

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Monday, 7th December, 2020**

Time: **10.30 am**

Venue: **Virtual Meeting**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

(Please note a training session has been arranged for Members of the Standards and Personnel Appeals Committee only, commencing at 9.30am via Zoom)

If you require an adjustment to enable you to participate or access the meeting, please contact the Democratic Services team at least 48 hours before the meeting.

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Membership

Chairman: Councillor Lee Waters

Councillors:

Jim Blagden
David Hennigan
Phil Rostance

Christian Chapman
Warren Nuttall
Helen-Ann Smith

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 and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

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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 29 July 2020.** 5 - 10

4. **Exclusion of the Press and Public.**

A Member of the Committee is asked to move:-

“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.”

5. **Determination of Appeal against Dismissal.** 11 - 98

To consider and determine an appeal, lodged in respect of an appeal against dismissal issued by the Director of Place and Communities under delegated powers.

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STANDARDS AND PERSONNEL APPEALS COMMITTEE

Virtual Meeting held on Wednesday, 29th July, 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: Councillor Jason Zadrozny (Annesley & Felley
Parish Council representative) and Ruth Dennis.

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

In Attendance: Stuart Fletcher and Councillor Daniel Williamson
(as substitute for Councillor Jason Zadrozny).

SP.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

SP.2 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 4 March 2020, be
received and approved as a correct record.

SP.3 Annual Ethical Governance Update

The Service Manager, Scrutiny and Democratic Services presented the annual
update and gave Members an overview of the work of the Standards and
Personnel Appeals Committee during 2019/2020.

Members acknowledged their final attendance figures for 2019/2020 and the
updates in relation to ongoing Member Code of Conduct complaints received
by the Council. Committee also took the opportunity to discuss the
recommendations of the External Investigator in respect of various Member
Code of Conduct complaints all relating to behaviour issues at the Council
meeting held on 4 March 2019.

RESOLVED that

- a) progress made in relation to the agreed 2019/20 work plan, as presented,
be received and noted;

- b) the number of Member complaints received during 2019/20 and 2020/21 to date and the current outstanding complaints as set out in Appendix 1 to the report, be received and noted;
- c) consideration of the recommendations of the Investigator in respect of Member Code of Conduct complaints ADC2019-04 – 2019-10, as presented, be deferred to enable more detailed discussions to take place and to allow Members to seek the views of the Director of Legal and Governance (and Monitoring Officer) prior to any decisions being taken;
- d) the position in relation to Member attendance at meetings during 2019/20, be received and noted.

(During consideration of this item, Councillor Christian Chapman entered the meeting at 7.10pm.)

SP.4 Standards and Personnel Appeals Committee Workplan 2020/21

Members were asked to consider the proposed Standards and Personnel Appeals Committee Work Plan for the next municipal year and consider the inclusion of any additional items as required.

The Service Manager, Scrutiny and Democratic Services advised that the Work Plan included items which were considered by the Committee annually, such as updating the Constitution, the operation of the Council's Whistleblowing Policy, quarterly monitoring of the complaints against Members and the annual review of work undertaken by the Committee in comparison to the agreed Work Plan.

RESOLVED

that the Standards and Personnel Appeals Committee Work Plan for 2020/21, as appended to the report, be approved.

SP.5 Whistleblowing Annual Update

The Service Manager, Scrutiny and Democratic Services presented the report and provided Members with an update as to the operation of the Whistleblowing Policy over the preceding 12 months and requested approval for some minor amendments to the Policy.

Members were advised that the annual whistleblowing update and its operation during the preceding 12 months had been delayed due to the Covid-19 outbreak. Members also acknowledged that one further anonymous complaint had been received since the agenda had been published.

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;

- c) the Director of Legal and Governance (and Monitoring Officer), be requested to provide the following information (if obtainable) to Committee Members via email:
- the instigators of reported incidences of whistleblowing (i.e. employees, agency workers or tier 2 or tier 3 managers) the types of officers/employees/teams potentially implicated and if there has been any pattern or trends emerging as to the type of cases reported;
 - a comparison of reported incidences of whistleblowing from other local authorities over the past ten years (a concern that the Council's figures seemed slightly on the low side).

SP.6 Virtual Meetings Guidance

The Service Manager, Scrutiny and Democratic Services presented the report and provided details of the recent changes to the running and participation in public meetings as a result of the Coronavirus pandemic and subsequent regulation changes to ensure constituted public meetings continue to take place.

The introduction of the time limited Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, required all local authorities to move to undertaking virtual meetings as a way to enable continued public access to constituted meetings.

To ensure these meetings continued to operate in a controlled and professional manner, a Virtual Meeting Guidance Protocol had been developed and circulated to all Members for information and was in line with recent guidance from the Local Government Association and East Midlands Councils.

Members debated the virtual meetings that had been held by the Council and neighbouring authorities to date and commented as follows:-

- the Council's meetings had all been held in a professional manner;
- the public perception of the Council's virtual meetings had been very positive;
- muting all participants during debate enabled all unnecessary background noise to be eliminated, resulting in a better experience for viewers;
- participant backgrounds needed to be appropriate with no advertising material displayed;
- congratulations to Democratic Services and IT for the swift transition to virtual meetings and timely responses to any technical difficulties;

- the protocol should be adhered to by both Members and officers;
- the preference for the use of Zoom over Microsoft Teams for ease of application.

RESOLVED

that the Virtual Meetings Guidance Protocol, as attached at Appendix A to the report, be received and endorsed.

SP.7 Local Government Association - Consultation on Model Member Code of Conduct

The Service Manager, Scrutiny and Democratic Services presented the draft Model Member Code of Conduct and consultation questions posed by the Local Government Association (LGA) as part of their development of a new Member Code of Conduct. He reminded Members that a questionnaire in relation to the consultation had been circulated previously to enlist Members' views in relation to the content of the draft Code.

The Scrutiny Research Officer advised Members that he had attended a LGA Consultation Webinar earlier that day regarding the draft Member Code of Conduct. Attendants were advised as to the ethos behind the new revised Code of Conduct and its objective to ensure the role of a Councillor remained positive and rewarding. Expectations of behaviour were outlined and there was also some offer of protection against bullying and unreasonable behaviour towards Councillors.

The most popular question at the Webinar was in relation to the lack of robust sanctions for local authorities' to implement should any Members be found to be in breach of the Code of Conduct. It was felt that high standards of Member behaviour was sometimes difficult to maintain as any acts of breach to the Code went unpunished with Council's having no access to effective sanctions for improvement.

Consultation on the draft Code of Conduct was due to end on 17 August and Members were requested to consider and provide a response to the set of questions contained within the consultation document, as appended to the report.

Having started to debate the draft Model Code of Conduct, it became clear to the Committee that a more in-depth discussion would be required to ensure a suitable Council response was submitted in relation to the LGA's consultation. It was suggested that Committee Members meet again as an informal Group during the next two weeks to formulate a response in good time for the consultation deadline.

RESOLVED that

- a) the content of the draft Model Member Code of Conduct and the consultation questions posed by the LGA, be received and noted;

- b) an informal meeting of the Standards and Personnel Appeals Committee be arranged over the next two weeks to enable Members to formulate a suitable response to the LGA in good time for the consultation deadline;
- c) Committee Members be requested to complete and submit the consultation questionnaire, as previously circulated, in time for the informal meeting as outlined above;
- d) the Director of Legal and Governance (and Monitoring Officer) be authorised to finalise the detailed drafting of the Council's response in consultation with the Chairman prior to submission to the LGA.

The meeting closed at 8.50 pm

Chairman.

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