

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Wednesday, 29th June, 2022**

Time: **7.00 pm**

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

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Standards and Personnel Appeals Committee

Membership

Chairman: Councillor Lee Waters

Councillors:

Chris Baron

Christian Chapman

Warren Nuttall

Jim Blagden

David Hennigan

Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Standards and Personnel Appeals Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. **To receive apologies for absence, if any.**
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. **To receive and approve as a correct record the minutes of the meeting of the Committee held on 23 March 2022.** 5 - 10
4. **Standards and Personnel Committee Work Plan 2022/23.** 11 - 16
5. **Politically Restricted Posts.** 17 - 24
6. **Committee on Standards in Public Life - Update.** 25 - 50
7. **Member Development and Training.** 51 - 58
8. **Quarterly Complaints and Gifts and Hospitality Monitoring.** 59 - 68

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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, 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.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	29 JUNE 2022
Heading:	STANDARDS AND PERSONNEL APPEALS COMMITTEE WORKPLAN 2022-2023
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

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

Recommendation(s)

The Committee is requested to consider and approve the Standards and Personnel Appeals Committee Work Plan for 2022-2023.

Reasons for Recommendation(s)

To reflect good practice.

Alternative Options Considered

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

Detailed Information

The draft work plan for the Standards and Personnel Appeals Committee for the municipal year 2022-2023 is attached at Appendix 1 to the report.

The Committee is asked to consider the draft plan for approval. The Work Plan includes suggested items put forward in the Annual Ethical Governance Update report which was presented to Committee in March 2022.

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.

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:

There are no significant legal issues associated with the approval of the work plan. Legal issues in relation to specific pieces of work will be considered at that time. [RLD 01/06/2022]

Finance: [PH 07/06/22].

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

Risk:

Risk	Mitigation
There are no risks associated with the approval of the work plan itself. Failing to adopt a work plan would not be considered best practice as the Council would then not be able to ensure the	Approval of the work plan. The implementation of the work plan for this Committee ensures the Council is open and transparent in the way it deals with ethical governance.

<p>Council exercises its duties to promote and maintain high standards of ethical conduct.</p> <p>The Council has recognised the following Corporate Risk: ADC) CR003 Ethical Governance – failure/delay to implement changes to the Members' Code of Conduct and recommendations of the Committee on Standards in Public Life (CSPL) and Peer Challenge)</p>	<p>The reporting and work of the Committee demonstrates the Council's commitment to maintaining high levels of ethical behaviour and incorporates work plan items to address the identified risk.</p>
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Human Resources: [KB 16/06/2022]

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

Environmental/Sustainability

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

Equalities:

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

Other Implications:

None.

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

ruth.dennis@ashfield.gov.uk

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Standards and Personnel Appeals Committee

Work Plan – 2022/2023

Proposed Work Item	Timeframe
<p>1. Quarterly Complaint Update</p> <p>A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.</p>	<p>June 2022 October 2022 December 2022 March 2023</p>
<p>2. Report of the Committee on Standards in Public Life</p> <p>To consider the Report of the Committee on Standards in Public Life and implementation of Best Practice Recommendations</p>	<p>Ongoing throughout 2022/23 as required by Committee</p>
<p>3. Members' Training Programme</p> <p>To revise the Members' Training Programme</p>	<p>June 2022 December 2022</p>
<p>4. Politically Restricted Posts – Update</p> <p>To seek approval to update the list of politically restricted posts</p>	<p>June 2022</p>
<p>5. Review of Members' Social Media Policy</p> <p>To review the Members' Social Media Policy</p>	<p>October 2022</p>
<p>6. Members' Induction Programme</p> <p>To develop Members' Induction Programme for Post District Elections</p>	<p>October 2022 March 2023</p>
<p>7. Review of Members' DBS Policy</p>	<p>December 2022</p>

To review the Members' DBS Policy in advance of the District Elections	
<p>8. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</p> <p>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</p>	December 2022
<p>9. Whistleblowing Policy</p> <p>Annual report to consider amendments (if required) to the policy and to monitor the application of the policy</p>	March 2023
<p>10. Annual Review</p> <p>Report to consider the work of the Committee over the year compared to the Work Plan</p> <p>To consider an overview of the ethical governance of the Council</p>	March 2023
<p>11. Constitution Review</p> <p>Consideration of proposed amendments to the Constitution for recommendation to Council</p>	March 2023



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	29 JUNE 2022
Heading:	POLITICALLY RESTRICTED POSTS
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To provide the Committee with an overview of politically restricted posts as required by legislation set out in the Local Government and Housing Act 1989 (LGHA 1989) with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009. The report seeks to update Committee regarding consultation with the Trade Unions and Corporate Leadership Team regarding a revised list and to seek approval to adopt that update list.

Recommendation(s)

Committee is asked to:

- 1. Note the outcome of the consultation with Trade Unions and Corporate Leadership Team regarding the revised list of politically restricted posts; and**
- 2. To adopt the updated list of politically restricted posts as set out in Appendix 1 to the report.**

Reasons for Recommendation(s)

To comply with the requirements of the Local Government and Housing Act 1989 (LGHA 1989) with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009. It is best practice to review the list of politically restricted posts on a regular basis to ensure the list is kept up to date in compliance with this legislation.

Alternative Options Considered

None considered. The Council is under a duty to comply with the legislation and review the list regularly.

Detailed Information

As part of the Standards and Personnel Appeals Committee proposed work plan for 2021/2022 it was recommended that the list of politically restricted posts within the Authority should be reviewed. It is good practice to review the list regularly to ensure the list remains up to date. The list was last updated and approved by Committee in June 2018. The Monitoring Officer was appointed proper officer for the purposes of maintenance of the list previously by the Committee.

The Committee received a report in June 2021 to provide an update and to seek authority for the Monitoring Officer to carry out a review and to consult with the Trade Unions (TUs) and Corporate Leadership Team (CLT) in respect of a revised list (Min. Ref. SP.4(b)). Following this approval, the Monitoring Officer in conjunction with Human Resources carried out a review of the existing list and made changes to it to reflect the current establishment. The TUs and CLT have been consulted on the revised list and this report sets out their comments and presents a draft list to Committee for approval.

Historical Position

Members will recall from the previous report that in 1989, the Local Government and Housing Act 1989 introduced a principle of 'politically restricted posts' and of restricting the political activities of local authority employees. These reforms were made in response to the Widdecombe report which had identified issues of concern involving local authority officers and the apparent lack of political impartiality, which lead to separate loyalties and prejudicial service.

The report distinguished 'twin-tracking' which is where a local authority employee is also an elected Member of another local authority, for special criticism. The concerns included inability to serve the interests of the Council on which they sit and the potential lack of political impartiality. Twin-tracking involving those holding 'politically restricted seats' is now restricted by the Local Government and Housing Act 1989 Part 1, which prohibits such activities.

Restrictions under the Local Government Act 1972 - Restrictions on Members becoming Officers

A local authority cannot appoint as an employee, in any capacity, any councillor who is currently a member of that authority or who has been a member in the previous 12 months (section 116 Local Government Act 1972).

Restrictions on Officers becoming Members

Under section 80 of the Local Government Act 1972, an authority employee will be disqualified from being elected or holding office as a Member of that local authority. This principle also applies to joint authorities under section 80; therefore, an individual is disqualified from standing or holding office with that specific authority if he or she holds any paid office or employment with a local or joint authority.

Politically Restricted Posts

The legislation regarding politically restricted posts is to be found in Part 1 of the Local Government and Housing Act 1989 (LGHA 1989) with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009. The aim of this legislation is to ensure the political impartiality of local government employees who hold posts involving duties of a politically sensitive nature.

The effect of including a local authority employee on the list of 'politically restricted posts' is to prevent that individual from having any active political role either in or outside the workplace.

Politically restricted employees will automatically be disqualified from standing for or holding elected office and these restrictions are incorporated as terms in the employee's contract of employment under section 3 Local Government (Politically Restricted Posts) Regulations 1990. It is left to the discretion of each authority whether or not to reinstate an employee who resigns their post and then consequently fights and loses an election.

In practice, this equates to debarring a substantial number of local government employees from standing for office as:

- local councillors
- MPs
- MEPs
- Members of the Welsh Assembly
- Members of Scottish Parliament

They are also restricted from:

- canvassing on behalf of a political party or a person who is or seeks to be a candidate (Regulation 3, Schedule Part I, paragraph 5, Local Government (Politically Restricted Posts) Regulations 1990); and
- speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party (Regulation 3, Schedule Part II, paragraph 5, Local Government (Politically Restricted Posts) Regulations 1990).

In addition, Political Assistants may not:

- speak to the public in a manner that creates the impression that they are speaking as an authorised representative of a political party (Regulation 3, Schedule Part II, paragraph 9, Local Government (Politically Restricted Posts) Regulations 1990).
- publish, cause, authorise or permit any other person to publish any written or artistic work of which they are the author, co-author or editor that creates the impression that the publication or work is authorised by a political party (Regulation 3, Schedule Part II, paragraph 10, Local Government (Politically Restricted Posts) Regulations 1990).

The cumulative effect of these restrictions is to limit the holders of politically restricted posts to bare membership of political parties with no active participation within the party permitted.

Which posts are politically restricted?

Each local authority is under a duty to draw up and regularly update a list of those posts which are politically restricted. Politically restricted posts fall into three broad categories:

Specified posts:

- the Head of the Paid Service (section 4 LGHA, 1989)
- the Statutory Chief Officers
- Non-Statutory Chief Officers
- Deputy Chief Officers
- the Monitoring Officer (section 5 LGHA, 1989)
- the Chief Finance Officer (section 151 LGHA, 1989)
- Officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with section V100G(2) of the Local Government Act
- Assistants to Political Groups.

All these post holders are politically restricted without rights of appeals for exemption to the Standards and Personnel Appeals Committee.

“Sensitive” posts

A sensitive post is one which meets one or both of the following duties-related criteria:

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority is represented; or where the authority is operating executive arrangements, to the executive of the authority; to any committee of that executive or to any member of that executive who is also a member of the authority;
- speaking on behalf of the authority on a regular basis to journalists or broadcasters.

These post holders can appeal to the Standards and Personnel Appeals Committee to be exempted from the list, on the grounds that the authority has wrongly applied the criteria.

All such appeals require a letter from the applicant formally seeking exemption and a full job description of the post.

Revised List

The Monitoring Officer has revised the list working in conjunction with HR to take account of any changes to establishment since the list was last updated in 2018. A draft revised list was submitted to the Corporate Leadership Team and Trade Unions for comment. A number of posts which were initially included in the draft list were queried by GMB in a meeting with the Monitoring Officer on the basis that they did not meeting the “sensitive” posts criteria. The TUs were consulted again in relation to the further amended list and GMB responded as follows:

“Thank you for taking on board our comments and making the changes, GMB are happy with the proposals.”

CLT supported the changes made to the revised list.

Committee is asked to approve the adoption of the updated politically restricted posts list appearing at **Appendix 1**.

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:

Politically restricted posts are governed by legislation set out in the body of the report and the draft list has been developed taking the statutory criteria into account.

The compatibility of political restrictions on local authority posts with an individual's rights under the European Convention of Human Rights was tested in the case of *Ahmed and others v UK* in 1999.

The European Court of Human Rights held that the political restrictions did not breach Article 10 (the right to freedom of expression) or Article 11 (the right to freedom of association) of the applicant's Convention rights, as the public has a right to expect that those holding higher level local government office are politically impartial.

Finance:

There are no financial implications arising from this report. [PH 14/06/22].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Failing to update the list could result in posts remaining on the list which are no longer required to be restricted and/or posts which should be restricted failing	Accepting the recommendation to approve the updated list of Politically Restricted Posts mitigates against this risk.

to be included. This would be in breach of legislation.	
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Human Resources: [KB 16/06/2022]

The review of politically restricted posts has been undertaken in conjunction with Human Resources.

Environmental/Sustainability

There are no Environmental/Sustainability implications in the report.

Equalities:

The review of politically restricted posts has been carried out in accordance with legislation and consideration of the Council's commitment to equality and diversity implications.

Other Implications:

Trades Unions and Corporate Leadership Team have been consulted on the list of politically restricted posts and their comments are incorporated in the body of the report.

Background Papers

None.

Report Author and Contact Officer

Ruth Dennis
DIRECTOR OF LEGAL AND GOVERNANCE
(Monitoring Officer)
ruth.dennis@ashfield.gov.uk
01623 457009

ASHFIELD DISTRICT COUNCIL

LIST OF POLITICALLY RESTRICTED POSTS

1. Specified Posts:

Specified posts are automatically subject to restrictions on public political activity and have no right of appeal.

The legislation specifies the following roles:

- Head of the Paid Service
- Statutory Chief Officers
- Non-Statutory Chief Officers
- Deputy Chief Officers – officers reporting directly to a Chief Officer (excluding secretarial/administrative support)
- Monitoring Officer
- Officers exercising delegated powers
- Assistants to political groups

In accordance with the legislation, therefore, the following roles constitute specified posts:

- Chief Executive
- Director of Resources and Business Transformation
- Director of Place and Communities
- Director of Housing and Assets
- Director of Legal and Governance (Monitoring Officer)
- Chief Finance Officer (& Section 151 Officer) (Corporate Finance Manager)
- Political Assistants
- Assistant Director, Planning and Regulatory Services
- Assistant Director, Resources and Transformation
- Service Manager, Legal Services
- Service Manager, Place and Well-being
- Service Manager, Neighbourhoods and Environment Services
- Assistant Director, Assets and Investments
- Service Manager, Revenues and Benefits
- Service Manager, ICT
- Service Manager, Risk and Emergency Planning
- Service Manager, Strategic Housing and Lettings
- Assistant Director, Housing Operations
- Assistant Director, Housing Management and Tenancy Services
- Service Manager, Democratic and Scrutiny Services
- Service Manager, Electoral Services
- Service Manager, Commercial Development
- Service Manager, Customer Services
- Chief Accountant

2. “Sensitive” posts

Sensitive Posts are those roles which meet one or both of the following criteria:

- a) giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority is represented; or where

the authority is operating executive arrangements, to the executive of the authority; to any committee of that executive or to any member of that executive who is also a member of the authority;

b) speaking on behalf of the authority on a regular basis to journalists or broadcasters.

These postholders may appeal to be exempted from the list by applying to the Standards and Personnel Appeals Committee.

The following roles constitute specified posts:

- Forward Planning and Economic Growth Team Manager
- Community Safety Manager
- Principal Lawyer
- Development Team Manager
- Licensing Manager
- Democratic Services Officer
- Scrutiny Research Officer
- Senior Lawyer
- Lawyer
- Communications Manager
- Communications Officer
- Communications Assistant

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	29 JUNE 2022
Heading:	COMMITTEE ON STANDARDS IN PUBLIC LIFE - UPDATE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to:

- a) update the Committee in respect of the Government's response to the recommendations of the Committee on Standards in Public Life (CSPL) in its report relating to Local Government Ethical Standards; and
- b) consider whether the Committee wishes to consider undertaking further work in respect of the implementation of the Best Practice Recommendations of the CSPL.

Recommendation(s)

To note the:

- a) **Government's response to the recommendations of the Committee on Standards in Public Life (CSPL) in its report relating to Local Government Ethical Standards;**
- b) **Work undertaken by the Committee regarding implementing the Best Practice Recommendations of the CSPL and consider if it wishes to consider undertaking further work in relation to implementation.**

Reasons for Recommendation(s)

To ensure the Committee charged with ensuring high standards of conduct is aware of the most up to date position regarding the Committee on Standards in Public Life best practice recommendations and the Government's response to the recommendation made to it.

Alternative Options Considered

None, the Committee is asked to note the updates and to consider further work by the Committee in relation to the Best Practice Recommendations.

Detailed Information

Committee On Standards in Public Life – Report On Local Government Ethical Standards

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.”*

The CSPL’s Terms of Reference were as follows:

1. To examine structures, processes and practices of local government in England for:
 - a) maintaining codes of conduct for councillors
 - b) investigating alleged breaches fairly and with due process
 - c) enforcing codes and imposing sanctions for misconduct
 - d) declaring interests and managing conflicts of interests
 - e) whistleblowing
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct
3. Make recommendations for improvement
4. Note any evidence of intimidation of councillors and make recommendations to prevent and address such intimidation

Overview of the Report

The report of the CSPL was launched on 30 January 2019. A copy of the full report was presented to this Committee in July 2019 is appended to this report. Members will recall receiving numerous reports in relation to the CSPL’s report in the intervening period of time. This report is to bring the Committee up to date.

As a brief reminder to the Committee, the CSPL said that high standards of conduct are needed to demonstrate that the decisions taken by local authorities are made in the public interest and to maintain public confidence.

It found that the vast majority of councillors and officers want to maintain the highest standards of conduct but identified some specific areas of concern. It concluded that a minority of councillors engage in bullying or harassment, or other highly disruptive behaviour, and a small number of parish councils give rise to a disproportionate number of complaints about poor behaviour.

The CSPL concluded that the current rules around conflicts of interest, gifts and hospitality are inadequate and the increased complexity of local government decision-making is putting governance under strain.

It concluded that the devolved arrangements should remain, but that more robust safeguards are needed to strengthen a locally determined system. The CSPL made a series of recommendations to government for legislative changes to be made and a series of best practice recommendations for local authorities to be considered as a benchmark of good ethical practice.

Recommendations Made to Government

The CSPL made 23 recommendations to Government regarding legislative changes it suggested were required in order to strengthen the existing ethical standards regime.

Government published its response on 18 March 2022. The full response can be viewed at the following link <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report> and a copy is attached as Appendix 1 for ease of reference for Members of the Committee.

A summary of the recommendations made to Government by the CSPL are set out below with a summary extract of its response.

Number	Recommendation	Response
1	Local Government Association should create an updated model code, in consultation with representative bodies of councillors and officers of all tiers of local government	The Local Government Association published its model code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.
2	Amend Disclosable Pecuniary Interest (DPI) regulations so that a councillor's home address is not registrable.	The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it. The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media	The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media. It is important to recognise that there is a boundary between an elected representative's public life and their private

		or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment which is in an official capacity risks conflating the two.
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a Member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with. It is for individual local authorities to ensure that their codes of conduct are regularly updated, comprehensive and fit for purpose. The Government will keep this matter under review but has no immediate plans to amend the regulations.
5	Amend DPI regulations to include unpaid directorships, trusteeships, charity / public body roles and lobbying organisations	The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities. The Government will keep this matter under review but has no immediate plans to amend the regulations.
6	Local Authorities should have a register of gifts and hospitality with a requirement in the code to register gifts / hospitality over £50 or totalling over £100 p.a. from a single source	Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.
7	Abolish s31 Localism Act, and require a section in the code to require councillors to leave the room if a member of the public would reasonably regard their interest as so significant that it is likely to prejudice their consideration or decision making in relation to that matter	The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved. The Government will keep this matter

		under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.
8	2 year fixed term of office for Independent Persons (IPs), renewable once	The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.
9	IPs views to be recorded in decision notice and minutes	The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of Councils' minutes or decision notices.
10	IP must agree with the finding of a breach and that a suspension is proportionate	There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011. These proposals would effectively reinstate that flawed regime. On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. All councillors are ultimately held to account via the ballot box. The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

11	Local Authorities to provide legal indemnity to IPs	The Government agrees in principle. The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.
12	Local Authorities may have voting independent and parish members on standards committees	See response to recommendation 10.
13	Right of appeal to Local Government Ombudsman (LGO) if a councillor is suspended	See response to recommendation 10.
14	If a councillor is suspended and appeals to the LGO, LGO should have the power to investigate the breach and sanction, their decisions will be binding	See response to recommendation 10.
15	Local Authorities required to publish complaints data and outcomes annually	The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector. The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.
16	Local Authority power to suspend without allowances for up to 6 months	See response to recommendation 10.
17	Government / legislation to put beyond doubt lawfulness of premises bans	The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment. The occasion where Councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.
18	Decriminalise DPIs	It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption. The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption. The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

20	PCs must adopt the principal authority's code of conduct	The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011. The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.
21	Parish councillor sanctions to be determined by principal authority only	The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.
22	Statutory protection for statutory officers to extend to all disciplinary action, not just dismissal	The Government agrees in principle with this recommendation. The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.
23	Local Authorities should be required to ensure whistleblowing policy and website specifies named contact for external auditor	The Government agrees with the principle that openness is essential. Government is recommending that this is adopted as a best practice recommendation.
24	Councillors to be "prescribed persons" in Public Interest Disclosure Act 1998	Local councillors would not meet the criteria of being external to an individual's workplace in relation to matters affecting the Council and could therefore not be considered as a 'prescribed person' for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament. However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

Summary of Best Practice Recommendations for Local Authorities and Progress Made

The table below sets out a summary of each Best Practice Recommendations of the CSPL, the actions by the Committee and progress made to date:

Number	Best Practice	Current position	Action/Comments
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	COMPLETE	Included in the revised Code of Conduct approved in May 2021.
2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	COMPLETE	Requirement to comply with investigation included in the revised Code of Conduct approved in May 2021. Complaints process allows “ <i>malicious, politically motivated or tit-for-tat</i> ” complaints to be refused by Monitoring Officer.
3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	Code reviewed frequently (generally every 2 years). No consultation carried out previously outside the organisation. Code substantially reviewed during 2020/21 by the Standards and Personnel Appeals Committee. A revised Code of Conduct was approved at Council in May	<ul style="list-style-type: none"> Members previously raised concern at how resource intensive an annual review might be when there will often be little change to be made. Members to consider if they wish to continue with a bi-annual review or introduce an annual review. Members previously agreed to consider consultation options, but again questioned the value this will produce compared to the resource effort. Members to confirm their current views.

		2021 which was a hybrid of the Council's previous Code and the LGA's Model Code.	
4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in Council premises.	Code is available on the internet.	<ul style="list-style-type: none"> Do Members consider the Code should be more prominent on website? Do Members consider it necessary to make the Code available on Council premises?
5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	COMPLETE	<ul style="list-style-type: none"> Declarations are now published on the Website. Reports are presented to each meeting of the Committee. A revised Form and Guidance Note for Members was produced and agreed by this Committee.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	The Complaint process, which is published, does include assessment criteria with some mention of proportionality.	<ul style="list-style-type: none"> The Complaints process may be reviewed to incorporate a clearer/more detailed test if Members wish.
7	Local authorities should have access to at least two Independent Persons.	NO ACTION NEEDED	<ul style="list-style-type: none"> Already have 2 IPs
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	Already happens for each complaint received.	<ul style="list-style-type: none"> The Complaints Process may be reviewed to consider the current wording and the suggested wording.

9	<p>Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</p>	<p>A decision notice is always produced including all suggested elements except that the views of the IP have not normally been included.</p> <p>It is some considerable time since an investigation led to a finding of misconduct.</p> <p>Information has been published in the past, but not necessarily the full decision notice.</p>	<ul style="list-style-type: none"> • Agreed with the need to publish in a suitable place on the website. • Include as part of the Complaints Process. • Agreed a template decision notice could be produced to ensure consistency.
10	<p>A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p>	<p>The complaints process setting out this detail is available on the website but it is not always easy for the public to find it.</p> <p>An electronic complaint form has been developed to make the process easier but could be improved.</p>	<ul style="list-style-type: none"> • It is suggested that the Complaints Process and the form should be further reviewed.
11	<p>Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</p>	<p>NO ACTION NEEDED.</p>	<ul style="list-style-type: none"> • Currently accept complaints however made, including if made directly by the clerk

12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	NO ACTION NEEDED.	<ul style="list-style-type: none"> • Advice, support and investigations relating to alleged breaches already provided as far as existing resources allows. • Can be a disproportionate number of complaints. • MO has DMO support. • Training provided annually to MO and DMO. • Small budget available for investigations. Due to budgetary pressures not possible to increase resources.
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	NO ACTION NEEDED.	<ul style="list-style-type: none"> • MO from another authority has investigated an ADC complaint in the past and the MO as investigated for others if time allowed. This is as part of an informal arrangement. • A discussion at a County level agreed to retain an informal approach as all authorities have resourcing issues. • Committee took the view that a pre-requisite would be to recharge for the MO/DMO time
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	NO ACTION NEEDED.	<ul style="list-style-type: none"> • This used to take place for Ashfield Homes Ltd. • No relevant separate bodies currently. No action needed at this time.
15	Senior officers should meet regularly with political group	NO ACTION NEEDED.	<ul style="list-style-type: none"> • Committee were concerned that introducing regimented

	leaders or group whips to discuss standards issues.		quarterly meetings, for example, would be too frequent and not necessarily needed; they were happy with the CEO and MO using their discretion to have ad hoc meetings when considered necessary/helpful.
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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 they choose to do so.

A number of the recommendations made to Government would necessitate new/amended legislation. The areas the Government may consider changing are outlined in the summary above and in Appendix 1. [RLD 14/06/2022]

Finance:

[PH 14/06/22].

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
<p>The Council has recognised the following Corporate Risk:</p> <p>Ethical Governance – ability to implement changes to the Members' Code of Conduct and recommendations of the Committee on Standards in Public Life (CSPL) and Peer Challenge (CR003)</p>	<p>This report demonstrates the Council's commitment to maintaining high levels of ethical behaviour. A revised code has already been approved. The Committee work plan includes items to address the identified risk.</p> <p>Consideration of this report and the consequential work of the Committee demonstrates the Council's commitment to maintaining high levels of ethical behaviour and its commitment to reviewing and implementing best practice.</p>

Human Resources: [KB 16/06/2022]

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

Environmental/Sustainability

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

Equalities:

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

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Not applicable

Report Author and Contact Officer

Ruth Dennis
 DIRECTOR OF LEGAL AND GOVERNANCE
 (Monitoring Officer)
ruth.dennis@ashfield.gov.uk
 01623 457009

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Department for Levelling Up,
Housing & Communities

Kemi Badenoch MP

*Minister of State for Equalities and Levelling Up
Communities*

**Department for Levelling up, Housing and
Communities**

Fry Building
2 Marsham Street
London
SW1P 4DF

Lord Evans of Weardale, KCB, DL
Chair Committee on Standards in Public Life
Room G07
1 Horse Guards Road
London
SW1A 2HQ

Email: kemi.badenoch@levellingup.gov.uk

www.gov.uk/dluhc

Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

KEMI BADENOCH MP

**Minister of State for Equalities
and Levelling Up Communities**

Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

Recommendation 1

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.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.¹ Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Recommendation 2

The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

¹ References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper². But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

² Higher education: free speech and academic freedom Feb 2021
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

Recommendation 4

Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 5

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 6

Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Recommendation 7

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Recommendation 8

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Recommendation 10

A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12

Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13

Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14

The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16

Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Recommendation 11

Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Recommendation 17

The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Recommendation 18

The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Recommendation 20

Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

Recommendation 21

Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Recommendation 22

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.³ The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

Recommendation 24

Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

³ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	29 JUNE 2022
Heading:	MEMBER DEVELOPMENT AND TRAINING
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The refreshed Member Development Strategy was approved at a meeting of the standards and Personnel Committee on the 8 December 2021 and subsequently recommended and approved by Cabinet.

This report sets out the mandatory training Members are required to undertake and further details on development training which may be useful for Members in the coming 12 months and following the next District Elections in May 2023.

Recommendation(s)

Members are asked to;

- Review and Consider the Mandatory training as detailed in table 1.1 within this report
- Consider appropriate development training for both current and future Members

Reasons for Recommendation(s)

Member training and development is an integral part of ensuring that the strategic aims and objectives of the Council are met in carrying out their duties of making local decisions and delivering better outcomes for the district.

Alternative Options Considered

Alternative Member development methods were considered as part of the review of the Member Development Strategy throughout 2021. two informal meetings.

Detailed Information

Ashfield District Council recognises that continuous member development is key to Councillors carrying out their role both within the district and as community representatives at meetings of the Council and its partners. All Councillors have a responsibility to learn new skills in line with the ongoing changes in local government.

The overarching aim of the Member Development Strategy is to ensure that there is support for all members to enable them to acquire sufficient knowledge and a full range of skills to maximise their ability and capacity. All members need to understand the scope and scale of the role in order to be able to identify the personal development needs that will enable them to fulfil the ever increasing individual and political demands.

In considering training and development, there are 3 main aspects to consider;

Induction Programme

Prior to the election of councillors (District Elections in 2023), The Standards and Personnel Appeals Committee will review a draft induction programme for all members to participate in following the election.

Mandatory Training

Mandatory Training covers all essential training required to carry out the role of District Councillor. Some of this training includes Committee specific training, without which Members will not be able to participate in some meetings of the Council.

Table A below provides an overview of all mandatory training for Members, as detailed in the Council's Constitution.

Table A – Mandatory Training

Training	Scope	Frequency
Planning Committee	<ul style="list-style-type: none">• Planning legislation and case law• Local Plan policies• Procedures• Role on Planning Committee• Role of a Member of Local Planning Authority• Planning Code of Good Practice• Relationship to Members' Code of Conduct• Development proposals and Interests under Members' Code of Conduct	Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.

	<ul style="list-style-type: none"> • Fettering Discretion in the Planning Process • Lobbying of and by Councillors • Contact with applicants, developers and objectors • Role of Officers • Decision Making • Public Speaking at Meetings • Site Visits • How to determine Planning Applications 	
Licensing Committee and its Sub Committees	<ul style="list-style-type: none"> • Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees • General Principles of each Act • Role of Members • Ward Member Role • Licensing Objectives • Determining Licensing Applications 	Prior to sitting on the Committee or its Sub Committees minimum of every four years.
Chief Officers Employment Committee and the Interview and Appraisal Sub Committee	<ul style="list-style-type: none"> • Recruitment and selection • Appraisals • Legislation, policies and practice within the remit of the Committee and its Sub-Committee 	Prior to sitting on the Committee or its Sub Committee occasional refresher training may be given.
Standards and Personnel Appeals and its Sub Committees	<ul style="list-style-type: none"> • Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees 	Prior to sitting on the Committee or its Sub Committees minimum of every four years.
Code of Conduct / Ethical Governance	<ul style="list-style-type: none"> • Understanding of the Members' Code of Conduct and the governance of the Council. • Responsibilities and role as a Councillor. • Outline of Constitution • Promoting and maintaining high standards of conduct by • Members Code of Conduct (including Gifts and Hospitality) • The Register of Interests • Protocols • Guidance • Dispensations • Political Publicity – rules • Data Protection • Freedom of Information 	At the point of election and on subsequent re-election(s)
Equalities and Diversity	<ul style="list-style-type: none"> • To tackle discrimination and social exclusion • promote equality of opportunity • foster good relations between all 	After each election.
Safeguarding	To provide guidance and advice to elected Members on;	Every 2 years.

	<ul style="list-style-type: none"> • Roles and responsibilities in relation to safeguarding children and vulnerable adults and • How Members should raise any concerns and receive assurance about children and adults who may be at risk. 	
Lone Worker	Ensuring Members keep themselves safe	After election or re-election. Refresher (online) annually.
Fraud Awareness	To raise awareness of where fraud may occur in District Councils and what actions should be taken.	After each election and bi-annually thereafter.
Chairperson (if appointed as a Chair)	To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.	Following initial appointment to position and subject to previous training or experience.

Member Development / Ongoing Training

The process for identifying Members’ ongoing development needs and priorities is Member-led with officers bringing to Members’ attention any training which is beneficial in carrying out their role. Learning and development priorities will also be assessed collectively in relation to the needs of specific committees and legislative and regulatory requirements as detailed above under Mandatory Training.

The Member Development Strategy includes a Training Needs Questionnaire to identify what priorities Members have for learning and development in the year ahead. This will then be used to develop and deliver the Member Development Training Plan. In identifying their priority learning and development needs, Members will be asked to consider outcomes they would like to achieve in relation to the requirements of the Council and achieving the Corporate Plan, personal aspirations and developing core skills.

Training will be delivered in a variety of forms, including in-house Member Seminars, briefings training at Committee / Panel meetings, E Learning, PowerPoint presentations and by sharing experiences with each other.

Bespoke training will be provided by a mixture of internal Officers and external providers as and when necessary. Additionally, Members can identify themselves external training that may enhance their knowledge and improve their skills in carrying out their role. In these instances Members should notify the Democracy Manager of the training, including the details of the nature of the course, location and cost.

Appendix A is the Training Needs Questionnaire.

Implications

Corporate Plan:

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

Legal:

There are no legal implications contained within this report.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The cost of training and future Member development is to be met from the existing Training & Development budget for Members.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Insufficient Member training and development carries risks regarding decision making, debate and representation.	An effective Member Development Strategy will ensure Members have the necessary skills to carry out their role both within the district and representing their constituents at Council and other partner meetings.

Human Resources:

In recognition of the varying development needs and preferred learning styles, the Member Development Strategy facilitates a range of delivery methods including workshops, presentations, written resources, and e-learning. Ongoing work will be undertaken with Human Resources regarding the effective implementation of the Strategy and future Member Training Plans to ensure that it meets the needs of all Members in carrying out their role.

Environmental/Sustainability

Environmental / Sustainability considerations will be considered on a case by case basis with regards to methods of training.

Equalities:

Member learning and development activities are open and accessible to all Councillors. It is intended that all development activities should be equally accessible and meet the Council's equal opportunities policy and practice.

Other Implications:

None

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Report Author and Contact Officer

Michael Joy
SERVICE MANAGER, SCRUTINY AND DEMOCRATIC SERVICES
michael.joy@ashfield.gov.uk
01623 457232

Sponsoring Director

Ruth Dennis
DIRECTOR OF LEGAL AND GOVERNANCE
ruth.dennis@ashfield.gov.uk
01623 457009

Personal Training Requirements

Name.....

Length of Service (as a Councillor).....

Current Role

	(Please Tick)	Would you Welcome Refresher Training in this Area? (Please Tick)
Cabinet Member		
Chairman		
Vice Chairman		
Panel/Committee Member		

Please Indicate Skills Areas That You Require Training / Development (Please Tick)

	(Tick)	L/M/H
Information Technology		
Finance		
Planning		
Scrutiny		
Standards/Governance/Ethics		
Local Government		
Chief Officers		
Housing		
Benefits		
Environmental Issues		
Communications		
Community Safety		
Presenting/Facilitation		
Monitoring Performance		
Risk		
Audit		

Any Other Areas?

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Preferred Method of Training (Please Tick)

Face To Face	
Internal (Council)	
External (can travel)	
1-2-1	
Group	
Online	

Any Other Areas that you Feel Should be Addressed

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Thank you very much for completing the questionnaire. Please note training and development is not always undertaken through a training course and other learning solutions may be advised. All training is subject to the usual approvals. Please return to Mike Joy, Service Manager – Scrutiny and Democratic Services

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	29 JUNE 2022
Heading:	QUARTERLY COMPLAINTS AND GIFTS AND HOSPITALITY MONITORING
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

This report provides an update in respect of Members' Code of Conduct complaints either outstanding as at the 20 June 2022 or received/resolved since the last update to the Committee in March 2022.

Information is also provided detailing Members Gifts and Hospitality declarations during 2022.

Recommendation(s)

The Committee is requested to note the updated position in respect of Members' Code of Conduct complaints as set out in Appendix A and Gifts and Hospitality declarations as set out in Appendix B.

Reasons for Recommendation(s)

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

Alternative Options Considered

(with reasons why not adopted)

No alternative options are considered appropriate.

Detailed Information

Complaints

This report provides an Overview of Member complaints as at the 20 June 2022. Appendix A details both outstanding complaints and those that have been received throughout the period January – June 2022.

Since the last update to the Committee:

- 4 new District Councillor complaints have been received since the last update in March 2022.
- 1 new Selston Parish Council complaint has been received since March 2022
- 4 ongoing complaints relating to District Councillors have been concluded since the last update to the Committee
- 1 further complaint has been concluded and is awaiting confirmation from the Independent Person before the complainant is notified.

Of the 4 new complaints received during this period, all are Member to Member complaints relating to Respect (1.1), bullying (2.1) and standards of conduct.

2 long-term complaints remain ongoing with resolutions currently being explored with the involved parties to explore satisfactory resolution of the issues.

Gifts and Hospitality Declarations

The Constitution sets out the procedure for declaring any gifts or hospitality under the Members Code of Conduct, section 12. Members are required to declare and register any gifts and hospitality accepted in excess of an estimated value of £50.00 (Fifty Pounds) whether accepted or declined.

Appendix B details all declarations received during 2022. During this period there was 1 declaration which related to a representative from ADC (Elected Member), being invited on a fact finding visit to Lille in France.

Implications

Corporate Plan:

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

Legal:

There are no legal implications associated with this monitoring report. [RLD 21/06/2022]

Finance:

Budget Area	Implication
General Fund – Revenue Budget	<p>The Authority incurs costs in investigating complaints of alleged Member misconduct if investigations are carried out externally, and these charges are borne by the General Fund. The Council investigates complaints in house as far as possible to reduce costs.</p> <p>Where complaints need to be investigated externally these costs are expected to be contained within existing budgets. No investigations are currently being carried out externally.</p>
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
<p>Potential for negative perception of the Council which impacts upon the Council's reputation.</p> <p>Potentially adverse impact upon the workings of the Council.</p> <p>The legislation does not provide "strong" sanctions for breaches to the Code which may make regulation of poor ethical behaviour difficult and leave complainants dissatisfied with outcomes.</p>	<p>The Standards and Personnel Appeals Committee approves an annual work programme to consider how it will ensure high standards of ethical behaviour.</p> <p>Presentation of Quarterly Complaint Monitoring reports to Standards and Personnel Appeal Committee ensures ongoing monitoring of complaints to identify trends and areas for improvement.</p>

Human Resources:

There are no HR issues relating to this monitoring report.

Environmental/Sustainability

There are no Environmental/Sustainability issues relating to this monitoring report.

Equalities:

Equalities issues identified during complaints are duly investigated and reported upon.

Other Implications:

None

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Report Author and Contact Officer

Michael Joy
SERVICE MANAGER, SCRUTINY AND DEMOCRATIC SERVICES
michael.joy@ashfield.gov.uk
01623 457232

Sponsoring Director

Ruth Dennis
DIRECTOR OF LEGAL AND GOVERNANCE
ruth.dennis@ashfield.gov.uk
01623 457009

QUARTERLY UPDATE OF COMPLAINTS – AS AT 20 JUNE 2022

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2022-01	15/03/2022	ADC Officer	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Complete	Local Resolution. Apology issued
ADC2022-02	08/02/2022	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.5 Confidentiality	Complete	No further action. No breach of the Code identified.
ADC2022-03	03/12/2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Complete	No further action. No breach of the Code identified.

ADC2022-04	08/05/2022	District Councillor	District Councillor	1.1 Respect 2.1 Bullying	Information gathering	
ADC2022-05	09/05/2022	District Councillor	District Councillor	2.2 Contrary to high standards of conduct.	Information gathering	
ADC2022-06	25/1/2022	District Councillor	District Councillor	2.2 Contrary to high standards of conduct.	Information gathering	
ADC2022-07	07/04/2022	District Councillor	District Councillor	1.1 Respect 2.1 Bullying	Complete	Local resolution. Apology to be issued.
ADC2021-12	11 November 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	Complete, awaiting advice from Independent Person before issuing outcome.	

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
SPC2022-01	27 April 2022	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Information gathering ongoing.	

Long-Term Ongoing

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2019-12	14 June 2019	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Draft report circulated to parties for comments. Responses received and being considered.	
ADC2020-04	26 June 2020	Public	District Councillor	2.1 Respect	Further discussions to be arranged with subject	

		District Councillor		2.2 Contrary to high standards of conduct. 2.5 Confidentiality	members – seeking informal resolution	
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QUARTERLY UPDATE OF GIFTS AND HOSPITALITY DECLARATIONS – AS AT 20 JUNE 2022

REFERENCE	DATE OF GIFT/HOSPITALITY	NATURE OF GIFT/HOSPITALITY
GAH2022-01	April 2022	Invite from Nottingham Trent University for a representative from ADC to attend a “Future Towns Challenge” working trip to France as part of NTU’s ongoing work to tackle deprivation in Ashfield and Mansfield.

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