

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Virtual Meeting held on Wednesday, 9th December, 2020 at 7.00 pm

Present: Councillor Lee Waters in the Chair;

Councillors Jim Blagden, Christian Chapman,
David Hennigan, Warren Nuttall, Phil Rostance
and Helen-Ann Smith.

Apologies for Absence: Stuart Fletcher (Selston Parish Council
Representative).

Officers Present: Lynn Cain, Ruth Dennis and Mike Joy.

In Attendance: Councillor Jason Zadrozny (Annesley & Felley
Parish Council Representative).

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

No declarations of interest were made.

SP.13 Minutes

It was duly noted that the minutes of the meeting held on 29 July 2020 had already been approved, by the Committee, at its meeting held on 7 December 2020.

SP.14 Update regarding Committee on Standards in Public Life Report and LGA Model Code of Conduct

The Director of Legal and Governance (and Monitoring Officer) presented the report and updated Committee in respect of the Committee on Standards in Public Life (CSPL) report and the Local Government Association's (LGA) draft Model Code of Conduct, as presented, following the consultation exercise earlier in the year.

The CSPL had written to all Chief Executives in September and October 2020 requesting an update as to progress of all Councils against the 15 best practice recommendations published as part of their report on Ethical Standards, issued in January 2019.

The deadline for responding was 30 November 2020 and the CSPL was intending to publish its responses and feedback at some point in 2021. The Council's response had been compiled based on work undertaken by the

Committee since January 2019 and the various views it had expressed in relation to the best practice recommendations.

With regard to the proposed new Model Code of Conduct, Committee Members were reminded that they had responded to the initial Local Government Association's (LGA) consultation in respect of the proposed new Code at its meeting in July 2020. Members had also taken part in an informal Standards Working Group to finalise the Council's response to the consultation. A consultation response had been submitted by the Council, to the LGA, in accordance with the views of the Committee.

The draft Model Code of Conduct had now been published and it was in front of Members for consideration. Initial observations showed that there were not any noticeable changes from the original draft Code and the LGA were yet to publish a report outlining their particular consultation responses.

Local Authorities had been notified that the guidelines to the Code were imminent but had not been published to date. Having briefly discussed the content of the Code, Members concurred that it would be prudent for Members to meet again in an informal working group setting. This would allow them to consider both the Code and the best practice recommendations for the CSPL to deliberate on how this would affect the Council and to propose any necessary changes to the Council's Constitution to be endorsed at the Annual Meeting in May 2021.

Members continued the discussion and the following points were raised:-

- consensus that the Council's current Code of Conduct is better;
- new Code still did not give the Council any solid, effective sanctions, to improve Member behaviour and standards of governance, if required;
- hopeful that the new guidance would be of assistance in implementation of the new Code;
- belief that the Code had been issued prematurely as there was no mechanisms for local authorities to further challenge its content;
- acknowledgement that the Council was not required to adopt the Code at this present time;
- it would be useful for the Committee to consider the Council's Code and the new LGA Code side by side to compare, contrast and select the best parts from both documents;
- acknowledged that the CSPL would be monitoring the implementation of the 15 best practice recommendations, one of which was adoption of the new Model Code of Conduct;
- consensus of opinion that the Committee would not be recommending adoption of the new Code, if it weakened the Council's position in any way.

The Monitoring Officer advised Committee Members that the Nottinghamshire Monitoring Officers' Group would be discussing the content of the new Model Code of Conduct in the New Year and it would be interesting to ascertain the views and responses of the Council's neighbouring authorities. Any pertinent information would of course, be reported back to the Committee at the next available meeting.

RESOLVED that

- a) the update provided to the Cabinet Office regarding the implementation of the Committee on Standards in Public Life best practice recommendations, be received and noted;
- b) the update and publication of the new LGA Model Code of Conduct, following the consultation exercise earlier in the year, be received and noted;
- c) as a result of a) and b) above, the Director of Legal and Governance (and Monitoring Officer), be requested to resurrect the informal Standards Working Group to enable Members to consider both the content of the new Code and the best practice recommendations for the CSPL, with a view to proposing any necessary changes to the Council's Constitution for endorsement at the Annual Meeting in May 2021.

SP.15 Quarterly Complaints Monitoring Report

The Director of Legal and Governance (and Monitoring Officer) took Members through the quarterly complaints monitoring report and advised that two District Councillor complaints had been concluded and three new complaints had been received since Members had last received an update.

Due to the pandemic, minimal progress had been made with a number of the complaints but further resources had now been made available to undertake the necessary work, including some valuable input from the Service Manager, Scrutiny and Democratic Services.

In relation Complaints ADC2019-04 – 2019-10, Committee were reminded that they had received the outcome of the complaints at their meeting in July 2020. The complaints had been investigated by an External Investigator due to their inter-relationship and complexity, with all the complaints relating to behaviours at a Council meeting held on 4 March 2019.

Members had resolved at that meeting that they wished to further consider the recommendations of the Investigator and enable the views of the Director of Legal and Governance (and Monitoring Officer), who was not present at that particular meeting, to be sought prior to making any firm decisions.

To that end, Members proceeded to consider each of the eight recommendations from the External Investigator and make any comments, responses and suggestions as deemed appropriate.

RESOLVED that

- a) the updated position in respect of Members' Code of Conduct complaints as set out in the Appendix to the report, be noted;
- b) having considered the recommendations of the Investigator in respect of various Member Code of Conduct complaints, the following responses and courses of action be approved:-

| | Recommendation: | Committee Response: |
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| 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 Chairman and Vice Chairman of the Council, this training is undertaken on a one to one basis | Approved and welcomed |
| 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 | Approved and welcomed with an addition of using video/online/live streaming training tools as required |
| 3. | At the start of all 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 | Approved with an acknowledgement that virtual meetings have significantly reduced unacceptable behaviour (i.e. heckling) during meetings |

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| 4. | Any additional tools which can be provided to the Chairman of the meeting to make his/her role easier should be provided | Approved and acknowledged that this additional support is already in place with prompt cards and guidance from the Chief Executive and lead officers as required |
| 5. | <p>Intervention by officers is always difficult at meetings and differing views on the subject are evident. However, they are Member meetings and they should be conducted and managed by Members.</p> <p>If occasions arise 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 Chairman, then Members need to be clear with officers that they support such interventions</p> | Acceptance that officers' intervention is occasionally required but prefer this course of action to be kept to a minimum with Committee Chairman continuing to manage the meetings as required |
| 6. | In relation 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 | This recommendation to be considered further by the Informal Standards Working Group as part of their deliberations around the new Model Code of Conduct |
| 7. | <p>Since the abolition of the Standards Board and more recently local determination, the powers available to Standards Committees have been reduced. One action that the Standards Committee could consider adopting is to name and shame Councillors who breach the code.</p> <p>To enable the Council to have a useful sanction in the event of the 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.</p> | This recommendation to be considered further by the Informal Standards Working Group as part of their deliberations around the new Model Code of Conduct |

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| | <p>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</p> | |
| 8. | <p>To ensure balance and equity for the Council's Standards regime, the 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.</p> <p>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</p> | <p>Do not accept that an Independent Chairman would improve the function and output of the Council's Standards Committee and their contributions would not be particularly useful.</p> <p>To investigate further the possibility of Aldermen and Alderwomen being offered the opportunity to sit as independent persons on the Committee with full voting rights</p> |

The meeting closed at 8.35 pm

Chairman.