

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

# Standards and Personnel Appeals Committee

Date: **Wednesday, 18th March, 2020**

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Time: **7.00 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 Lee Waters

**Councillors:**

Jim Blagden  
Warren Nuttall  
Helen-Ann Smith

Christian Chapman  
Phil Rostance  
David Walters

## FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## 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.



**Carol Cooper-Smith**  
**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 correct records the minutes of the meetings of the Committee held on 2 October 2019 and 4 March 2020.** 5 - 10
4. **Annual Ethical Governance Update** 11 - 26
5. **Whistleblowing Annual Update** 27 - 40
6. **Annual Constitution Review 2020** 41 - 46
7. **Update in Relation to the Report of the Committee on Standards in Public Life** 47 - 52

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# Agenda Item 3

## STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Wednesday, 2nd October, 2019 at 7.00 pm

**Present:** Councillor Lee Waters in the Chair;

Councillors Jim Blagden, Christian Chapman,  
Warren Nuttall, Helen-Ann Smith and  
David Walters.

**Apology for Absence:** Councillor Phil Rostance.

**Officers Present:** Lynn Cain and Ruth Dennis.

**In Attendance:** Parish Council Representatives  
Stuart Fletcher and Councillor Jason Zadrozny.

### **SP.8 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

### **SP.9 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 8th July, 2019, be received and approved as a correct record.

### **SP.10 Use of Resources Policy**

The Director of Legal and Governance (and Monitoring Officer) presented the draft Use of Resources Policy and advised Committee that it had been produced following a recommendation from a Hearing Sub Committee to provide clear guidance to Members regarding the appropriate use of Council resources.

The draft policy had been considered on two occasions by the Standards Committee Working Group and any comments/suggestions made at the meetings had been incorporated into the document presented to Committee. It was intended that the Use of Resources Policy, once ratified by Council, would form an appendix to the Members' Code of Conduct as contained in the Council's Constitution.

The draft policy included examples of Council resources, what activities were included in the definition of 'Council business' and the principles for use of resources by a Councillor.

Members took the opportunity to consider the content of the draft policy and the following suggestions/responses were made:-

- concerns that the wording of the section about the use of Councillor email addresses was excessively restrictive and should be reviewed to acknowledge the use of Councillor emails for constituency work which might otherwise be seen as political in nature;
- to request that the reference to the 'Council being able to charge Councillors for excessive use of the photocopier' (page 17) be taken out as Members were already restricted in their usage via a monthly monetary allowance;
- to remove the reference to Members being restricted from posting in excess of 25 items of mail (page 19), having acknowledged that Members rarely used the facility and if they did, a request would already be made to the Service Manager, Scrutiny and Democratic Services;
- concerns around restricting the use of political logos on all stationary items (page 19) and a request for it be clarified to ensure business cards and letterheads can refer to the political group a Member belongs to;
- to consider the possibility of introducing a tiered monetary allowance system for the Council's photocopiers to reflect the increased use of the equipment by the Leader, Deputy Leaders and Cabinet Members.
- business cards not being limited to 250 for the Leader, Deputy Leaders and Cabinet Members (page 20);
- in relation to Clothing (page 20), a distinction should be made between clothing used solely for promotional events/photoshoots and clothing provided to Cabinet Members to assist in their roles as Portfolio Holders.

RESOLVED that

- a) having taken into account the suggestions/responses made at the meeting, delegated authority be delegated to the Director of Legal and Governance (and Monitoring Officer), in consultation with the Chairman of the Committee, to make any appropriate changes to the draft Use of Resources Policy prior to its submission to Council for ratification;
- b) the Director of Legal and Governance (and Monitoring Officer) be requested to liaise with the Interim Chief Executive to consider the possibility of introducing a tiered monetary allowance system for the Council's photocopiers to reflect the increased use of the equipment by the Leader, Deputy Leaders and Cabinet Members.

### **SP.11 Committee on Standards in Public Life - Update from the Working Group**

The Director of Legal and Governance (and Monitoring Officer) presented the update report regarding the work undertaken so far by the Standards Committee Working Group in respect of the Best Practice Recommendations of the Committee on Standards in Public Life (CSPL) relating to Local Government Ethical Standards as published in January 2019.

The report contained a table showing the best practice recommendations, the Council's current position and any suggestions/actions agreed by the Working Group. The framework allowed officers time to undertake the necessary work as required and commence implementation of any new procedures and documentation in a timely manner for presentation at the Annual Council Meeting in May 2020.

It was intended to continue the work through the Standards Committee Working Group over the next few months and Members were also asked to note that a meeting of the Monitoring Officers' Nottinghamshire Network was taking place in November 2019 and comments/feedback by other authorities in relation to progress would be sought and fed back to Committee in due course.

RESOLVED that

- a) the update report, as presented, be received and noted;
- b) it be agreed that the work to further consider the Best Practice Recommendations arising from review undertaken by the Committee on Standards in Public Life's (CSPL) relating to Local Government Ethical Standards, be continued via the Standards Committee Working Group with update reports to the Committee as required.

### **SP.12 Quarterly Complaints Monitoring Report**

The Director of Legal and Governance (and Monitoring Officer) took Members through the quarterly complaints monitoring report and advised that no new complaints had been received since July 2019.

An individual complaint being investigated in relation to a District Councillor had been concluded and eight further District Councillor complaints were currently being investigated, seven of which formed part of one overarching investigation. A meeting with the external investigating officer undertaking the overarching investigation was due to take place imminently to conclude the investigation and take receipt of the draft report accordingly.

RESOLVED

that the updated position in respect of Members' Code of Conduct complaints, as set out in the Appendix to the report, be received and noted.

The meeting closed at 7.35 pm

Chairman.



## **STANDARDS AND PERSONNEL APPEALS COMMITTEE**

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,**

**on Wednesday, 4th March, 2020 at 10.30 am**

**Present:** Councillor Lee Waters in the Chair;  
Councillors Warren Nuttall, Phil Rostance,  
Helen-Ann Smith and David Walters.

**Apologies for Absence:** Councillors Jim Blagden and Christian Chapman.

**Officers Present:** Karen Barke, Ruth Dennis, Steven Fell, Kate Hill,  
Paul Parkinson and Samantha Reynolds.

**Appellant's Representative:** Catherine Mellors (Regional Unison  
Representative).

### **SP.13 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

### **SP.14 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 2 October 2019, be received and approved as a correct record.

### **SP.15 Section 100A Local Government Act 1972; Exclusion of the Press and Public**

RESOLVED

that in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act and in respect of which the Proper Officer considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **SP.16 Determination of Appeal Against Dismissal**

The Committee heard an appeal by R.C. against the decision of the Director of Housing and Assets to dismiss the Appellant from the Council's employment.

The Council's representative presented management's case as set out in the statement of case attached to the agenda.

The Appellant, the Appellant's trade union representative and the Committee Members were given the opportunity to ask questions of the Council's representative. The Council's Representative declined to call any witnesses.

The Appellant and the Appellant's trade union representative presented the case for R.C. as set out in the statement of case attached to the agenda. The Council's representative and Committee Members were given the opportunity to ask questions of Appellant and the Appellant's trade union representative. The Appellant declined to call any witnesses.

The Council's representative, the Appellant and the Appellant's trade union representative were given the opportunity to sum up their respective cases.

The meeting adjourned for a lunch break at 12.15pm and reconvened at 12.45pm.

The Chairman then required all parties to withdraw from the meeting to enable Members to deliberate on the appeal.

The Chairman subsequently invited all parties back to the meeting to hear the decision of the Committee.

### **RESOLVED**

that the Committee concur with the findings of the Director of Housing and Assets and the appeal be therefore rejected.

The meeting closed at 2.15pm.

Chairman.

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>18 MARCH 2020</b>
<b>Heading:</b>	<b>ANNUAL ETHICAL GOVERNANCE UPDATE</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 2019/2020.
- To consider work plan items for 2020/2021.
- To note Member attendance during 2019/2020 to date.
- To note the update in relation to Member Code of Conduct complaints to date.
- To consider the recommendations of the External Investigator in respect of various Member Code of Conduct complaints.

## Recommendation(s)

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

- 1. Note the progress made in relation to the agreed 2019/20 work plan;**
- 2. Consider future work plan items;**
- 3. Note the number of Member complaints received during the year as summarised in the report and the current outstanding complaints as set out in Appendix 1 to the report;**
- 4. Consider the recommendations of the Investigator in respect of various Member Code of Conduct complaints as detailed in the report;**
- 5. Note the position in relation to attendance at meetings.**

## **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 – 2019/2020**

At its meeting in July 2019, the Committee agreed a programme of work for the 2019/2020 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>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 2019 October 2019 December 2019 March 2020	Reports have been submitted to each Committee meeting and Members have commented on the information provided.  The Committee meeting in December was cancelled due to the unscheduled Parliamentary Election.  An update is also included in this report.
<b>Members' Attendance – Update</b> <ul style="list-style-type: none"><li>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.</li></ul>	July 2019	A report was presented to the Committee in relation to Members' attendance.  A further update is contained within this report.

<p><b>Members' Use of Resources Policy</b></p> <ul style="list-style-type: none"> <li>To produce detailed guidance regarding the Use of Resources by Members for recommendation to Council</li> </ul>	<p>October 2019</p>	<p>A report was presented to the Committee. Delegated authority was granted to the Director of Legal and Governance (and Monitoring Officer), in consultation with the Chairman of the Committee, to make any appropriate changes to the draft Use of Resources Policy prior to its submission to Council for ratification taking into account the views of the Committee (Min. Ref. SP.10).</p> <p>It is planned that the final version will be presented to the Council AGM in May 2020.</p>
<p><b>Report of the Committee on Standards in Public Life</b></p> <ul style="list-style-type: none"> <li>To consider the Report of the Committee on Standards in Public Life</li> </ul>	<p>July 2019 October 2019</p>	<p>Reports were presented to the Committees and informal working groups have also taken place during the year.</p> <p>A further update report is presented elsewhere on this Agenda.</p> <p>This work will be ongoing during 2020/21.</p>
<p><b>Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</b></p> <ul style="list-style-type: none"> <li>To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests</li> </ul>	<p>December 2019</p>	<p>This work item remains outstanding.</p> <p>The Monitoring Officer is tasked with leading on this across the County.</p> <p>Progress has been delayed due to the unavailability (due to work pressures) of the Police Officer dealing with this matter.</p> <p>This item will roll forward to the 2020/21 Work Plan.</p>

<p><b>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 2020</p>	<p>A report is presented to this Committee meeting elsewhere on the Agenda.</p>
<p><b>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 agreed Work Programme.</li> <li>• To consider an overview of the ethical governance of the Council.</li> </ul>	<p>March 2020</p>	<p>This report.</p>
<p><b>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 2020</p>	<p>A report is presented to this Committee meeting elsewhere on the Agenda.</p>

**Committee is therefore asked to:**

- **Note the progress made in relation to the agreed work plan.**
- **Consider future work plan items for 2020/21**

**SUMMARY AND UPDATE OF MEMBER COMPLAINTS RECEIVED DURING 2019/2020**

I have received **14** formal complaints during 2019 and **1** in 2020 to date regarding the behaviour of Councillors. Of these **15** complaints:

- 13 complaints related to District Councillors during 2019
- 1 complaint relates to District Councillors during 2020
- 1 complaint related to Parish Councillors during 2019
- No complaints relate to Parish Councillors during 2020

Appendix 1 sets out the complaints in more detail.

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	24
2019	14
2020 (to date)	1

**Committee is therefore asked to note the number of Member complaints received during the year as summarised in the report and the current outstanding complaints as detailed in Appendix 1.**

#### **COMPLAINTS ADC2019-04 – 2019-10**

Complaints ADC2019-04 – 2019-10 were investigated by an External Investigator due to their inter-relationship and complexity. The complaints all related to behaviours at a Council meeting on 4 March 2019.

In summary, the Investigator recommended that no further action be taken on any of the complaints made and her full reasoning was contained in a detailed report. The report has been discussed with the Independent Person and he and I have agreed to accept the report findings in accordance with the Complaints Process.

I invited the Investigator to make suggestions/recommendations on changes to the Constitution or any other issues which might help prevent similar issues arising in the future. Once the Committee has considered and approved a course of action in relation to the following recommendations, all interested parties will be informed of the final outcome and have access to the Investigator's report.

#### Suggestion 1

In future, no one is permitted to Chair any formal meetings of the Council without having undergone some training in Chairing skills. It is further suggested that, in the case of the Chair and Vice Chair of the Council, this training is undergone on a 1-2-1 basis. The Investigator explained the reasoning for this suggestion as follows:

*In all Authorities Full Council meetings are usually the most difficult meetings to chair. It is the opportunity for all Members of the Council, regardless of the roles they hold or the parties or positions they represent, to have their say on the issues affecting their areas and their constituents. Inevitably, this can lead to disagreements and more. An excellent Chair can prevent situations from escalating and it is vital that all Authorities, including Ashfield, train their Chairs appropriately in order to equip them to deal with meetings effectively.*

## Suggestion 2

All Members receive training on behaviours and the effect behaviours can have on others and themselves. It is suggested this is not a classroom-based approach but rather an interactive role-play session. It is recommended that all new Members undertake such training within their first year in office and that continuing Members undertake such training every four years. The Investigator explained the reasoning for this suggestion as follows:

*We live in a changing world and behaviours that were acceptable a few years ago are no longer acceptable. In most cases individuals do not set out to cause offence to others by the way they behave but sometimes unwittingly that is what they do. It would put Ashfield at the forefront of innovative practices in respect of member training and it could hold itself up as an exemplar of good practice in this area.*

## Suggestion 3

At the start of all Full Council meetings the Chairman reminds Members of the need for basic respect. In the event that it appears that that basic respect is not being shown between Members, then the Chairman should adjourn the meeting to allow a brief cooling off period. During this time he/she should speak, along with the Chief Executive, to the unruly Members. The Investigator explained as follows:

*It was noted that the right of the Chair to adjourn the meeting is already present in the Constitution at Ashfield. The suggestion is simply that Chairs should be strongly encouraged to use this power in the event of difficulties in a meeting. A brief adjournment can prevent a meeting escalating into the problems which occurred in the March Council meeting at Ashfield. In my experience some Chairs are reluctant to use this power but in the long run it can prevent challenging occurrences similar to those seen on the 4<sup>th</sup> March. If it is coupled with a short discussion with the relevant Members during the adjournment it can prove effective as a managing meetings tool.*

## Suggestion 4

Any other tools which can be provided to the Chairman of the meeting to make his/her role easier should be provided. The Investigator expanded further as follows:

*Some Authorities produce flow charts for all eventualities within meetings so that the Chair can easily refer to these during the meeting and take the appropriate action. Flash cards can be similarly useful. Whilst I am aware that some of these tools are already in use at Ashfield I would suggest action is taken to review these tools and see if anything in addition could be useful or if these need refreshing in any way.*

## Suggestion 5

The fifth suggestion relates to the intervention by officers during Council meetings. The detailed suggestion is as follows:

*[Intervention by officers] is always difficult, and I have heard during my investigations a number of different positions on this issue. There are some I have spoken to who feel that officers intervene too often at Council meetings and others who are of the view that they do not intervene enough. These are Member meetings and they should be conducted and managed by Members but there are occasions when either behaviours or comments are*



*such that it is vital that either the Monitoring Officer or the Chief Executive speaks up and either stops the proceedings or states that action is required by the Chair. Such occasions would be rare but either within the Constitution or simply as accepted practice, Members need to be clear with officers that they support such interventions.*

### Suggestion 6

The sixth suggestion relates to the Code of Conduct itself and the specific issue of unfair treatment. It is suggested that consideration is given to including within the Code of Practice a very specific requirement regarding treating people with respect. The Investigator explained that currently the Code simply says:

*“Do treat others with respect” It is unspecific in nature and for the reasons outlined in the recommendations earlier in the case of member to member requires a high threshold to breach. My suggestion is that this is amended to read:*

*“Do treat others with respect in particular do not make any personal comments to any individual about themselves, their appearance, their gender, sexuality, religion or belief that may cause offence to them or to others present.”*

*I suggest this only as starting point for discussion and not as a version for adoption as thought needs to be given as to how such a change would be managed within Ashfield.*

### Suggestion 7

This suggestion relates to actions that can be taken by the Standards Committee in the event that a Member is found to be in breach of the Code. The Investigator explains as follows:

*Since the abolition of the Standards Board and more recently local determination the powers available to Standards Committees have been reduced. Some may say that they have been removed all together and there is a good case for this view. One action that the Standards Committee could consider adopting is to name and shame Councillors who breach the code. My suggestion is that in the event of Standards Committee finding a Member in breach, they may, in the most serious cases, not only publish their findings on the Council website but also within local papers and the Ashfield Council newsletter. This would not be an action to be taken lightly but where a Member has been found, by his/her peers, to be in breach of the Code it is not unreasonable for members of the general public to be made fully aware of the breach. There are potential issues with this and clearly any such action would require checks and balances to be in place to ensure it was not abused politically but it is worthy of consideration. Again, to my knowledge few Councils have such a process in place formally. (Some breach cases do reach the local press via public hearings and the attendance of a local reporter.) Ashfield could place itself at the forefront of good practice on this issue.*

### Suggestion 8

This final suggestion relates to the makeup of the Standards Committee itself. The Investigator made this suggestion for two reasons:

*Firstly, because of the current political makeup of the Council and secondly, as part of the checks and balances required in the event that suggestion seven is considered.*

*Following the May [2019] election, the Council is currently one party dominated. The Ashfield Independents command a huge majority on the Council. The Council Leader himself said to me in interview that he was conscious how few opposition members there now were at the Council and that he wanted them to play an active role and had appointed one of them to a committee to ensure this happened.*

*It is very problematic for there to be a true and proper balance in dealing with Standards issues when a Council is so one party dominated. This is particularly so if there is a Standards problem with one of the few opposition Members as they may claim prejudice in any complaint on political grounds. The opposite can also apply for complaints about major party members when allegations of cover-ups can be made.*

*I acknowledge that in accordance with legal requirements Ashfield has appointed Independent Persons who offer advice and support in any standards issues. I understand that the Independent Persona may also attend meetings of the Standards Committee but only as an observer. My suggestion is that the Council appoints three independent members to its Standards Committee. These members should be recruited, interviewed and appointed for a four-year term renewable once. They should be remunerated appropriately and as agreed by the Independent Remuneration Panel. I would suggest that one of these independent appointees be appointed as Chair of the Committee; although this may well be unacceptable politically I would suggest it as good practice. For clarity these are not the same as the currently legally required Independent Persons and these appointees would act as full members of the Standards Committee. They would in effect be the balancing element to provide surety and to prevent claims of political bias in any Standards related decisions.*

*There is a question mark over the ability of the Council to give non-elected members a vote. I have spent some time researching this issue and it is far from clear. The general assumption made by most Authorities is that co-opted members cannot be given the right to vote. I think there is however a possibility that they can. It is clear that non-elected members of Overview and Scrutiny Committees can be given voting rights. Section 11 of The Local Authorities (Committee System) (England) Regulation 2012 allows local authorities to permit co-opted members to vote if the Authority have in place a scheme making provision for such voting rights. The terms of reference of the Standards Committee could be amended to include Overview and Scrutiny powers and as such, subject to the terms of any scheme, co-opted members could be given voting rights. If this option was not acceptable then a form of informal voting could be agreed at Standards Committee itself in order that co-opted members could clearly express their views. The Monitoring Officer will need to advise further on this issue if it is to be pursued.*

**Committee is therefore asked to consider the recommendations of the investigator as detailed above.**

## **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% or greater 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 and Q2 (cumulative) - May 2019 to November 2019

	Q1	Q2
Members with 100% attendance	27	20
Members with attendance between 90% and 99%	0	7
Members with attendance between 80% and 89%	5	4
Members with attendance between 70% and 79%	1	0
Members with less than 70% attendance	2	4

Total	Quarter 1	Quarter 2
Authorised absences	20	22
Unauthorised absences	9	21
No apologies submitted	2	2

For the 4 Members with less than 70% attendance:

- 1 Member has 33% attendance
- 1 Member has 53% attendance
- 1 Member has 63% attendance
- 1 Member has 69% attendance

Reasons for absences for the first half of the year:

Reason	Number of times
Bereavement (Authorised)	0
Family/Medical Emergency/Hospital (Authorised)	0
Medical Operation (Authorised)	0
Meeting Changed at Short Notice/Holiday Booked (Authorised)	1
Work Commitment (Unauthorised)	0

Illness (Authorised)	21
Personal (Unauthorised)	7
Holiday (Unauthorised)	9
Other engagement (Unauthorised)	2
No reasons for absence (Unauthorised)	2

Assessment for the payment of the Performance Special Responsibility Allowance will occur during May/June 2020 and will be reported to the next available Committee thereafter.

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

### **Implications**

#### **Corporate Plan:**

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focussed; Honest; Proud; Ambitious.

#### **Legal:**

This report is presented in accordance with the Terms of Reference for this Committee as set out in the Constitution.

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	The General Fund budget includes funding to meet the maximum cost of Performance Special Responsibility Allowance.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

**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.

**Environmental/Sustainability:**

There are no Environmental/Sustainability issues identified in this report.

**Other Implications:**

*(if applicable)*

None

**Reason(s) for Urgency**

Not Applicable

**Reason(s) for Exemption**

Not Applicable

**Background Papers**

None

**Report Author and Contact Officer**

Ruth Dennis

DIRECTOR OF LEGAL AND GOVERNANCE

MONITORING OFFICER

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01623 457009

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## QUARTERLY UPDATE OF COMPLAINTS – AS AT 5 March 2020

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2019-01	6 January 2019	District Councillor	District Councillor x 3	3.2 Use of Council resources for political purposes	Referrals Sub-Committee considered the complaint on 18 March 2019. Investigation completed. Report produced in draft.	Investigation
ADC2019-04	March 2019	District Councillor Selston Parish Council Parish Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-05	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Report concluded. No Breach finding.	No Breach.

					General Recommendations to be made to Standards Committee	
ADC2019-06	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-07	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-08	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-09	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-10	March 2019	District Councillor	District Councillor	2.1 Respect	Report concluded. No Breach finding.	No Breach.



				2.2 Contrary to high standards of conduct. 2.3 Do not bully any person.	General Recommendations to be made to Standards Committee	
ADC2019-12	14 June 2019	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Investigation underway	
ADC2020-01	8 January 2020	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Assessment underway – initial fact finding taking place	

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<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>18 MARCH 2020</b>
<b>Heading:</b>	<b>WHISTLEBLOWING ANNUAL 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**

The report provides the Committee with an annual update in relation to how the Whistleblowing Policy has operated in the preceding 12 months and some minor proposed changes to the policy.

## **Recommendation(s)**

**Committee is asked to:**

- 1. Approve the minor revisions to the Whistleblowing Policy as attached at Appendix 1;**
- 2. Note how the Whistleblowing Policy has operated during 2019.**

## **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 the Constitution.

## **Alternative Options Considered**

*(with reasons why not adopted)*

To not approve the revised policy is not recommended as the Council's policies and procedures should be reviewed regularly and kept up to date. The recommended changes are minor.

Members may make suggested amendments to the policies and procedures provided these are in line with legislation and best practice.

## **Detailed Information**

### **Whistleblowing Policy**

The Council has in place a Whistleblowing Policy which sets out a process for people to confidently report concerns, such as fraud. This policy makes it clear that people can report their concerns without fear of reprisals.

Paragraph 8.1 of the 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 (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 a bi-annual basis.”*

The Policy had minor amendments made by in March 2019. A review of the policy has been undertaken. It is recommended that the policy is amended to include the details of the Head of Law and Governance (Monitoring Officer) at Mansfield District Council as an external contact for whistleblowing complaints. This Council's Monitoring Officer provides reciprocal arrangements for Mansfield District Council.

The revised policy was reported to the Audit Committee on 10 February 2020 for approval. The Audit Committee approved the proposed changes.

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

Since the last report to Committee there has been 1 reported incident of whistleblowing drawn to the Monitoring Officer's attention. During the whole of the 2019 period, 4 whistleblowing complaints were received in total. Given the confidential nature of the complaints this report can only refer anonymously and in high level terms. A summary of the complaints received during 2019 are set out below:

<b>COMPLAINT REFERENCE</b>	<b>NATURE OF COMPLAINT</b>	<b>STATUS OF COMPLAINT</b>	<b>OUTCOME/ACTION TAKEN</b>
2019-01	Anonymous complaint received via a Trade Union.  Complaint related to alleged breaches of	Closed.	An investigation was carried out. The complaint was not substantiated.

	the agile working guidelines.		Recommendations made in respect of: <ul style="list-style-type: none"> <li>• Time recording whilst agile working</li> <li>• Clarifying some elements of the guidelines</li> <li>• Communication of the guidance to employees</li> </ul>
2019-02	Anonymous complaint alleging unfair treatment of staff and management conduct.	Closed.	Insufficient detail was provided to follow up the complaint formally.  No further action.
2019-03	Anonymous complaint received via a Trade Union.  Complaint alleged officers took annual leave instead of sick leave.	Closed.	An investigation was carried out. The complaint was not substantiated.
2019-04	Anonymous complaint via an Elected Member.  Complaint related to alleged inappropriate use of Council resources.	Closed.	A high level review was undertaken in conjunction with the CEO based on the limited information provided. There was no justification for carrying out a detailed investigation. Based on the content and tone of the complaint there is a possibility the complaint was vexatious.

### 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/GRIEVANCE 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	1	1
2018	3	1	0	2
2019	4	3	1	0
2020 (TO DATE)	0	N/A	N/A	N/A

## **Implications**

### **Corporate Plan:**

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focused; Honest; Proud; Ambitious.

It is important that the Council has the most effective infrastructure and support to enable:-

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

### **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:**

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:**

<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 (if identified). Identification of trends in disclosure to inform Management.

**Human Resources:**

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

**Environmental/Sustainability**

There are no Environmental/Sustainability issues identified in the report or the policies reviewed.

**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:**

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**

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# ASHFIELD DISTRICT COUNCIL

## WHISTLEBLOWING POLICY

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

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**APPROVED:**

**Audit Committee – [10 February 2020]**

Deleted: 1 March

**Standards Committee – [18 March 2020]**

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**REVIEW:  
March 2020**

**Version Control**

Version Number	Detail
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
Revised V7	18 March 2019
<b>Revised V8</b>	<b>[18 March 2020]</b>

## **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:

<b>Position</b>	<b>Contact</b>	<b>E-mail</b>
Chief Executive	(01623) 457250	<a href="mailto:c.cooper-smith@ashfield.gov.uk">c.cooper-smith@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 officer detailed below. This is consistent with the Council's Financial Regulations and the Anti-Fraud and Corruption Strategy.

<b>Position</b>	<b>Contact</b>	<b>E-mail</b>
Chief Finance Officer	(01623) 457362	<a href="mailto:p.hudson@ashfield.gov.uk">p.hudson@ashfield.gov.uk</a>

You may also inform:

**Position**  
[Head of Law and Governance \(Monitoring Officer\) at Mansfield District Council](#)

**Contact**  
[\(01623\) 463463](tel:01623463463)

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.

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- 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 investigated by Internal Audit (Central Midlands Audit Partnership)
  - 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**

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**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.

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<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>18 MARCH 2020</b>
<b>Heading:</b>	<b>ANNUAL CONSTITUTION REVIEW 2020</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 2020.

## **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 2020

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>	No changes.
<b>Part 2 – Articles</b>	No changes.
<b>Part 3 – Functions and Delegations</b>	<b>Licensing</b> No changes  <b>Planning</b> No changes
<b>Part 4 – Rules of Procedure</b>	<b>Council Procedure Rules</b> <b>No Changes</b>  <b>Petition Scheme – Part 12 Updated</b> <ul style="list-style-type: none"><li>• If a petition submitted to the Council contains between 750 and 1,499 signatures, it will be referred to the Overview and Scrutiny Committee.</li><li>• If a petition submitted to the Council contains over 1,500 signatures, it will be debated by Full Council.</li><li>• If a petition submitted to the Council contains between 10 and 199 signatures, it will be responded to in accordance with Ashfield District Council's Compliments and Complaints procedure.</li><li>• If a petition submitted to the Council contains between 200 and 749 signatures, it will be discussed at a meeting of the Council's Corporate Leadership Team. The discussion would lead to a formal written response from the Corporate Leadership Team to the petition organiser.</li></ul> <b>Access to Information Procedure Rules</b> No changes.  <b>Budget and Policy Framework Procedure Rules</b> No changes.  <b>Executive Procedure Rules</b> No changes.

	<p><b>Overview and Scrutiny Procedure Rules</b></p> <ul style="list-style-type: none"> <li>• Part 4-54. Scrutiny consideration of Petitions, updated in accordance with changes to the Petition Scheme</li> </ul> <p><b>Financial Regulations</b></p> <ul style="list-style-type: none"> <li>• Part 4-71, Financial Planning Introduction. Added “The Treasury Management Strategy”.</li> <li>• Part 4 – 74, Use of Resources. Added “The Chief Finance Officer will determine the creation of new reserves”.</li> <li>• Part 4-74, Petty Cash and Float Accounts. Deleted this section as this is no longer relevant.</li> <li>• Part 4-83, Orders for Work, Goods and Services - Added “approved Purchase Card transactions”.</li> <li>• General update of Job titles</li> </ul> <p><b>Code of Procedures Relating to the Disposal of Land and Buildings –</b> No changes</p> <p><b>Contract Procedures Rules</b></p> <ul style="list-style-type: none"> <li>• Part 4-101 and 4-102 (quick reference guide to the Contract Procedure Rules), for all contract values over and including “£50,000 to below EU thresholds” (and “frameworks”) under the column “authority” – Change to EDR instead of ODR.</li> <li>• Part 4-109, para 3.14 – amended to read “All call off contracts under framework agreements of £50,000 or more must be executed as deeds, by affixing the Council’s Common Seal.”</li> <li>• Part 4-109, para 3.15 – amended to read “A call off contracts under a Framework Agreement must not be longer than 4 years unless specifically agreed.”</li> <li>• Part 4-123, para 9.4.1 – amended to read “All call off contracts under Framework Agreements, bonds and guarantees, and Contracts of £50,000 or more must be executed as deeds.”</li> <li>• Part 4-131, definition of framework agreement – inserted “call off” between “one or more specific” and “Contracts with an authority.”</li> </ul> <p><b>Employment Procedure Rules</b> No changes.</p>
<p><b>Part 5 – Members’ Code of Conduct</b></p>	<p>No changes</p>
<p><b>Part 6 – Member/Officer Protocol</b></p>	<p>No changes.</p>
<p><b>Part 7 – Allowances</b></p>	<p>The Members Allowance Scheme will be updated following the Report of the Independent Remuneration Panel, which is due to be considered by Council on the 2 April 2020.</p>

<b>Part 8 – Management Structure</b>	No changes.
<b>Part 9 – Employees Code</b>	No changes
<b>Part 10 – Planning Code</b>	No changes

### **Implications**

#### **Corporate Plan:**

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council’s values are: People Focussed; Honest; Proud; Ambitious.

#### **Legal:**

In accordance with Article 13 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. The Monitoring Officer is delegated the authority to make minor alterations to the Constitution or make amendments to reflect in year changes. Substantive changes to the Constitution must be approved by the Council.

#### **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>
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 no significant Human Resource implications identified in this report.

**Equalities:**

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

**Environmental/Sustainability**

There are no significant Environmental/Sustainability implications identified in this report.

**Other Implications:**

*None*

**Reason(s) for Urgency**

*Not applicable*

**Reason(s) for Exemption**

*Not applicable*

**Background Papers**

*None*

**Report Author and Contact Officer**

Ruth Dennis

DIRECTOR OF LEGAL AND GOVERNANCE

MONITORING OFFICER

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# Agenda Item 7



<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>18 MARCH 2020</b>
<b>Heading:</b>	<b>UPDATE IN RELATION TO THE REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE</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 purpose of this report is to update the Committee in respect of the Committee on Standards in Public Life (CSPL) report relating to Local Government Ethical Standards specifically focussing on the work of the Local Government Association (LGA) in developing a new Model Code of Conduct.

## Recommendation(s)

- 1. To note the update in respect of the Committee on Standards in Public Life (CSPL) report relating to Local Government Ethical Standards and the work of the Local Government Association (LGA) in developing a new Model Code of Conduct;**
- 2. To agree a process for formulating and submitting a Council response to the expected LGA Consultation on a new Model Code of Conduct;**
- 3. To agree to pause work on the implementation of the Best Practice Recommendations of the CSPL pending the outcome of the work being undertaken by the LGA.**

## Reasons for Recommendation(s)

To ensure the Committee charged with ensuring high standards of conduct is aware of the CSPL report and to ensure it considers if any of the best practice recommendations contained in that report should be implemented by this Council. To ensure the Committee is aware of the work being

undertaken by the LGA and is able to provide a response to their expected consultation on a new Model Code of Conduct.

### **Alternative Options Considered**

*(with reasons why not adopted)*

There are no other options considered appropriate at this stage.

### **Detailed Information**

## **COMMITTEE ON STANDARDS IN PUBLIC LIFE – REPORT ON LOCAL GOVERNMENT ETHICAL STANDARDS**

### **Background**

The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It is an independent advisory non-departmental public body.

During 2018, the CSPL undertook a review of local government ethical standards. *“The review was not prompted by any specific allegations of misconduct, but rather to assure ourselves that the current framework, particularly since the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public.”*

Members will recall receiving reports at its meetings in July and October 2019. The Committee resolved that:

- “a) informal working groups be arranged to discuss the findings of the CSPL report and feed back to the Committee in October for recommendation to Council;*
- b) the Director of Legal and Governance (and Monitoring Officer) will explore the possibility of sharing the Monitoring Officer function to avoid investigation conflict via the Nottinghamshire Network.”* (Min. Ref. SP.5) (July 2019)

and

- “b) it be agreed that the work to further consider the Best Practice Recommendations arising from the review undertaken by the Committee on Standards in Public Life (CSPL) relating to Local Government Ethical Standards, be continued via the Standards Committee Working Group with update reports to the Committee as required.”* (Min. Ref. SP.11) (October 2019)

The informal working group has met on two occasions so far supported by the Monitoring Officer.

The Committee agreed a series of actions for each Best Practice Recommendation at its meeting in October 2019. There has been little opportunity since October to progress this work programme largely due to the Monitoring Officer’s role as Acting Returning Officer for the unscheduled Parliamentary Election in December 2019.

Members may recall that the CSPL report recommended that *“The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government.”*



It became apparent shortly after the last Committee meeting that the LGA was progressing with this recommendation and aimed to launch a new Model Code of Conduct in June 2020. It therefore seemed prudent to await this Code in order to avoid potentially abortive work.

This report provides a detailed update in respect of the work of the LGA to develop a new Model Code of Conduct.

### **LGA's Work on a New Model Code of Conduct**

This work is part of a wider programme of work on **civility in public life** and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement. The work programme was approved by the LGA Leadership Board in September 2019.

*The Board heard that “one of the most pressing concerns facing the conduct of public life at the moment is the increasing incidents of intimidation and abuse by members of the public against councillors. These attacks risk the personal safety of our members, undermine local democracy and decision-making, and can put off prospective candidates from standing. Intimidation and physical threats of violence against councillors are a real and growing concern in every area of the country. Whilst debate and having different views is all part of a healthy democracy; abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it.”*

The purpose of the civility in public life programme is:

- To address the intimidation of local government members and officers
- To address standards of public discourse
- To address standards of political discourse and behaviour in public office
- To provide support and advice to councils and councillors

In reviewing the Model Code of Conduct the LGA “aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.”

The LGA's objectives in reviewing the model code of conduct are to:

- Articulate what local government believes are good standards for all in public office
- Show leadership in good standards of conduct for those in public office, both elected and as employees
- Achieve consensus between the stakeholders affected by local government conduct
- Support its member councils and partners in achieving good standards of conduct
- Produce a code that is fit for purpose, useful and held in high regard
- Enhance the reputation of local government and local politicians
- Support the good running of councils

- Support all democratically elected local representatives to deliver their best on behalf of their local communities
- Build on the good practice that already exists within member councils

The LGA appointed Hoey Ainscough to work with it to review the Code. The first stage of the review was the gathering of views and good practice examples and a series of workshops with national representative bodies, officers and elected members. Three workshops were held on 17, 20 and 21 January 2020. The Council's Deputy Leader, Councillor Helen-Ann Smith was invited to attend one of these workshops. I understand from the LGA that the workshop discussions went very well and there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application, lack of guidance and sanctions.

I understand that the LGA's Code drafting timetable/milestones are as follows:

- **3 February – 2 March** Preparation of draft code and report for LGA Board
- **11 March** – Draft Code to Board for consideration and approval for consultation
- **W/C 16 March** – Launch of consultation period (6 weeks)
- **W/C 16 March** – Round table discussion with key stakeholders
- **24 April** – Close of consultation
- **27 April – 15 April (3 weeks)** Review of consultation findings and final drafting
- **15 May** – Deadline for final draft from Hoey Ainscough
- **w/c 18 May** – Drafting of report for Board /final edits to code
- **25 May** – LGA deadline for submission of report for Board
- **3 June** – Final copy to Board for approval
- **W/C 8 June** – LGA design and print and final editing for launch
- **30 June** – Launch at first day of LGA conference, Harrogate

At the time of writing this report, the Draft Code had not been released for consultation. If the Draft Code is released prior to the Committee meeting I will circulate a copy as an Addendum report. There will not be a meeting of this Committee during the consultation period and so the Committee is asked to consider what approach it wishes to take in order to enable a response to be submitted. It is suggested that an informal meeting of the Committee could be called or alternatively an opportunity for Members to submit their written comments and to delegate the responsibility of formulating a response to the Chairman together with the Monitoring Officer.

### **Central Government Response to CSPL**

I understand from the LGA that it does not have any information on Central Government's response to the recommendations of the CSPL report at this time. MHCLG have scheduled a Monitoring Officers' network meeting for 13 March 2020, where the LGA hope to receive an update. If any information is available by the time of the Committee I will report this verbally.

### **Implications**

#### **Corporate Plan:**

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focussed; Honest; Proud; Ambitious.

**Legal:**

The best practice recommendations discussed in this report do not require legislation for the Council to implement them if it chooses to do so.

I understand the LGA is drafting the new Model Code in such a way that if it is completed before any Government response Local Authorities will still be able to adopt the Code. Some of the recommendations in the CSPL report, for example the power to suspend councillors (recommendation 16), requires legislation which means that these provisions cannot be included in the Code.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	No direct financial implications arising from this report.
General Fund – Capital Programme	No direct financial implications arising from this report.
Housing Revenue Account – Revenue Budget	No direct financial implications arising from this report.
Housing Revenue Account – Capital Programme	No direct financial implications arising from this report.

**Risk:**

Risk	Mitigation
The Council has recognised the following Corporate Risk: <i>Members’ Ethical Framework – Failure to demonstrate high standards of behaviour (CR003)</i>	Consideration of this report and the consequential work of the Committee and its working group demonstrates the Council’s commitment to maintaining high levels of ethical behaviour and its commitment to reviewing and implementing best practice.

**Human Resources:**

There are no HR implications contained in the body of the report.

**Equalities:**

There are no equalities issues as a direct result of the recommendations in this report.

**Environmental/Sustainability:**

There are no Environmental/Sustainability issues as a direct result of the recommendations in this report.

**Other Implications:**

None.

**Report Author and Contact Officer**

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