

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Tuesday, 3rd October, 2023**

Time: **7.00 pm**

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

For any further information please contact:

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Standards and Personnel Appeals Committee

Membership

Chairman: Councillor Lee Waters

Councillors:

Kier Barsby
Paul Grafton
Phil Rostance

Jamie Bell
Oliver Hay
Dave Shaw

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 5 July 2023. 5 - 8
4. Member Training and Induction Programme. 9 - 20
5. Quarterly Complaints and Gifts and Hospitality Monitoring. 21 - 26

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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, 5th July, 2023 at 6.30 pm

Present: Councillor Lee Waters in the Chair;

Councillors Kier Barsby, Jamie Bell,
Paul Grafton, Oliver Hay, Phil Rostance and
Dave Shaw.

Apologies for Absence: Duncan Deaves (Selston Parish Council
Representative).

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

In Attendance: Lorraine Fagan (Annesley & Felley Parish
Council Representative).

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

No declarations of interest were made.

SP.2 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 8 March 2023,
be received and approved as a correct record.

SP.3 Standards and Personnel Appeals Committee Induction Training

A Standards and Personnel Appeals Committee induction training session was
undertaken by the Executive Director for Governance, to all Members present
at the meeting.

SP.4 Standards and Personnel Appeals Committee 2023/24 Workplan

The Executive Director of Governance and Monitoring Officer presented the
report and took Members through the proposed items for the Committee Work
Plan for 2023/24.

In respect of the proposed review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police, Members were advised that better working relationships with the Police were now in place and it was hoped that the review would be undertaken and completed later in the year.

The current Members' Code of Conduct and related documents, having been in place since May 2021, was now due for a review and it was intended to arrange an informal group meeting of the Standards and Personnel Appeals Committee to consider any amendments. The review would also include consideration of related documents such as the Complaints Process and the Member/Officer Protocol.

RESOLVED

that the Standards and Personnel Appeals Committee Work Plan for 2023/24, as presented, be approved.

SP.5 Quarterly Complaints and Gifts and Hospitality Monitoring

The Assistant Director for Democracy presented the report and advised Members that no new formal complaints had been received by the Authority during the period April to June 2023. Work was continuing on all the current complaints with two being subject to external investigations due to their complexity. Some complaints had also been dismissed due to the submissions from complainants being in the form of a statement rather than an actual request to investigate supported by evidence.

Members took the opportunity to discuss at what stage of the complaint it was appropriate to inform the Member being accused (of a breach of the Code) and if this could be reconsidered during the review of the Complaints Process (alongside the Members' Code of Conduct) commencing in December 2023.

RESOLVED that

- a) the updated position in respect of Member complaints including progress as at June 2023, as presented, be duly noted;
- b) it be noted that there have been no declarations of received gifts and hospitality from April to June 2023.

SP.6 Constitution Update

The Scrutiny Research Officer presented the report which detailed further proposed changes to the Constitution for the 2023/24 municipal year as follows:

Part 3 – Responsibility for Functions

To enable the Chief Executive (Proper Officer) to enact the wishes of the Groups of the Council in appointing Members to committees based on the established political proportionality. In practice this would mean that any changes to committee memberships would need to be notified to the Democratic Services Team by the relevant Group Leader no later than 5pm, 7 clear working days before the meeting where the membership would change.

Members expressed concerns in relation to this proposal regarding whether Members would be notified of any membership changes in a timely manner and the apparent lack of any subsequent appeal process should they wish to challenge the decision. It was agreed that a statement from the Committee should be included in the referral report to Council.

Part 4 – Rules of Procedure

Proposals to include an item on the agenda for ‘Chairman’s Presentation of Awards/Certificates’, to restrict each individual Cabinet Portfolio update to 3 minutes each, to include an order of business and amended length of speeches for the Council’s Budget Setting meeting and to revise criteria for submitting Notices of Motion.

Part 5 – Members’ Code of Conduct

The inclusion of some flexibility regarding mandatory training requirements and adoption of an updated version of the Social Media Policy.

Miscellaneous

Changes to job titles and committee names as required.

RESOLVED that

- a) the proposed changes to the 2023/24 Council Constitution as outlined in the report, be endorsed and submitted to Council for approval;
- b) alongside the proposal to amend the process for making changes to committee memberships (Part 3 – Responsibility for Functions), the following statement be included in the referral report to Council:

Concerns were raised by the Standards and Personnel Appeals Committee that this proposed change could lead to Committee Membership being changed without the involved Members having prior notification and/or contribution, and with no recourse to challenge the decision if desired.

The meeting closed at 8.00 pm

Chairman.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	3 OCTOBER 2023
Heading:	MEMBER TRAINING AND INDUCTION PROGRAMME
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The Member Training and Induction Programme was added to the Standards and Personnel Appeals Committee workplan in July 2023. The purpose of this report is to facilitate discussion and review on the induction programme in 2023 as well as further training requirements.

Recommendation(s)

The Standards and Personnel Appeals Committee is recommended to:

- a. Reflect on and review the Member Induction Programme 2023, identifying successes and areas for improvement in future programmes.
- b. Discuss and identify ongoing training and development requirements for Members.

Reasons for Recommendation(s)

At the meeting held in July 2023, the Standards and Personnel Appeals Committee approved a workplan for the ensuing year. As part of the approved work programme, Members' Training and Induction Programme was added as a topic for the Committee to reflect on the 2023 induction process and further training plans.

Alternative Options Considered

Committee could choose not to review the 2023 induction programme. However, this is not recommended as it could

Detailed Information

MEMBER INDUCTION PROGRAMME 2023

Development

The Member Induction Programme 2023 was developed primarily through feedback provided by the Standards and Personnel Appeals Committee over the course of multiple meetings in the months leading up to the Election period.

The programme was developed to help both new and returning Councillors prepare for their role and to outline the support and facilities available, whilst also fulfilling mandatory training requirements.

In developing the programme, Members of the Standards and Personnel Appeals Committee undertook work to consider how the induction and associated training should be delivered, reflecting on previous training experiences and the Member Induction Programme 2019.

Key points raised by Members included:

- Initial training should be expanded to three days to allow Members to absorb information more easily.
- Where possible, smaller breakout rotating sessions should be utilised.
- IT training regarding use of the Council issued iPads was not well attended and requires delivery in a more focused approach.
- A stronger focus on Member behaviours and governance.
- A dedicated intranet page for Members to offer access to pertinent documents, agendas/minutes, online training etc.
- New Members to be furnished with a Glossary of Terms to aid familiarisation with local government terminology.

A first draft of the 2023 programme was presented to the Standards and Personnel Appeals Committee in March 2023, incorporating feedback received and outlining sessions. A draft was also presented to the Council's then Corporate Leadership Team and Extended Leadership Team for feedback.

Detailed below is the Member Induction Programme 2023 as it unfolded in the week following the District Elections.

Induction Drop-in Sessions

Two separate induction sessions set up for Tuesday 9 May from 10am to 1pm and Wednesday 10 May from 5pm to 8pm (following the first day of training). This information will be included in candidate packs.

The induction sessions will be stall based, including:

- Official photographs

- Access/ID cards
- Declaration of Acceptance of Office
- Building tours
- Payment information
- IT equipment handover
- Login credential setup
- Register of Interests
- Induction packs

Time	Training Session	Venue	Delivered by
10am – 1pm	Induction drop-in session	Committee Room	<ul style="list-style-type: none"> • Democratic Services • IT • HR • Facilities
5pm – 8pm	Induction drop-in session	Committee Room	<ul style="list-style-type: none"> • Democratic Services • IT • HR • Facilities

Training – Day One

Time	Training Session	Venue	Delivered by
9.30am – 10.30am	Introduction from the Chief Executive and Senior Leadership Team	Council Chamber	Chief Executive/SLT
10.30am – 11am	Break		
11am – 1pm	Role of a Councillor	Council Chamber (group one)	LGA

11am – 1pm	Chairing Skills/Meeting Etiquette/Scrutiny	Committee Room (group two)	External Consultant
1pm – 2pm	Lunch		
2pm – 4pm	Role of a Councillor	Council Chamber (group two)	LGA
2pm – 4pm	Chairing Skills/Meeting Etiquette/Scrutiny	Committee Room (group one)	External Consultant
4pm	Finish		

Training – Day Two

Time	Training Session	Venue	Detail
9.30am – 11am	Planning	Council Chamber (group one)	Christine Sarris/Louise Ellis
9.30am – 11am	Licensing	Committee Room (group two)	Julian Alison
11am – 11.30am	Break		
11.30am – 1pm	Planning	Council Chamber (group two)	Christine Sarris/Louise Ellis

11.30am – 1pm	Licensing	Committee Room (group one)	Julian Alison
1pm – 2pm	Lunch		
2pm – 3pm	Safeguarding	Council Chamber	Antonio Taylor
3pm – 4pm	GDPR	Council Chamber	Louise Ellis
4pm – 4.30pm	Break		
4.30pm – 5.30pm	Neighbourhoods	Council Chamber	Alastair Blunkett
5.30pm	Finish		

Training – Day Three

Time	Training Session	Venue	Detail
9.30am – 10.30AM	Local Government Finance	Council Chamber	Pete Hudson
10.30am – 11am	Break		
11am – 12pm	Housing	Council Chamber (group one)	Paul Parkinson
11am – 12pm	IT	Committee Room (group two)	Andy Slate
12pm – 1pm	Lunch		
1pm – 2pm	Housing	Council Chamber (group two)	Paul Parkinson

1pm – 2pm	IT	Committee Room (group one)	Andy Slate
2pm – 3pm	Community Safety	Council Chamber	Antonio Taylor
3pm – 3.30pm	Break		
3.30pm – 5.30pm	Ethical Governance	Council Chamber	LGA
5.30pm	Finish		

As can be seen above, the following steps were taken in development of the programme in response to prior feedback:

- Training set out over three days instead of two
- Smaller, rotating training sessions where possible (IT/Planning/Licensing/Housing)
- A focus on governance and behaviours with external training providers delivering
- Additional training sessions compared to previous years (Finance/IT/Housing etc)

Attendance for each session during the induction days was as follows:

SESSION	NUMBER OF MEMBERS IN ATTENDANCE
INTRODUCTION FROM THE CEO	27
CHAIRING SKILLS, MEETING ETIQUETTE, AND SCRUTINY	26
ROLE OF A COUNCILLOR	25
PLANNING	30
LICENSING	25
SAFEGUARDING	29
GDPR	30
NEIGHBOURHOODS	23
LOCAL GOVERNMENT FINANCE	24
HOUSING	23
IT	23
COMMUNITY SAFETY	22
ETHICAL GOVERNANCE	22

MEMBER TRAINING

Constitutional Requirements

Members are reminded of the constitutional requirements in regard to Member training, set out in Part 5 of the Constitution and approved by Council each year. Most of these training requirements are covered as part of the induction process.

Training	Scope	Frequency
Planning Committee	<p>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee.</p> <p>Role of a Member of Local Planning Authority</p> <p>Planning Code of Good Practice</p> <p>Relationship to Members' Code of Conduct</p> <p>Development proposals and Interests under Members' Code of Conduct</p> <p>Fettering Discretion in the Planning Process</p> <p>Lobbying of and by Councillors</p> <p>Contact with applicants, developers and objectors</p> <p>Role of Officers</p> <p>Decision Making</p> <p>Public Speaking at Meetings</p> <p>Site Visits</p> <p>How to determine Planning Applications</p>	<p>Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.</p>
Licensing Committee and its Sub-Committees	<p>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</p> <p>General Principles of each Act</p> <p>Role of Members</p> <p>Ward Member Role</p> <p>Licensing Objectives</p> <p>Determining Licensing Applications</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>
Chief Officers Employment Committee and the Interview and Appraisal Sub-Committee	<p>Recruitment and selection.</p> <p>Appraisals</p> <p>Legislation, policies and practice within the remit of the Committee and its Sub-Committee</p>	<p>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</p>
Standards and Personnel Appeals and its Sub-Committees	<p>Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>

Code of Conduct/ Ethical Governance	<p>Understanding of the Members' Code of Conduct and the governance of the Council. Responsibilities and role as a Councillor. Outline of Constitution</p> <p>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</p>	At the point of election and on subsequent re-election(s).
Equalities and Diversity	To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.	After each election. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.
Safeguarding	<p>To provide guidance and advice to elected Members on;</p> <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. 	Every 2 years. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.
Lone Worker	Ensuring Members keep themselves safe	After election or re-election. Refresher (online) annually. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.

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. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.

Following the induction programme, Members have been offered further training opportunities, including catch up sessions for those Members unable to attend during the induction week.

- 5 June 2023: IT Equipment Drop in – MyView, Mod.gov, and ELA set up
- 7 June 2023: GDPR Catch up session
- 9 June 2023: Planning Catch up session
- 12 June 2023: Chief Officers’ Employment Committee training
- 3 July 2023: Local Plan Development Committee training
- 3 July 2023: Audit Committee and Fraud Awareness training
- 5 July 2023: Standards and Personnel Appeals Committee training

Following the drop in sessions held on 5 June 2023, Members have been able to access ELA – the Council’s online training platform and have been enrolled on to several modules including Equalities and Lone Working. A report will be generated in early November to understand the completion rates for each module across the Council’s membership.

Throughout October, consideration will be given to the next phase of Member training and development – Members of the Committee are asked to provide guidance and input on this process. Members are also reminded of the Member Development Strategy, developed by the Committee and approved by Council earlier this year. The Strategy provides guidance on how Members can identify development needs and request individual training.

Implications

Corporate Plan:

In line with the established Corporate Plan, the Council strives to ensure effective community leadership through training, good governance, transparency, and accountability.

Legal:

As part of the induction process, Members received mandatory training as specific in the Council’s Constitution. Members also received guidance regarding the appropriate policies and procedures that are in place to support them carrying out their roles.

Finance:

There are no direct financial implications resulting from the recommendations within this report.

Budget Area	Implication
General Fund – Revenue Budget	None.
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.	A robust Member Induction Programme, alongside a longer-term Member Development Strategy, will ensure Members have the necessary skillset to carry out their role both within the District and representing their constituents at Council and other partner meetings.

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental/sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	3 OCTOBER 2023
Heading:	QUARTERLY COMPLAINTS AND GIFTS AND HOSPITALITY MONITORING
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

This report provides an update in respect of Members' Code of Conduct complaints up until the end of quarter 2 (April – September 2023). All complaints received after this date will be presented in the next quarterly update.

Information is also provided detailing Members Gifts and Hospitality declarations during 2023.

Recommendation(s)

The Standards and Personnel Appeals Committee is recommended to:

- a. Note the updated position in respect of Members' Code of Conduct complaints and Gifts and Hospitality declarations as set out in Appendix A.

Reasons for Recommendation(s)

To enable the Standards and Personnel Appeals Committee to monitor the volume and progress of complaints and gifts and hospitality declarations.

Alternative Options Considered

No alternative options are considered appropriate.

Detailed Information

COMPLAINTS – APRIL TO SEPTEMBER 2023

There have been 2 complaints submitted during the period June - September 2023. 2 complaints have been resolved with 1 completed subject to the Independent Persons comments. 1 complaint remains subject to external investigation and 1 long term complaint that remains ongoing. Please see Appendix A for a full up-to-date schedule of complaints.

GIFTS AND HOSPITALITY – APRIL TO SEPTEMBER 2023

There have been no declarations of received gifts and hospitality from April to June 2023.

Implications

Corporate Plan:

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

Legal:

There are no direct legal implications resulting from the recommendations within this report. [RLD 25/09/2023]

Finance:

The Council incurs costs investigating complaints of alleged Member misconduct if investigations are carried out externally. These costs are met through the General Fund. The Council investigates complaints internally as much as possible to reduce costs. Where complaints need to be investigated externally these costs are expected to be contained within existing budgets.

Budget Area	Implication
General Fund – Revenue Budget	Not applicable.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

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

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental/sustainability implications resulting from the recommendations within this report.

Equalities:

Any equalities implications identified through the investigation of complaints are duly investigated and reported on.

Other Implications:

There are no other implications resulting from the recommendations within this report.

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Background Papers

None

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QUARTER 2 UPDATE OF COMPLAINTS (April – September 2023)

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2022-11	25/9/2022	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Awaiting outcome from external investigation	TBC
ADC2022-13	26/10/2022	District Councillor	District Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Completed. Letter of apology issued	Local Resolution agreed
ADC2022-17	2/2/2023	Public	District Councillor	2.2 Contrary to high standards of conduct.	Completed- subject to Independent Person comments.	TBC
ADC2023-01	14/08/2023	Councillor	District Councillor	1.1,1.2, 2.1, 2.2, 5.1 and 6.1	Early stages of review	Ongoing
ADC2023-02	15/08/2023	Public	District Councillor	1.1,1.2, 2.1, 2.2, 5.1 and 6.1	Early stages of review	Ongoing

GIFTS AND HOSPITALITY: April – September 2023

REFERENCE	DATE OF GIFT/HOSPITALITY	TYPE
N/A	N/A	None received

Long-Term Ongoing

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2020-04	26 June 2020	Public District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.5 Confidentiality	Further discussions to be arranged with subject member – seeking informal resolution	