

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Tuesday, 19th March, 2024 at 7.00 pm

Present: Councillor Lee Waters in the Chair;

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

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

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

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

No declarations of interest were made.

SP.13 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 3 October 2023, be received and approved as a correct record

SP.14 Annual Governance Review

The Executive Director for Governance and Monitoring Officer presented an overview of the work of the Standards and Personnel Appeals Committee during 2023/2024 including proposals for the new workplan for 2024/25.

Members acknowledged that the workplan was almost complete apart from the review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police. Over the past year, the Executive Director had experienced difficulties contacting the Police to commence the review but a new SPOC (Single Point of Contact) was now in post and so it was hoped that the review could finally take place later this year.

Each item on the new workplan for 2024/25 was presented to Members for consideration and it was acknowledged that the review of the Members' Code of Conduct would be a large piece of work that would be taking place over some months, with the addition of informal group meetings to progress the work as required.

The Assistant Director for Democracy advised that no declarations for Gifts and Hospitality had been submitted during the previous year and that 8 formal Member complaints had been received during 2023 with a further 3 being submitted during the first quarter of 2024. Committee was asked to note that the complexity of Member complaints was increasing which had resulted in officers spending an inordinate amount of time trying to analyse and respond to them. It was also acknowledged that complainants were becoming far more demanding in their dealings with officers (regarding submitted complaints) whilst demonstrating a far more aggressive and ruder stance.

The Scrutiny Research Officer then proceeded to give a progress update regarding new DBS checks for Members. It had proved to be a difficult exercise with only 18 Members having completed the process to date. There were various reasons as to why 17 Members had still not completed their DBS applications, and these were being worked through by officers to find resolutions.

In respect of Member training, it had been agreed that sessions would be arranged during the month of July 2024 to enable Members to complete their mandatory and discretionary training as required. All arranged sessions would be available to all Members to allow refresher training to be undertaken if desired.

RESOLVED

that the following be received and noted:

- a) progress made in relation to the agreed 2023/24 workplan;
- b) the content of the new workplan for 2024/2025;
- c) the update regarding declarations of Member gifts and hospitality;
- d) the update regarding Member complaints;
- e) the update regarding progress against completion of DBS checks;
- f) the update regarding Members' training.

SP.15 Members' Code of Conduct Review

The Executive Director for Governance and Monitoring Officer presented the report and provided an overview of the recent Internal Audit review of the Members' Code of Conduct. Outcomes and subsequent recommendations had been identified and were conveyed to Members for consideration.

A reasonable level of assurance had been given following completion of the review and this was acknowledged by the Committee. Some positive assurance was given in respect of the Members' Code of Conduct, the handling of Member complaints and the functionality and format of the Standards Committee.

However, some control issues had been identified which posed minor risks to the Council and these were in respect of the following:

Handling Complaints

To date, the Independent Person had not been asked to submit an annual report to Council regarding their view on the Council's standards arrangements which could result in Members not being sufficiently informed.

Standards Committee

Members were asked to consider whether to cease applying political proportionality to the Committee with a view to increasing the public's confidence that complaints could be dealt with impartially.

Co-Opted Members

It had been suggested that Members could consider trying again to recruit Co-Opted Members to the Standards and Personnel Appeals Committee.

To conclude, Members considered and provided feedback on each of the recommendations for improvements as part of the ensuing debate.

RESOLVED that

- a) the overview of the internal audit review of the Members' Code of Conduct, outlined in the report, be received and noted;
- b) the Independent Person be requested to contribute to an annual report setting out their views on ethical standards at the Council to be presented to the Standards and Personnel Appeals Committee by the Chairman of the Committee;
- c) political proportionality to continue to apply to the Standards and Personnel Appeals Committee but consideration be given to inviting Members from opposition groups to informal Working Group meetings should the need arise;
- d) the Executive Director of Governance and Monitoring Officer be requested to submit a report to the July meeting regarding options for recruiting a second Independent Person and Co-opted Members to the Committee;
- e) consideration towards aligning information on disclosure of interests with the LGA's Model Code of Conduct be undertaken as part of its 2024/25 Work Programme review of the Members' Code of Conduct;
- f) the Member/Officer Protocol be reviewed and updated to ensure it remains consistent with other parts of the Council's Constitution;
- g) arrangements to be made for all Members to complete their mandatory ethical standards training during July 2024;
- h) the Member Complaints Process and the Complaints Form to be reviewed and updated as part of the Committee's 2024/25 Work Programme.

SP.16 Annual Constitution Review

The Scrutiny Research Officer presented the report which detailed the proposed annual changes to the Constitution for the 2024/25 municipal year. Members were asked to note that the proposed changes were minimal and were directed to the table contained in the report which highlighted the amendments for consideration.

RESOLVED

that the proposed changes to the Council's Constitution for 2024/25, as outlined in the report and presented at the meeting, be endorsed and submitted to the annual meeting of the Council for approval.

SP.17 Whistleblowing Policy Annual Update

The Executive Director of Governance and Monitoring Officer presented the report and asked Members to note that a review of the Whistleblowing Policy had been undertaken and no changes were required at this time.

There had been three reported incidents of whistleblowing drawn to the Monitoring Officer's attention over the past year, one anonymously and two from members of the public. Having been fully investigated, it had been found in all three cases that no further actions were recommended or required.

RESOLVED

that the following be received and noted:

- a) operation of the Whistleblowing Policy during 2023/24 to date;
- b) following review, no changes being made to the Whistleblowing Policy document.

The meeting closed at 8.30 pm

Chairman.