

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Wednesday, 23rd March, 2022 at 7.00 pm

Present: Councillor Lee Waters in the Chair;

Councillors Jim Blagden, Warren Nuttall,
John Smallridge (as substitute for Christian
Chapman) and Helen-Ann Smith.

Apologies for Absence: Councillors Chris Baron, Christian Chapman and
David Hennigan.

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

In Attendance: Councillor Daniel Williamson (as Annesley and
Felley Parish representative).

SP.11 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

SP.12 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 8 December 2021,
be received and approved as a correct record.

SP.13 Annual Ethical Governance Update

The Director of Legal and Governance (and Monitoring Officer) presented an
overview of the work of the Standards and Personnel Appeals Committee
during 2021/2022.

Members acknowledged that progress with the Workplan had been good and
many of the items had been finalised or rolled forward to the next municipal
year as required.

Work in relation to the Report of the Committee on Standards in Public Life
was progressing well and many of the recommendations had already been
implemented, in particular the review of the Code of Conduct Complaints
Process and online registering of Gifts and Hospitality. A full report outlining
progress in relation to all the best practice recommendations would be
submitted to the June 2022 meeting.

Committee Members were advised that since publication of the agenda, the Government's response to the Report on Standards in Public Life had been received but following a quick review, it had proved disappointing that not much had been acknowledged and/or taken forward. However, further consideration of the content of Register of Interest Forms was to be undertaken to assess whether the requirement for declaration and publication of property/home addresses would be required going forward. The report to Committee in June would provide the response in full for Members to consider.

The Member Training Strategy had been approved in December 2021 and additional work was now to be carried out with regard to Politically Restricted posts due to further staffing changes/revisions to the list and the need to further consult with the Trade Unions and CLT prior to its approval.

The Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police would now also be undertaken in the 2022/23 municipal year and rolled forward onto the new workplan accordingly.

With regard to the Use of Resources Policy the Scrutiny Research Officer reminded Members that they had already expressed their agreement to much of the document in principle but had asked for clarity in relation to the use of Ashfield District Council's corporate protective workwear and clothing. Concerns had been raised that the requirement for the return of items after use was often impracticable and unhygienic (i.e. protective footwear) and that Members often attended multiple events on a weekly basis and preferred to keep such items in their possession.

Having spoken to the Service Manager for Risk and Emergency Planning regarding the wording in the draft Provision of Corporate Clothing and Personal Protective Equipment Policy (that had been used in the draft Use of Resources Policy), it had been agreed that the section was not meant to be restrictive and could be flexibly interpreted as required. The Service Manager was also happy for the wording in both policies to be amended slightly if required.

Members were happy with this development but asked that the words 'flexible' and 'term of office' be included in the section to reflect the longer-term use of corporate clothing as necessary.

The Service Manager, Scrutiny and Democratic Services then gave the quarterly update in relation to Member Complaints and advised that during 2021, 6 complaints had been dealt with and in 2022 to date, 3 new Member complaints had been received and facilitated. With regard to the longer-term complaints, some of the work had been progressed but reaching resolutions was intermittent due to officer's time being taken up with other commitments/priorities within their service areas.

Two of the historical complaints were particularly complex and were of concern as some staff members involved with the initial investigations had left the Authority. However, it was now a priority to resolve all the remaining historical complaints to achieve resolutions for all parties concerned.

RESOLVED that

- a) progress made in relation to the agreed 2021/22 Workplan and the items proposed for the 2022/23 Workplan, be received and endorsed;
- b) the number of Member complaints received during 2021/22 to date, as summarised in the report, including the current outstanding complaints as set out in the report, be duly noted;
- c) it be also noted that there were no declarations of Member gifts and hospitality to report for the preceding quarter;
- d) Council be recommended to approve the Use of Resources Policy as appended to the report, subject to the section relating to the use of Corporate Clothing and Personal Protective Equipment being amended slightly to ensure its interpretation remains flexible to facilitate longer-term use of equipment including reference to a Member's 4-year term of office as required.

SP.14 Annual Constitution Review

The Scrutiny Research Officer presented the report which detailed the proposed annual changes to the Constitution for the 2022/23 municipal year.

Key officers had submitted their suggested updates for the document which usually came about due to changes in legislation and the introduction of new policies. The table contained in the report highlighted the main changes for 2022/23 including any textual amendments and updates to officer titles as required.

Members were asked to note that the proposed changes were fairly minimal for the 2022/23 municipal year and that all references to Council and committee meetings being held virtually had been removed due to cessation of the temporary Covid legislation on 7 May 2021.

However, in relation to the Overview and Scrutiny Committee, Members were asked to consider the officer suggestion to:

1. remove the 'Scrutiny Workplan' as a standing item on the agenda and to agree its submission on an ad hoc basis as required
2. to request Portfolio Holders to attend Committee and report back on implementation and/or progress of review recommendations, three months after completion of a scrutiny review within their areas of responsibility.

Also, as part of the Annual Constitution Review process, Members were contacted and given the opportunity to put forward proposals for changes to be made to the Constitution and the following suggestions were received:

1. There should be an opportunity for Members of the Council to question Portfolio Holders following the 30-minute allotted time for Portfolio Holder updates.
2. The amount of time for debate on a petition that meets the signature threshold for discussion at Council should be lengthened.
3. Questions submitted by Members to the Council should be moved up the agenda to be asked after questions from members of the public.

A discussion ensued and Members considered all the suggested amendments as submitted in accordance with the annual Constitution review process.

RESOLVED

- a) that the proposed changes to the Council's Constitution for 2022/23 as outlined in the report, be endorsed and submitted to Council for approval with the following additions:

Overview and Scrutiny Procedure Rules

- to remove the 'Scrutiny Workplan' as a standing item on the agenda and to agree its submission on an ad hoc basis as required;
- to request Portfolio Holders to attend Committee and report back on implementation and/or progress of review recommendations, three months after completion of a scrutiny review within their areas of responsibility;

Petition Scheme

- a Petition Organiser be allowed 10 minutes to present their petition to Council (the current time limit is 5 minutes);
 - the amount of time for debate on a petition that meets the signature threshold for discussion at Council (1,500 signatures), be raised from 15 minutes to 30 minutes should there be in excess of 5,000 signatures;
 - during the amount of time allocated for debate on a petition (15 or 30 minutes), Members be restricted to speaking for a limit of 3 minutes only;
- b) it be noted that having considered the following suggestions, they be duly declined for inclusion in the 2022/23 Constitution update:
 - there should be an opportunity for Members of the Council to question Portfolio Holders following the 30-minute allotted time for Portfolio Holder updates.
 - questions submitted by Members to the Council should be moved up the agenda to be asked after questions from members of the public.

SP.15 Whistleblowing Annual Update

The Director of Legal and Governance (and Monitoring Officer) presented the report and advised that during operation of the policy during 2021 and 2022 to date, there had been no reported incidents of whistleblowing drawn to the Monitoring Officer's attention. With regard to the Whistleblowing Policy document, Members were asked to note the minor updates for the forthcoming year.

RESOLVED that

- a) the minor changes to the Whistleblowing Policy in accordance with the draft attached to the report at Appendix 1, be approved;
- b) operation of the Whistleblowing Policy during 2021 and 2022 to date, be received and noted.

The meeting closed at 8.13 pm

Chairman.