers

None

Report Author and Contact Officer

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**Guidance on the
Performance SRA:
Criteria, and Absences -
Excused and Unexcused**

For

Ashfield District Council

A Report by the

**Independent
Remuneration Panel**

**Dr Declan Hall (Chair)
Janet Richardson
Martin Rigley MBE**

March 2017

The Context

1. In the last Members' Allowances Review (see July 2016 Report) the Panel recommended that in return for a reduction of the Basic Allowance by £500 a Performance SRA of £500 be established that is paid annually in arrears only when a Member has attended 70% of their scheduled meetings and mandatory training events for that year.
2. This recommendation was accepted by the Council (21 July 2016) with an implementation date of 29 May 2017. At the same meeting it was further resolved that "the Standards and Personnel Appeals Committee be given the remit to account for genuine or 'excused' absences".
3. This remit was considered in depth by the Standards and Personnel Appeals Committee on 12 December 2016 and a number of practical considerations were raised. In particular, the Committee determined that clarity was required on how the Performance SRA would be administered and on the criteria for excused and unexcused absences. So as to obtain a wider perspective the Panel has been tasked with considering the issues raised by the Standards and Personnel Appeals Committee to enable the Monitoring Officer to report back at its next meeting on 27 March 2017.

Terms of Reference

4. As the Panel had made the original recommendation and partly to bring an 'independent' perspective it was asked to provide appropriate draft guidance and criteria for excused and unexcused absences for the Monitoring Officer to take the Standards and Personnel Appeals Committee on 27 March 2017 for its consideration.
5. In arriving at its recommendations and draft guidance the Panel was asked to take into account the issues raised by the Standards and Personnel Appeals Committee (12 December 2016).

The Panel

6. Ashfield District Council reconvened its Independent Remuneration Panel and the following Panel Members carried out its independent review; namely:
 - Dr Declan Hall: Independent consultant specialising in Members' allowances and support, former academic at the Institute of Local Government, The University of Birmingham
 - Janet Richardson: Manager of a local charity and a resident of Ashfield

- **Martin Rigley MBE**: CEO of Lindhurst a local engineering company, Chair of Skills & Employment Board Nottingham & Nottinghamshire, Chair of Advanced Engineering Local Enterprise Partnership (LEP) and a local resident
7. The Panel was supported by Mike Joy, Scrutiny Manager (including Democratic Services) at Ashfield District Council, who was the organisational lead in facilitating the work of the Panel.

Process and Methodology

8. As the terms of reference fall outside the 2003 Regulations and advice was being sought on what is in effect an administrative issue the Panel operated as a 'virtual' Panel. The Chair of the Panel took the lead in researching the issue, including attending a briefing session with Officers at the Council Offices Kirkby-in-Ashfield on 3rd March 2017. Subsequently a draft guidance was produced by the Chair for the Independent Remuneration Panel to comment on.
9. The full range of written information received and considered by the Panel is listed in the appendices as follows:
- **Appendix 1:** Draft Guidance on the Performance SRA: Definitions, Criteria, Excused and Unexcused Absences
 - **Appendix 2:** List of information and evidence that was reviewed by the Panel
 - **Appendix 3:** Officers who briefed Panel

Consideration of Issues raised by Standards & Personnel (Appeals) Committee

Purpose of the Performance SRA

10. Being a Councillor is about more than just attending meetings; the role as community leader and local champion is equally important but it is at meetings of the Council and its committees where issues are debated and formal decisions and recommendations are made. If a Member is not attending the majority of their scheduled meetings and training events they are not representing the interests of their constituents and the council in general to the best of their ability.
11. The Panel recommended the Performance SRA not as a bonus but to introduce an element of remuneration that goes some way to recognise where some Members are not demonstrably putting in as much as others. The data maintained by the Council on Members attendance shows that from 1 March 2016 to 28 February 2017 all but a handful have attended at least 70% of their scheduled meetings; before taking potentially excused absences into account. Consequently, the general presumption is that nearly all Members will qualify for the Performance and it is only equitable that the few that do not are penalised.

Taking the Issue out of Members remit

12. One of the issues raised by the Standards and Personnel Appeals Committee concerned the appropriateness of a Council Committee taking the decision what constitutes an excused and unexcused absence, in effect councillors policing councillors. Thus it was further resolved that the as part of these proposals the Monitoring Officer, rather than the Standards and Personnel (Appeals) Committee "would be responsible for reviewing the reasons for absences in line with the criteria to be agreed by the Committee and to determine if the Performance Element of their allowances payments should be paid to the individual Members in such case."
13. The Panel notes the wishes of the Standards and Personnel Appeals Committee and the recommendations contained in this report and the accompanying draft guidance have borne this in mind.

Appeals Mechanism - too burdensome

14. Yet there was a view that an appropriate council committee such as Standards and Personnel Appeals Committee should retain the right to determine appeals against a decision of the Monitoring Officer on whether a Member qualifies for an excused absence.
15. The Panel has not accepted that an appeals mechanism is required as it cuts across the overarching wish of the Standards and Personnel Appeals Committee to take the process out of Members' hands. Moreover, it would introduce an extra administrative level into the process which would make it over complicated.

Producing Quarterly Attendance Reports

16. Every quarter a summary of all Members Attendance records will be sent to relevant Group Leaders or where a Member is not part of a political group then to the individual, so they are aware of any issues on an on-going basis rather than in hindsight thus enabling them to take remedial action accordingly.

Meetings that are counted for attendance purposes

17. In line with the principle of keeping the process as straightforward and administratively simple as possible the Panel reiterates that the meetings that are to be included for attendance purposes are:
 - All scheduled meetings which a Member is scheduled to attend for each municipal year
 - All mandatory training events which a Member is required to attend

18. In deciding whether the 70% threshold has been reached thus triggering the Performance SRA all of the meetings listed above should be included in the total expected number of meetings.

Members with differential workloads - a group and individual choice

19. The latest attendance data (1 March 2016 to 28 February 2017) shows that Members have differential workloads, with expected attendance ranging from 13 to 39 meetings. This could lead to a situation where a Member is paid the Performance SRA by attending fewer meetings than another Member who is not paid the Performance SRA although the latter may have actually attended more meetings. I.e., attending 60% of 39 meetings is still attending more meeting than a Member who attends 70% of 13 meetings.
20. It is hoped that any individual who stands for Council has satisfied themselves that they are able to commit to the time required to fulfil all their duties and in particular to those committees and panels to which they are appointed and mandatory training events. Moreover, the group has the main say in determining to which committees it appoints its members.
21. Thus the Panel is not making any recommendation in this regard on the basis that workloads are the responsibility of individual Members and their respective party groups. It is beyond the remit of the Panel to make recommendations to how the Council is currently organised.

Defining Attendance - Keeping it simple

22. In making its recommendation for the Performance SRA the Panel based it on attendance at scheduled meetings and mandatory training events as it is the most simple and straightforward aspect of a Member's performance that can be measured. The Standards and Personnel Appeals Committee raised the issue of whether there should be a minimum period of attendance at each meeting for it to count. There was concern that individuals might come to the start of the meetings and then leave before the meeting had ended, sometimes for a given reason, sometimes for no given reason.
23. On the other hand, the Committee was keen to ensure that the administration of the Performance SRA is not too bureaucratic or burdensome. A view originally expressed by the Panel's Report July 2016. The expectation is that a Member will attend their meetings in full. The data shows that out of the 922 meetings that Members were scheduled to attend between 1 March 2016 and 28 February 2017 that on only 24 occasions, or 2.4%, did a Member leave before it ended. To require an attendance to be counted by being there for the whole meeting would be an over bureaucratic approach to address what is a negligible issue. **The Panel does not recommend that attendance to the end of a meeting is monitored and is not a requirement for it to count for the Performance SRA.**
24. However, at a future review the Panel will revisit the issue to ascertain whether attending meetings to the end has remained a non-issue.

Clarifying excused absences

25. In the July 2016 Report the Panel recommended that genuine or 'excused' absences were to come under the following categories:
- Illness/physical incapacity
 - Family/domestic emergency
 - Officially representing the Council in another forum
26. The Panel has set out below further clarification on what this will mean in practice.

Illness/physical incapacity

27. This category should include where a Member reports in, 'sick' either before a meeting or within 5 working days of missing a meeting. Asking for a doctor's sick note or letter to provide evidence of being ill would be too bureaucratic and the Panel is content that Members should be able to self report illness or a physical incapacity.
28. The Council has a responsibility under the Equalities Act (2010) to ensure that where a Member has a disability that they receive the support to fulfil their duties including attendance at meetings. Thus an excused absence does not include a pre-existing but relatively stable condition as in these cases the onus is on the Member and Council to ensure the Member has the necessary support to attend their scheduled meetings. If there was a detrimental or debilitating change in a pre existing condition this would come under the category of illness.
29. An excused absence due to illness/physical incapacity should be no longer than 6 months.

Family/domestic emergency

30. This should include where a Member suffers bereavement of a close family member for up to a period of 30 days. Additionally, where a close family member has an accident and an elected Member is required to visit them at a doctor's or hospital should also count as an excused absence.
31. It should also include domestic emergencies such as calamitous accidents at home e.g., flooding, home break in, or some such similar one off incident that requires immediate attention. It should not include having to wait for an appointment for a repairmen or home delivery of an item. Nor should it include caring for dependants, there is a Dependants' Carers' Allowance in place for this scenario.

Officially representing the Council in another forum

32. It is appropriate that where a Member is representing the Council in another forum, defined as those outside bodies as set out in the Constitution to which the Council is required to appoint Members or where a Member is otherwise formally required to represent the Council in an official capacity such as the Nottinghamshire Leaders Board or Nottinghamshire Police and Crime Panel (PCP) then it can count as an excused absence. On such occasions the prime onus may be on the relevant Member to ensure the interests of the Council are represented externally.
33. It should not include meetings of other Councils such as where a Member is also a Nottinghamshire County Council or Parish Council Member. It is incumbent upon the Member to ensure they have the capacity to attend meetings of all councils they may be elected to and in the case of Nottinghamshire County Council they are in receipt of a Basic Allowance from that Council in any case so that would amount to being paid twice if that was excused.
34. Nor should an excused absence include those outside bodies where a Member also receives an additional remuneration, for instance, if that became the case at the Nottinghamshire PCP.

Family Absence

35. The Panel did not address family absence in its original recommendation regarding the Performance SRA. Although, unlike in Wales, there is no statutory right to family absences for Members it does not preclude the Panel from adding this category to cover excused absences. These type of excused absences should include:

Maternity Absence

36. Where a Member has or is expecting a child it is reasonable to be excused from meetings as long as the Monitoring Officer is notified no later than 15 weeks before the expected birth or as soon as reasonably practicable.
37. The maximum period for maternity leave should be 26 weeks starting no earlier than 12 weeks from the expected birth or as soon as reasonably practicable by giving written notice to the Monitoring Officer but starting no later than the day after the day on which childbirth occurs.

Newborn Absence

38. This is where the child's father has or expects to have responsibility for the upbringing of the child, or is married to, civil partner or partner of child's mother and has or expects to have main responsibility for the upbringing of the child. A Member's entitlement to newborn leave is two consecutive weeks not beginning before the child is born or ending later than 56 days after that date.

Adopter's Absence

39. This is where the Member is the child's adopter. In this instance the Member will be entitled to two consecutive weeks excused absence starting no earlier than the date of adoption and ending no more than 56 days after that date.

New Adoption Absence

40. Where a Member is married, the civil partner or the partner of the child's adopter and has main responsibility for the upbringing of the child. Entitlement is two consecutive weeks starting no earlier than the date on which the child is placed with the child's adopter and ending no later than 56 days from that date.

Addressing Other Issues raised - unexcused absences

Sending apologies

41. Sending apologies does not constitute an excused absence; it would defeat the purpose of the original recommendation. Where a Member knows they will be unable to attend a meeting they are still expected to send their apologies.

Work commitments

42. Work commitments do not constitute excused absences. If it was the case it would mean a Member being paid twice - for their work and for non-attendance at a meeting. It is expected that Members are able schedule their work commitments around their meetings schedule as far as practically possible.

Holiday commitments

43. Again, it is expected that Members are able schedule their holiday commitments around their meetings schedule. Moreover, apart from Planning, council meetings are not scheduled during peak holiday periods.

Representing constituents

44. The Panel had some sympathy with classifying representing constituents as an excused absence but decided against it. Not only is it difficult to validate whether a Member has been called urgently to represent a constituent the Panel is also satisfied that by setting the qualifying bar for the Performance SRA at 70% attendance it creates sufficient headroom for this and other types of unexcused absences without unduly penalising Members.

Substitutes

45. The Standards and Personnel Appeals Committee specifically raised the issue of what should happen when a Member sends a substitute to a meeting they cannot make. The Panel is not recommending that where a Member sends a

substitute that it counts as an excused absence nor should it be counted as one of the annual number of meetings the substitute is scheduled to attend. If such an arrangement was in place it could be open to manipulation.

Predetermined or a declarable pecuniary interest

46. Where a Member is attending a meeting and has a predetermination or a declarable pecuniary interest they will still have to attend the meeting and step out when required and back in when the topic has been addressed. So in effect it is a non-issue, for the relevant Member their attendance at such meetings would be counted against the 70% attendance target.

Implementation

47. **The Panel recommends that the Performance SRA and accompanying Guidance are implemented from the start of the 2017/18 municipal year.**

APPENDIX 1:

Draft Guidance on the Performance SRA: Definitions, Criteria, Excused and Unexcused Absences

1. Introduction: The Performance SRA

Being a Councillor is about more than just attending meetings; the role as community leader and local champion is equally important but it is at meetings of the Council and its committees where issues are debated and formal decisions and recommendations are made. If a Member is not attending the majority of their scheduled meetings and training events they are not representing the interests of their constituents and the council in general to the best of their ability.

Consequently, a Performance SRA of £500 is paid annually in arrears only if a Member attends 70% of their

- Schedule meetings and
- Mandatory training events.

2. Role of Monitoring Officer

The payment of the Performance SRA is the responsibility of the Monitoring Officer who must be satisfied that a Member has reached the 70% threshold after taking into account any excused absences. The Monitoring Officer will also determine whether a Member who has missed one or more of their scheduled meetings and mandatory training events is given an excused absence.

3. What counts as an attendance

Where a Member is predetermined or has a declarable pecuniary interest they will be counted as being in attendance.

In determining whether 70% of scheduled meetings and mandatory training events have been attended excused absences are counted as being in attendance and unexcused absences do not count as an attendance.

4. Producing Quarterly Attendance Reports

So as to provide an early warning where a Member is not on schedule to reach the 70% attendance threshold quarterly reports are to be produced summarising each Members Attendance for that quarter. They will be sent to the relevant Group Leaders and respective Member or just to the Member if they do not belong to a political group, so they are aware of any issues regarding their attendance enabling them to take remedial action accordingly.

5. Excused Absences

There are four categories of excused absences from scheduled meetings and mandatory training events that will count towards the 70% threshold:

- Illness/physical incapacity
- Family/domestic emergency
- Officially representing the Council in another forum
- Family leave

Illness/physical incapacity

A Member is required to self report sickness, long term illness or onset of physical incapacity to the Monitoring Officer, before the relevant meeting or within 5 working days of missing a meeting.

An excused absence due to long term illness/physical incapacity can be no longer than 26 weeks.

Examples of an excused absence under this category can include:

- Flu/Cold or onset of another illness
- Incapacitating accident or other accident that requires attendance at a doctor or hospital
- Long term debilitating illness such as a chronic disease
- Detrimental change in a pre existing condition such as a physical disability

Family/domestic emergency

In the case of a death of a close family Member an elected Member can receive bereavement leave for up to a period of 30 days starting no later than the date of the funeral of the close family member on the condition that the Monitoring Officer has been notified no later than 7 days after the date of the funeral.

One off excused absences will be given for other family/domestic emergencies that include:

- An accident requiring attendance of a close family member at a doctor and/or hospital
- Calamitous accidents at home e.g., flooding, home break in, or some such similar one off incident that requires immediate attention.

Officially representing the Council in another forum

Where a Member is representing the Council in another forum, defined as those outside bodies as set out in the Constitution to which the Council is required to appoint Members or where a Member is otherwise formally required to represent

the Council in an official capacity then they are to be counted as excused absences. Examples of these types of meetings also include

- The Nottinghamshire Leaders Board
- The Nottinghamshire Police and Crime Panel (PCP)
- The LGA
- The East Midlands Regional

Family Absence

Members can apply to the Monitoring Officer for a leave of family absence under any of the 4 categories listed below:

- **Maternity Absence:**

Where a Member has a newborn child they can take maternity leave for a maximum of 26 weeks on the condition the Monitoring Officer has been given written notice no later than 15 weeks before the expected birth or as soon as reasonably practicable.

Maternity leave can be taken no earlier than the start of the sixteenth week before the expected birth and no later than 26 weeks after the date of birth.

- **Newborn Absence**

Newborn leave can be applied for via the Monitoring Officer where a Member is a newborn child's father or expects to have responsibility for the upbringing of the child, or is married to, civil partner or partner of child's mother and has or expects to have main responsibility for the upbringing of the child.

A Member's entitlement to newborn leave is two consecutive weeks not beginning before the child is born or ending later than 56 days after that date.

- **Adopter's Absence**

A Member can apply for adopter's leave where they adopt a child. The Member is entitled to two consecutive weeks of adopter's leave starting no earlier than the date of adoption and ending no more than 56 days after that date.

- **New Adoption Absence**

Where a Member is married, the civil partner or the partner of the child's adopter and has main responsibility for the upbringing of the child they can apply via the Monitoring Officer for new adoption leave. Entitlement is two consecutive weeks starting no earlier than the date on which the child is placed with the child's adopter and ending no later than 56 days from that date.

The onus is on a Member to satisfy them self and the Monitoring Officer that they meet the conditions of each of the four categories under which they may seek one

or more excused absences. They shall also inform the Monitoring Officer of any change in circumstance and/or condition as soon as practically possible.

6. Absences that are not excused

Members should note that the following are specifically excluded from being counted as excused absences:

- Meetings of other Councils such as where a Member is also a Nottinghamshire County Council or Parish Council Member.
- Meetings of any outside body that the Council may appoint a Member to and where they also receive an additional remuneration.
- Routine domestic commitments such as appointments for repair or delivery men at a Member's residence
- Caring for dependants
- Sending apologies
- Work commitments
- Holiday commitments
- Representing constituents
- Sending substitutes
- By virtue of having a pre-existing physical handicap

APPENDIX 2

LIST OF INFORMATION REVIEWED BY THE PANEL

1. Terms of Reference
2. Ashfield District Council Members' Members Allowances Scheme 2016/17
3. Ashfield District Council Publication of Members' attendance DATE
4. Minutes of Council meeting DATE
5. Minutes of Standards and Personnel Appeals Committee DATE
6. Independent Remuneration Panel, Review of Allowances, July 2016 Report
7. Copies of Members' Allowances schemes from other relevant councils where similar provisions are in place, namely:
 - Will list when I finish adding to list
8. Welsh Statutory Instrument 2013 No. 2901 (W. 280). Local Government, Wales: The Family Absence for Members of Local Authorities (Wales) Regulations 2013

APPENDIX 3

OFFICERS WHO BRIEFED THE PANEL

Ruth Dennis	Assistant Chief Executive (Governance)
Mike Joy	Scrutiny Manager
Robert Mitchell	Chief Executive

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	2 JULY 2018
Heading:	POLITICALLY RESTRICTED POSTS - UPDATE		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

To seek approval to update the list of politically restricted posts to incorporate new job titles to re-designated posts following the recent Third Tier Officer restructure.

Recommendation(s)

To approve the updated the 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 that at the meeting of this Committee on 28 March 2018 a revised list of politically restricted posts was approved following consultation with the Trade Unions.

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 March 2018, the approved list made provision for potential changes to job titles as known at that time in the event that the Third Tier Officer review was implemented as planned. The Third Tier Review has now been completed and four roles have subsequently been re-designated as "assistant director" roles subject to JNC terms and conditions of service. A revised list of politically restricted roles is attached as Appendix 1 and takes account of the re-designated roles. The roles which are now designated as "assistant director" roles were previously politically restricted so the recommendation to amend the list of politically restricted posts is not a substantive change, it is merely a change to reflect new job titles.

Members are therefore asked to approve the updated the list of politically restricted posts as set out in Appendix 1.

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
Failing to update the list would leave the Council at risk of not complying with the legislation.	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.

Human Resources:

The updated politically restricted posts list and the Third Tier Officer review were undertaken in conjunction with Human Resources. The officers now designated as “assistant directors” were already in politically restricted posts so there is no substantive change for those officers as a result of the recommendation in this report. The relevant officers were fully consulted during the Third Tier Review process.

Equalities:

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:

The Trade Unions and relevant officers were fully consulted with as part of the Third Tier Review and so it is not necessary to consult further at this time. The Trade Unions will be given a revised list of Politically Restricted posts following approval at this committee to ensure they are kept up to date.

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,~~ Assistant Director, 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,~~ Assistant Director, Place and Well-being
- ~~Service Manager~~ Assistant Director, Neighbourhoods and Environment Services
- ~~Asset and Procurement Manager to be re-designated to Service Manager,~~ Assistant Director, 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

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

Agenda Item 7



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	2 JULY 2018
Heading:	QUARTERLY COMPLAINTS UPDATE		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

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 21 March 2018 to 22 June 2018.

Reasons for Recommendation(s)

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

Alternative Options Considered

(with reasons why not adopted)

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.

1 new complaint has been received regarding a District Councillor since the last report was presented to Members in March 2018. Initial enquiries are underway with this complaint.

In light of recent complaints relating to Selston Parish Council, one of the Council's Deputy Monitoring Officers has been attending Selston Parish Council meetings to observe and provide general guidance and feedback to the Parish in relation to governance issues.

Following the recommendation of this Committee, the Council, at the AGM, approved the appointment of two Parish Council Co-optees to the Committee. Councillor Jason Zadrozny has been appointed by Annesley Parish Council and Selston Parish Council will consider its appointment at its meeting on 25 June (a verbal update will be given at the Committee meeting).

The revised Members' Complaints Process produced by this Committee was also approved at the Council AGM in May and will be applied to complaints going forward.

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:

Budget Area	Implication
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
The Council has recognised the following Corporate Risk: <i>Members' Ethical Framework – Failure to demonstrate high standards of behaviour (CR003)</i>	The Standards and Personnel Appeals Committee approves an annual work programme to consider how it will ensure high standards of ethical behaviour. A review of the Members' Code of Conduct

<ul style="list-style-type: none"> • Significant resource to deal with implications of Code of Conduct Complaints • Potential for negative perception of the Council which impacts upon the Council's reputation • Potentially adverse impact upon the workings of the Council • 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. 	<p>Complaints Process and Social Media Policy was carried out during 2017/2018 in accordance with the recommendations of the LGA Peer Challenge 2017 and the Council approved changes at the AGM in May 2018.</p> <p>Presentation of Quarterly Complaint Monitoring reports to Standards and Personnel ensures ongoing monitoring of complaints to identify trends and areas for improvement.</p> <p>Council has approved the appointment of two Parish Co-optees to the Committee to encourage Parish involvement in the process in light of recently high levels of complaints in relation to one of the Parishes.</p>
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Human Resources:

There are no HR issues relating to this monitoring report.

Equalities:

(to be completed by the author)

There are no equalities issues relating to this monitoring report.

Other Implications:

(if applicable)

None.

Background Papers

None.

Report Author and Contact Officer

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QUARTERLY UPDATE OF COMPLAINTS FROM 21 MARCH 2018 to 22 JUNE 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
ADC2017-05	4 October 2017	Parish Councillor and District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Following discussions with the Independent Person this matter was concluded by providing a reminder to the District Councillor regarding the Social Media Policy. The revised Social Media Policy was approved at the Council AGM.	Letter sent on 4/5/18 advising complainant that matter was to be dealt with by other means – guidance and revised Social Media Policy
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	
ADC2018-01	16 February 2018	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	The matter has been dealt with by the police. No further action by the Council.	5 April 2018

				2.3 Bullying		
ADC2018-02	1 May 2018	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Initial enquiries underway.	
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. Following a discussion with Independent Person concluded no further action.	Letter sent on 4/5/18 to complainant advising that matter had been thoroughly investigated and would not be re-opened.
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. Awaiting discussion with the Independent Person	
SPC2018-02	11 February 2018	Public	Parish Councillor	2.1 Respect	Relates to Facebook. Awaiting assessment.	

				2.2 Contrary to high standards of conduct.		
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.	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered	

				2.7 Disrepute	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.	Related matters are being investigated by the police; the investigation is ongoing. Complaint to be considered	

				2.7 Disrepute	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	

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