

**ASHFIELD DISTRICT COUNCIL**



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

## **Agenda**

# **Standards and Personnel Appeals Committee**

Date: **Tuesday, 19th March, 2024**

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Time: **7.00 pm**

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

For any further information please contact:

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01623 457317

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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

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## SUMMONS

You are hereby requested to attend a meeting of the Standards and Personnel Appeals Committee to be held at the time/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 3 October 2023. 5 - 10
4. Annual Governance Review. 11 - 22
5. Members' Code of Conduct Review. 23 - 32
6. Annual Constitution Review. 33 - 38
7. Whistleblowing Policy Annual Update. 39 - 44

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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 Tuesday, 3rd October, 2023 at 7.00 pm

**Present:** Councillor Lee Waters in the Chair;

Councillors Paul Grafton, Oliver Hay and  
Dave Shaw.

**Apologies for Absence:** Councillors Kier Barsby, Jamie Bell and  
Phil Rostance.

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

**In Attendance:** Duncan Deaves (Selston Parish Council  
Representative).

### **SP.7 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

No declarations of interest were made.

### **SP.8 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 15 July 2023,  
be received and approved as a correct record, subject to it being recorded that  
Councillors Warren Nuttall and Sarah Madigan were also in attendance at the  
meeting.

### **SP.9 Member Training and Induction Programme**

The Scrutiny Research Officer presented the report, which had been added to  
the Standards Workplan earlier in the year to enable Members to reflect and  
provide feedback in respect of the Council's Member Induction Programme  
following the District Elections in May 2023.

A summary of the Induction Programme itinerary was then presented including  
details of the Induction Day which had enabled the Council to welcome new  
Members and settle them into their new surroundings. This has included the  
following:

- signing of Declaration of Acceptance of Office with the Chief Executive
- photos for Website and Security Cards
- completion of Register of Interest Form

- collection of new Samsung tablet and basic training
- sign up for HR and Payroll details
- introductory conversations with officers.

The 2023 Induction Programme had been developed, taking into account Committee Members suggestions to hold the event over 3 days whilst providing smaller training groups to enable better integration and involvement. Extra sessions were included in respect of IT training and Member behaviour and standards, which had been delivered externally by the Local Government Association (LGA). An external provider was also appointed to deliver sessions in respect of chairing meetings and the scrutiny process.

New training topics had been introduced including local government finance, neighbourhoods, housing and community safety. The programme of events had been demanding but had provided a wide range of training topics to give new Members a comprehensive start to their new roles.

In an effort to ensure Members are kept up to date with training requirements throughout their 4 year term of office, the Democratic Services Team were keeping detailed records of all individual training completions and requirements (including details to Group Leaders of non-attendances). This would hopefully ensure that all training access/development would remain available and be delivered in a timely manner over the next 4 years.

Members then assessed the success, or otherwise, of the Council's induction programme and responded as follows:

<b>Induction Programme Elements:</b>	<b>Member Responses:</b>	<b>Officer Responses:</b>
3 Day Programme of Events	Training was nicely spaced out over the 3 day period	Noted
Smaller Training Groups	It was helpful to be in smaller groups and less intimidating. Members contributed more because of this	Noted
Variety of Training Topics	Really Good	Noted
Internal/Officer Training Providers	The IT training session was great, and it was helpful to be offered further one to one training if required	Noted
External Training Providers	LGA Trainer was excellent and explained everything well	Noted
Refreshments	Really Good	Noted

Follow Up Sessions	These were well provided but there should be a firmer Council response to Members who continue to fail to complete their training	Noted
After Care	1. It may have been helpful to have had a follow-up day during June to receive feedback and deal with any queries	Good idea and will look to arrange for next time
	2. It would have been useful for officers to have handed out their contact details after their training sessions	There is currently a review taking place with SLT and Leadership regarding the provision of effective Member/officer communications with the development of a communications policy
	3. Online training should have been ready to roll out straight after the induction programme and promoted more with Members	Apologies extended but advised that there were ongoing technical issues with the online training system which has caused delays
	4. It would have been helpful to have received the training slides after the training sessions	The slides were shared with new Members after the induction programme but accept that further training material, building on the face to face session, would have been helpful
	5. Is there currently a budget for individual Member training?	Yes, there is a small pot and Members can request individual training via pro-forma submitted to the Democratic Services Team. A copy of the Member Development Strategy will be re-circulated to Members for information

	6. Would it be possible for Members to periodically receive a copy of their training records for information?	Yes, this is something that the Democratic Services Team can look at doing on a periodic basis
Lessons Learnt		There is scope for providing hybrid training sessions next time to enable greater accessibility

**RESOLVED**

that the feedback/comments/suggestions received in respect of the Member Induction Programme for 2023, be accepted and considered by the Democratic Services Team accordingly.

(During consideration of this item, Councillor Dave Shaw entered the meeting at 7.27pm.)

**SP.10 Quarterly Complaints and Gifts and Hospitality Monitoring**

The Assistant Director for Democracy presented the report and advised Members that two new formal complaints had been received by the Authority since the last meeting of the Committee. Work was continuing on all the current complaints outlined in the report which had now been reduced to five in total following some successful completions.

**RESOLVED that**

- a) the updated position in respect of Member complaints as at June 2023, as outlined at Appendix A to the report, be received and noted;
- b) it be also noted that no declarations of received gifts and hospitality were received from July to September 2023;
- c) the Assistant Director for Democracy be requested to ensure that a note be placed on any future reports, stating that any discussions on Member complaints are only at an operational level and do not involve any details in respect of individual cases.

**SP.11 Standards Workplan 2023/24**

The Chairman requested the Executive Director for Governance to give Members an update in respect of progress against the 2023/24 Standards Workplan, which was duly given.

The meeting closed at 7.56 pm

Chairman.





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<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>19 MARCH 2024</b>
<b>Heading:</b>	<b>ANNUAL GOVERNANCE REVIEW</b>
<b>Executive Lead Member:</b>	<b>N/A</b>
<b>Ward/s:</b>	<b>N/A</b>
<b>Key Decision:</b>	<b>N/A</b>
<b>Subject to Call-In:</b>	<b>N/A</b>

### Purpose of Report

- To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2023/2024
- To consider work plan items for 2024/2025
- To receive an update regarding declarations of Member gifts and hospitality
- To receive an update in relation to Member Code of Conduct complaints to date
- To receive an update regarding DBS checks
- To receive an update regarding Members' training

### Recommendation(s)

Committee is asked to:

1. Note the progress made in relation to the agreed 2023/24 work plan;
2. Consider future work plan items for 2024/2025;
3. Note the update regarding declarations of Member gifts and hospitality;
4. Note the update regarding Member complaints;
5. Note the update regarding DBS checks;
6. Note the update regarding Members' training.

### Reasons for Recommendation(s)

To enable the Committee to carry out its role in monitoring ethical governance.

### Alternative Options Considered

Options are considered within the body of the report.

## Detailed Information

### WORK PLAN – 2023/2024

At its meeting in July 2023, the Committee agreed a programme of work for the 2023/2024 year.

The table below sets out the work item, the agreed timeframes and an update in relation to the progress made:

<b>Proposed Work Item</b>	<b>Timeframe</b>	<b>Progress</b>
<p><b>1. Quarterly Update</b></p> <p>A report to Committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members and to update Members in respect of Declarations of Gifts and Hospitality.</p>	<p>July 2023 October 2024 December 2023 March 2024</p>	<p>Complete</p> <p>Further update included in this report</p>
<p><b>2. Constitution Changes</b></p> <p>To consider proposed changes to the Constitution for recommendation to Council.</p>	<p>July 2023</p>	<p>Complete</p>
<p><b>3. Members' Training and Induction Programme</b></p> <p>To review the success of the Members' Induction Programme and review / develop ongoing training.</p>	<p>October 2023</p>	<p>Complete</p> <p>Further update included in this report</p>
<p><b>4. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</b></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>	<p>October 2023</p>	<p>No update from Police - ongoing</p>
<p><b>5. Review of the Members' Code of Conduct and related documents</b></p>	<p>December 2023 March 2024</p>	<p>Report appears on this agenda. Will be an ongoing work plan item for 2024/25</p>

To review the Members' Code of Conduct to consider amendments. In conjunction with this, to review related documents such as the Complaints Process, Member/Officer Protocol.		
<b>6. Whistleblowing Policy</b>  Annual report to consider amendments (if required) to the policy and to monitor the application of the policy	March 2024	Complete  Report appears on this agenda.
<b>7. Annual Review</b>  Report to consider the work of the Committee over the year compared to the Work Plan  To consider an overview of the ethical governance of the Council	March 2024	Complete  This report.
<b>8. Constitution Review</b>  Consideration of proposed amendments to the Constitution for recommendation to Council	March 2024	Complete  Report appears on this agenda.

**Committee is therefore asked to note the progress made in relation to the agreed work plan.**

#### **FUTURE WORK PLAN ITEMS FOR 2024/25**

Work Plan items for 2024/25 are suggested below. Members may wish to suggest other items for inclusion.

<b>Proposed Work Item</b>	<b>Timeframe</b>
<b>1. Quarterly Update</b>  A report to Committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members and to update Members in respect of Declarations of Gifts and Hospitality.	July 2024 October 2024 December 2024 March 2025
<b>2. Members' Training Programme</b>  To review the success of the Members' Induction Programme and review / develop ongoing training.	July 2024
<b>3. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</b>	October 2024

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	
<b>4. Review of the Members' Code of Conduct and related documents</b>  To review the Members' Code of Conduct to consider amendments. In conjunction with this, to review related documents such as the Complaints Process, Member/Officer Protocol in accordance with the recommendations of the Audit Review	July 2024 October 2024 December 2024 March 2025
<b>5. Whistleblowing Policy</b>  Annual report to consider amendments (if required) to the policy and to monitor the application of the policy	March 2025
<b>6. Annual Review</b>  Report to consider the work of the Committee over the year compared to the Work Plan  To consider an overview of the ethical governance of the Council	March 2025
<b>7. Constitution Review</b>  Consideration of proposed amendments to the Constitution for recommendation to Council	March 2025

**Committee is therefore asked to consider the proposed work plan items for 2024/2025.**

#### **GIFTS AND HOSPITALITY**

There are no declarations of Member gifts and hospitality to report.

**Committee is therefore asked to note the update regarding gifts and hospitality.**

#### **SUMMARY AND UPDATE OF MEMBER COMPLAINTS RECEIVED DURING 2023/24**

I have received 8 formal complaints during 2023 and 3 during the 1<sup>st</sup> quarter of 2024 to date regarding the behaviour of Councillors.

Of these 11 complaints:

- 6 complaints related to District Councillors during 2023
- 3 complaints related to District Councillors during 2024
- 2 complaints related to Parish Councillors during 2023
- 0 complaints related to Parish Councillors during 2024

Appendix 1 sets out the complaints in more detail.

Comparing the total number of complaints since 2011:

YEAR	NUMBER OF COMPLAINTS	OBLIGATION BREACHED*	NUMBER DISMISSED AT INITIAL STAGE	ACTION (Investigation, Hearing, dismissed)	OUTCOME
2011	0				
2012	13				
2013	15				
2014	8				
2015	12				
2016	4				
2017	18				
2018	24				
2019	14				
2020	10				
2021	6				
2022	3				
2023	8	<b>6 - Contrary to high standards of conduct. And Disrepute (2.2 &amp; 2.3) 2 – Respect and Bullying (1.1 &amp; 2.1)</b>	1	7 Investigated	6 not upheld 1 local resolution 1 dismissed
2024	3	<b>3 - Contrary to high standards of conduct &amp; Disrepute (2.2 &amp; 2.3)</b>	0	3 Investigated	3 ongoing

**Committee is therefore asked to note the number of Member complaints received during 2023/24 to date as summarised in the report and the current outstanding complaints as detailed in Appendix 1.**

## **MEMBERS' DBS APPLICATIONS**

The current Policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-opted Members was adopted in 2019. The Policy was further reviewed in early 2023 to ensure it aligned with current legislation.

In order to protect those who are most vulnerable in society, the Council adopted a policy for all Members to undergo a basic level DBS check within 2 months of taking office following election. A basic level check would disclose details of convictions and conditional cautions considered unspent under the terms of the Rehabilitation of Offenders Act 1974. The costs of the check (currently £18) are deducted from the Members' Allowances. The Policy sets out the processes and what happens if a disclosure is made as part of the check.

Following the District Elections in May 2023, and in alignment with the Policy, all Members were asked to complete an application for a basic DBS check. During the first induction day on 9 May 2023, representatives from HR were in attendance and provided Members with guidance on how to complete the application for the basic DBS check, as well as the identification required to complete the application.

As of 1 March 2024:

- 18 Members have applied and received clearance for the basic DBS check
- 17 Members are yet to receive clearance for the basic DBS check
  - This group includes:
    - Members that have applied for a basic DBS check but have not provided the necessary identification
    - Members who have provided some/all of the necessary identification but have not completed a basic DBS check application
    - Members who have applied but have not provided any of the necessary identification
    - Members who have not provided any of the necessary identification and have not started or completed a basic DBS application

Efforts are continuing to ensure all Members complete the basic DBS check application and provide the necessary identification.

## **MEMBER TRAINING**

Following the Member Induction Programme undertaken following the District Elections in May 2023, a number of follow-up sessions were arranged to provide Members who could not attend the induction sessions with the opportunity to carry out both mandatory and advisory training. Members also have access to ELA, the Council's e-learning platform, through the issued tablet devices.

As part of the Council's ongoing commitment to ensure Members receive timely and role specific training, the Standards and Personnel Appeals Committee have reviewed the Member Development Strategy during 2023. The strategy sets out the importance of regular scheduled training in addition to individual training for role specific positions.

Analysis of the member training attendance data demonstrates that there are still gaps in required training. This data was reported to the Standards and Personnel Appeals Committee on the 3 October 2023.

As part of plans following the 2024 Annual Council Meeting, a refresher training month is proposed to take place during July 2024. Sessions will be arranged throughout the month to:

- Provide mandatory training to those who have yet to complete it (e.g., Ethical Governance/Equalities/Safeguarding/GDPR)
- Offer refresher training to any Member who is interested



- Provide training, as required, to any Member with new special responsibilities following the 2024 Annual Council Meeting

**Members are asked to consider what sessions would be most useful as part of the July 2024 training refresher month.**

**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:**

This report is presented in accordance with the Terms of Reference for this Committee as set out in the Constitution.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

**Risk:**

Risk	Mitigation
Lack of transparency. Lack of monitoring. Failing to meet the duty of maintaining high standards of behaviour	The work plan for this Committee, the quarterly update reporting and this Annual report ensures the Council is open and transparent in the way it deals with ethical governance.  The reporting and work of the Committee demonstrates the Council's commitment to maintaining high levels of ethical behaviour.

## **Human Resources:**

There are no significant Human Resource issues identified in the report.

## **Environmental/Sustainability:**

There are no significant Human Resource issues identified in the report.

## **Equalities:**

There are no significant Human Resource issues identified in the 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**

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## QUARTER 1 UPDATE OF COMPLAINTS (April 2023 – March 2024)

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2024/08	8/3/2024	District Councillor	District Councillor	2.2 Contrary to high standards of conduct.	Initial scoping being undertaken	TBC
ADC2024/07	21/2/2024	District Councillor	Parish Councillor	2.2 Contrary to high standards of conduct.	Initial scoping being undertaken	TBC
ADC2024-06	16/2/2024	Public	District Councillor	2.2 Contrary to high standards of conduct.	Initial scoping being undertaken	TBC
ADC2023-01	14/08/2023	District Councillor	District Councillor	1.1 Respect 2.1 Bullying	Completed	Local Resolution

				2.2 Contrary to high standards of conduct. 2.3 Disrepute		
ADC2023-02	25/09/2023	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Completed	Local resolution
ADC2023-03	26/10/2022	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Completed	Local resolution
ADC2023-04	13/2/2023	Public	District Councillor/s	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Completed	Completed – Not Upheld
ADC2023-05	26/10/2022	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Completed	Local resolution
ADC2023-06	25/09/2023	Public	Parish Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Completed	Not Upheld

ADC2022-07	9/7/2023	Public	Parish Councillor	1.2 Respect 2.1 Bullying 2.2 Contrary to high standards of conduct.	Completed. Not submitted as formal complaint, asked for a call back which was attempted a number of times but no response.	Dismissed
ADC2023-08	30/11/2023	Public	District Councillors / Planning Committee Members	2.2 Contrary to high standards of conduct 2.3 Disrepute	Completed	Not Upheld

**GIFTS AND HOSPITALITY: April 2023– March 2024**

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	



<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>19 MARCH 2024</b>
<b>Heading:</b>	<b>MEMBERS' CODE OF CONDUCT REVIEW</b>
<b>Executive Lead Member:</b>	<b>N/A</b>
<b>Ward/s:</b>	<b>N/A</b>
<b>Key Decision:</b>	<b>N/A</b>
<b>Subject to Call-In:</b>	<b>N/A</b>

## Purpose of Report

To provide an overview of the Internal Audit review of the Members' Code of Conduct and identify and agree actions within the remit of the Committee in line with the recommendations of the report.

## Recommendation(s)

### **Committee is asked to:**

- 1. Note the overview of the internal audit review of the Members' Code of Conduct outlined in the report;**
- 2. Give consideration to:**
  - a) requesting the Independent Person make an annual report to Council setting out their view on standards at the Council**
  - b) whether the requirement for political proportionality should apply to the Standards and Personnel Appeals Committee and whether to make a recommendation to suspend proportionality to Council**
  - c) recruiting co-opted Members to the Standards and Personnel Appeals Committee**
  - d) aligning information on disclosure of interests with the LGA's Model Code of Conduct as part of its review of the Members' Code of Conduct**
  - e) reviewing and updating the Member/Officer Protocol to ensure it remains consistent with other parts of the Constitution**
  - f) ensuring arrangements are made for all Members to complete their mandatory ethical standards training**
  - g) reviewing and updating the Member Complaints Process and the Complaints Form**
  - h) recruiting a second Independent Person to ensure resilience**

## Reasons for Recommendation(s)

It is good practice for the Council's governance arrangements to be reviewed and tested regularly against best practice. The Members' Code of Conduct and associated processes and procedures form a part of this governance framework. The Members' Code of Conduct was last reviewed and an amended version adopted during 2021 taking into account the LGA's Model Code of Conduct. It is considered appropriate for the Council to review the Code of Conduct regularly and in order to inform this process a review of arrangements against best practice was undertaken by Internal Audit. The recommendations seek to implement the suggested improvements.

## Alternative Options Considered

The recommendations are based on the Internal Audit review report and findings and have been accepted by the Monitoring Officer as reasonable in order to ensure best practice and continual development and improvement. As such, it is recommended to approve the actions outlined, however, the Committee will have scope as part of the implementation of those actions to consider options and alternatives.

## Detailed Information

### **Background**

Robust Corporate Governance ensures organisations are doing the right things in the correct manner in an open, honest, inclusive and accountable way. Good governance leads to good management, performance and outcomes. The Council has a framework of policies and procedures in place which collectively make up its governance arrangements.



It is good practice for the Council's governance arrangements to be reviewed and tested regularly against best practice. The Monitoring Officer requested a review by Internal Audit focused on the Members' Code of Conduct and related processes and arrangements against best practice to inform the planned review by the Committee of current arrangements.

The Internal Audit review was able to provide a reasonable level of assurance. There is a generally sound system of governance, risk management and control in place with some issues, non-compliance or scope for improvement being identified.

The report will:

- ❖ Set out the positive assurance identified
- ❖ Identify minor risks for consideration by the Committee
- ❖ Identify control weaknesses and areas for improvement
- ❖ Seek approval for improvement actions to assist with the Committee's review of the current Members' Code of Conduct and related arrangements

## **Positive Assurance**

The following adequate controls were identified by Internal Audit to be in operation:

### Members' Code of Conduct

- The Members' Code of Conduct formed part of the Council's Constitution and was last revised and adopted by the Council at the May 2021 Annual General Meeting. The Code was subject to biannual review and we confirmed this review was on the Standards and Personnel Appeals Committee workplan for December 2023 onwards.
- Further guidance on declaration of interests had been circulated to Members by the Monitoring Officer.
- A publicly available Register of Member Interests was held on the Council's website. All declarations had been refreshed following the May 2023 elections and, for a sample of 6 continuing Members, there was an audit trail demonstrating that declarations had been periodically refreshed and guidance had been sought from Democratic Services as necessary.
- The standard agendas for all committees provided for the declaration of interests by Members.

### Handling Complaints

- The Member Complaints Process set out that prior to the formal assessment of a complaint, the Monitoring Officer must be satisfied that the complaint met a number of criteria:
  - That it is against one of more named Members of the Authority or an Authority within their jurisdiction.
  - That it is about a Member who was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
  - That if proven, it would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.
  - That the Member was acting in their official capacity when the alleged conduct took place.

- Following this, an assessment should be made in consultation with the Independent Person of the appropriate action to take. This could be:
  - Refer the matter for investigation.
  - Resolve the complaint informally with other action.
  - Take no further action.
- The Member Complaints Process set out a number of relevant factors the Monitoring Officer could consider when determining the appropriate action to take.
- A sample of 4 complaints were considered and found that, in one case, the complaint did not meet the initial criteria and the reasons for this were clearly communicated to the complainant. In a further case one element of the complaint was assessed and it was determined that no further action would be taken as records indicated that the alleged incident had not taken place. Again, this decision was clearly communicated to the complainant.
- The Standards and Personnel Appeals Committee had a Hearings Sub-Committee which comprised a maximum of 3 Members selected by the Monitoring Officer. The Sub-Committee considered complaints referred to it by the Monitoring Officer in consultation with the Independent Person. There had been no standards hearings in recent history.
- The most recent internal investigation took place in 2019. The majority of complaints passing the initial review stage were dealt with through informal resolution. Discussion with the Monitoring Officer confirmed that there were a number of options in place for appropriate persons to carry out an investigation should this be necessary.

#### Standards Committee

- A Standards and Personnel Appeals Committee was in place and met quarterly.
- The terms of reference for the Standards and Personnel Appeals Committee covered the duty to promote and maintain high standards, including the delegation *“To promote and maintain high standards of conduct by Members and Officers.”* The Committee’s workplan clearly included activities related to this duty, for example the reviews of Members’ training and the Members’ Code of Conduct and related documents.

#### **Minor Risk Issues**

During the course of the audit, Internal Audit identified control issues which are considered to pose only a minor risk to the Council. As such, these were not raised as formal recommendations.

#### Handling Complaints

The Independent Person had not been asked to submit an annual report to full Council setting out their view on standards at the Council, to provide assurance on governance arrangements. There is a risk that Members will not be sufficiently informed of the Council’s status with regard to standards.

**Committee is asked to consider requesting the Independent Person make an annual report to Council setting out their view on standards at the Council.**

#### Standards Committee

Proportionality - Members had not given full consideration to the impact of the political bias of the Standards and Personnel Appeals Committee. 6 of the 7 members of the Committee were from the ruling party based upon political proportionality rules, as such it was suggested that there is a risk of low public confidence that complaints will be dealt with impartially, which may cause reputational damage to the Council.

**Internal Audit suggested the Committee gives consideration to whether the requirement for political proportionality should apply to the Standards and Personnel Appeals Committee and whether to make a recommendation to suspend proportionality to Council.** Suspending proportionality could contribute to increasing public confidence that any complaints brought to the Hearings Sub-Committee will be dealt with impartially.

Co-opted Members - There are no co-opted Members on the Standards and Personnel Appeals Committee. Although there was approval for up to 2 Members, previous attempts at recruitment had been unsuccessful. If there are no co-opted Members on the Standards and Personnel Appeals Committee there is a risk that this further reduces the perception of political neutrality.

Internal Audit suggest that the **Committee considers trying to recruit co-opted Members to the Standards and Personnel Appeals Committee.**

### **Recommendations for Improvements**

The recommendations are summarised as follows:

#### Members' Code of Conduct

Best practice expects that the Members' Code of Conduct would be in accordance with the Local Government Association (LGA) Model Code of Conduct and incorporate best practice recommendations of the Committee for Standards on Public Life.

The Members' Code of Conduct had been substantially revised in May 2021 to incorporate elements of the LGA Model Code of Conduct, following a series of Standards and Personnel Appeals Committee Working Group meetings. A review of the Members' Code of Conduct and related documents including the Member Complaints Process and the Member/Officer Protocol was included in the Standards and Personnel Appeals Committee Workplan for 2023/24.

A detailed review of the Members' Code of Conduct was undertaken by Internal Audit which identified some inconsistencies with the LGA Model Code of Conduct relating to the disclosure of interests, which the Standards and Personnel Appeals Committee should consider when conducting its review. Specifically:

- Differences in terminology and the nature of Other Registerable Interests.
- Differences in the impact of Other Registerable Interests and Non-Registerable Interests in meetings.

**The Committee is asked to consider aligning information on disclosure of interests with the LGA's Model Code of Conduct as part of its review of the Members' Code of Conduct.**

#### Member/Officer protocol

The Council's Member/Officer Protocol was dated 2015 and as such is due a review to ensure it remained consistent with other parts of the Constitution and maintained current best practice. A review of the Member/Officer Protocol was included in the Standards and Personnel Appeals Committee Workplan for 2023/24. Having considered the current Member/Officer Protocol Internal Audit identified some ambiguity and lack of detail in the arrangements for Members contacting officers to request information. This ambiguity has already been dealt with via the introduction of the Member/Officer Communication Protocol at the end of December 2023.

**The Committee is asked to review and updated the Member/Officer Protocol to ensure it remains consistent with other parts of the Constitution.**

#### Training on the Members' Code of Conduct

Members are periodically reminded by email from the Monitoring Officer of their responsibilities under the Code of Conduct and that the Members' Code of Conduct is prescribed mandatory training. This includes a requirement for Code of Conduct/Ethical Governance training to be completed at the point of election and on subsequent re-election(s). A Member induction programme was delivered immediately following the May 2023 elections. The "*Being a Councillor*" and "*Ethical Governance*" sessions covered ethical standards, the Members' Code of Conduct, Member/Officer relationships, declaration of interests, gifts and hospitality, and how breaches of the Members' Code of Conduct were dealt with. These sessions were delivered in conjunction with the LGA.

Training registers confirmed that 27 out of the 35 Members had attended the "*Being a Councillor*" training and 22 of the 35 Members had attended the "*Ethical Governance*" training. Arrangements for mop up sessions have not yet been made. Further targeted training on the Code of Conduct had been provided to Members of the Standards and Personnel Appeals Committee and all relevant Members had attended.

**Committee is asked to ensure arrangements are made for all Members to complete their mandatory ethical standards training.**

#### Gifts and Hospitality

It is expected that all Members would disclose any gifts and hospitality offered to them in accordance with the Code of Conduct and there is a Register of Gifts and Hospitality in place. The declaration form requires certification by the Chief Executive, Chief Finance Officer or Monitoring Officer. Members are periodically reminded by the Monitoring Officer about the requirement to declare any offers of gifts or hospitality received and it was also included in the Member induction training in May 2023.

The Standards and Personnel Appeals Committee receives an update regarding any declarations of gifts and hospitality at each meeting. There had been no entries on the Register in 2023/24, the last entry being in April 2022. Internal Audit found that it was not clear from the report presented to the Committee whether this offer of hospitality had been accepted or declined and recommended that this was made clear in future reports.

Quarterly reports to Committee in future will confirm whether any gifts and hospitality reported were accepted or declined.

#### Handling Complaints

It is expected that the Member Complaints Process would incorporate best practice guidance and recommendations from the LGA and the Committee on Standards in Public Life. The Member Complaints Process was last updated in May 2018 and as such would benefit from review. A review was included in the Standards Committee Workplan for 2023/24.

Consideration had been given to incorporating best practice recommendations of the Committee for Standards on Public Life into the Member Complaints Process. An update on progress was presented to Members in June 2022, demonstrating that the Standards and Personnel Appeals Committee was appraised of the recommendations and was considering how they could be incorporated.

The Member Complaints Process was reviewed against the LGA's "*Guidance on Member Model Code of Conduct Complaints Handling*" and the best practice recommendations of the Committee for Standards on Public Life and Internal Audit identified several aspects the Council may wish to strengthen to better align its process with best practice, for example the publishing of decisions made on complaints. Detailed comments have been passed to the Monitoring Officer for discussion with the Standards and Personnel Appeals Committee as part of the review.

It is expected that the Member Complaints Process would be easily accessible to the public and facilitated by a readily accessible and up to date complaint form. The Member Complaints Process could be accessed through a simple search of the Council's website. However, the Member Complaint form which accompanied the Process, contained out of date information and had not been reviewed for some time.

There is only limited information on target timescales for resolving complaints documented in the Member Complaints Process. The process stated that the assessment decision would normally be taken within 20 working days of receipt of a complaint. However, timeframes were not defined for:

- Implementing any informal resolution.
- Completion of an investigation.
- The convening of a hearing following a final investigation report.

Data on these timeframes was also not routinely collated for monitoring purposes.

It is expected that the decision-making process is impartial. There is no provision in the Member Complaints Process for considering at the assessment stage whether the Monitoring Officer had any conflicts of interest and how to proceed if such a situation should arise. In practice conflicts of interest are considered, for example one of the sample of complaints examined had been delegated to an alternative officer due to a conflict of interest. It is suggested that as part of the review of the process, to set out what should happen where there is a conflict of interest.

**The Committee is asked to review and updated the Member Complaints Process and the Complaints Form.**

#### Recording of Complaints

It is expected that all complaints and the progress against them would be adequately recorded. There is no central database maintained for the recording of Member complaints, electronic folders relating to individual complaints are however maintained. A sample of 5 complaints were considered by Internal Audit to confirm that the complaints process had been correctly followed. The recording of progress of complaints and management of documentation relating to them needs improvement.

A database will be set up whereby the progress of complaints can be recorded and monitored and all documentation and correspondence relating to complaints is retained in a logical electronic filing system.

### Independent Person

The Council had appointed an Independent Person, who had been in post for approximately 10 years. There is only one Independent Person actively in post. If there is only one Independent Person in post, there is a risk that in the case of absence of this person, Member complaints cannot be progressed in compliance with the Member Complaints process.

**The Committee is asked to consider recruiting a second Independent Person to ensure resilience.**

### Standards Committee

It is expected that the Standards and Personnel Appeals Committee receives regular updates on complaints. Quarterly reports are presented to the Standards and Personnel Appeals Committee detailing progress of complaints in the period. The Annual Ethical Governance Update presented to the Committee also sets out the number of complaints received in the year and how that compared with previous years. However, this report did not provide further detail to inform Members overall understanding of complaints, for example:

- The number of complaints dismissed at initial review stage
- A breakdown of complaints addressed through no action, informal resolution and investigation
- A breakdown of complaints by Code of Conduct obligation breached
- Average time taken to resolve complaints

Going forward, additional information will be presented in the Annual Ethical Governance Update to the Standards and Personnel Appeals Committee

### 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:

Section 27 of the Localism Act 2011 (the Act) placed a duty on the Council to promote and maintain high standards of conduct. Section 28 of the Act requires the Council to adopt a Members' Code of Conduct. Sections 29 – 33 of the Act make provisions regarding Interests. [RLD 08/03/2024]

Finance: No direct financial implications arising from this report. [PH 11/03/2024].

Budget Area	Implication
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General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
Failure to take into account legislative and best practice requirements regarding standards of ethical behaviour.	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.

**Human Resources:**

No significant HR implications. [KB 08/03/2024]

**Environmental/Sustainability:**

There are no environmental/sustainability issues outlined in the report.

**Equalities:**

Equalities issues will be taken into account as part of the implementation of the recommendations.

**Other Implications:**

None.

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

None

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<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>19 MARCH 2024</b>
<b>Heading:</b>	<b>ANNUAL CONSTITUTION REVIEW</b>
<b>Executive Lead Member:</b>	<b>N/A</b>
<b>Ward/s:</b>	<b>N/A</b>
<b>Key Decision:</b>	<b>N/A</b>
<b>Subject to Call-In:</b>	<b>N/A</b>

## **Purpose of Report**

The purpose of this report is to detail proposed changes to the Constitution to the Standards and Personnel Appeals Committee for consideration and comment prior to being reported to the Annual Council Meeting in May 2024.

## **Recommendation(s)**

Members of the Standards and Personnel Appeals Committee are recommended to:

- a. Consider the proposed changes to the Constitution.
- b. Consider any additional changes to the Constitution.
- c. Make comments and recommendations regarding the Constitution to the Annual Council Meeting.

## **Reasons for Recommendation(s)**

To ensure that the Council's Constitution remains up to date and fit for purpose, it is reviewed annually. The remit of the Standards and Personnel Appeals Committee includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

## **Alternative Options Considered**

Alternatively, the Council could choose not to update the Constitution. However, this would be contrary to best practice and reduce the value of the document: both to the Council and the wider community as an authoritative guide to how the Council operates.

## Detailed Information

### CONSTITUTION REVIEW 2024

It is good practice to review the Constitution regularly, and it is the Council's practice to carry out a set review annually.

As part of this process, each section of the Constitution is circulated to Officers, including:

- Executive Director, Governance and Monitoring Officer
- Corporate Resources Director
- Assistant Director, Legal
- Assistant Director, Democracy
- Assistant Director, Planning
- Service Manager, Commercial Development
- Licensing Manager
- Procurement and Projects Officer

The below table sets out proposed amendments made by Officers in line with changes to policy and legislation. Formatting changes are made throughout the document where necessary. Changes to role titles are changing through the document where necessary.

<b>Part of the Constitution</b>	<b>Proposed Amendments</b>
<b>Part 1 – Summary</b>	No changes proposed.
<b>Part 2 – Articles</b>	Clarification to the exclusions section of the Council's Petition Scheme.
<b>Part 3 – Functions and Delegations</b>	No changes proposed.
<b>Part 4 – Rules of Procedure</b>	Clarification to the exclusions section of the Council's Petition Scheme.  <b><u>Council Procedure Rules –</u></b>  Clarification on the processes relating to Member Questions and Motions On Notice to Council.  <b><u>Contract Procedure Rules –</u></b>  Changes are expected as a result of new procurement legislation. Full details of the changes, and how they will impact the Council's

	Contract Procedure Rules, are not expected to be known until late 2024. The Contract Procedure Rules will be updated accordingly when this information becomes available.
<b>Part 5 – Members’ Code of Conduct</b>	No changes proposed are proposed as part of the Annual Constitution Review. The Standards and Personnel Appeals Committee will consider the Members’ Code of Conduct as part of the Committee’s 2024/25 work plan.
<b>Part 6 – Member/Officer Protocol</b>	No changes proposed.
<b>Part 7 – Allowances</b>	<p>Figures have been updated in line with the latest pay award.</p> <p><b>5: Inflation</b> - Corrected outdated reference to spinal column 49.</p> <p>Clarification added from the previous Independent Remuneration Panel regarding the Special Responsibility Allowance payable to the Leader of the Main Opposition Group and Deputy Leader of the Main Opposition Group.</p> <p>Amendment to clarify that where a Member is using an electric or hybrid vehicle on an approved duty outside of the District, they are able to claim mileage at Approved Mileage Allowance Payments rates.</p> <p><i>Note: The Independent Remuneration Panel conducted a review of Members’ Allowances in February 2024. The Panel will produce a final report including recommendations on the Council’s Scheme, to be presented to Council in April 2024. The outcome of this may result in further changes to the Members’ Allowances Scheme.</i></p>
<b>Part 8 – Management Structure</b>	The Senior Management Structure chart has been updated to the most current version.
<b>Part 9 – Employees Code</b>	No changes proposed.
<b>Part 10 – Planning Code</b>	No changes proposed.

## **Implications**

### **Corporate Plan:**

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

### **Legal:**

In accordance with Article 13 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. The Monitoring Officer is delegated the authority to make minor alterations to the Constitution or make amendments to reflect in year changes. Substantive changes to the Constitution must be approved by the Council.

### **Finance:**

There are no direct finance implications resulting from the recommendations within this report. The Constitution has been circulated to the Chief Finance Officer as part of the annual review process.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Not updating the Constitution on a regular basis would increase the risk of failing to reflect current legislation and practices which would negatively impact decision-making.	The Council's Constitution is reviewed annually to ensure it remains up to date and fit for purpose.

### **Human Resources:**

There are no direct HR implications resulting from the recommendations within this report. The Constitution has been circulated to HR Officers as part of the annual review process.

## **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:**

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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<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>19 MARCH 2024</b>
<b>Heading:</b>	<b>WHISTLEBLOWING POLICY ANNUAL UPDATE</b>
<b>Executive Lead Member:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>
<b>Key Decision:</b>	<b>NOT APPLICABLE</b>
<b>Subject to Call-In:</b>	<b>NOT APPLICABLE</b>

## **Purpose of Report**

The report provides the Committee with an update in relation to how the Whistleblowing Policy has operated in the preceding 12 months.

## **Recommendation(s)**

**Committee is asked to note how the Whistleblowing Policy has operated during 2023/24.**

## **Reasons for Recommendation(s)**

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the Committee's Terms of Reference as set out in the Constitution. To ensure the Whistleblowing Policy is reviewed regularly and kept up to date.

## **Alternative Options Considered**

As the report is for noting, there are no alternative options considered.

## Detailed Information

### **Whistleblowing Policy**

The Council has in place a Whistleblowing Policy which sets out a process for people to confidently report concerns, such as fraud. This policy makes it clear that people can report their concerns without fear of reprisals.

Paragraph 8.1 of the Whistleblowing Policy states that:

*“The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”*

A review of the policy has been undertaken and no changes are required at this time.

The Audit Committee received a whistleblowing update report at its meeting on 29 February 2024. The Committee noted the operation of the Policy over the preceding 12 months as set out below.

#### Application of Policy during the Preceding 12 Months

During the period starting April 2023 to the present, there have been **three** reports made under the whistleblowing policy drawn to the Monitoring Officer’s attention.

##### Complaint 2023-01

The complaint was raised anonymously. The complaint related to the practices of a third party supported housing supplier. Following internal review of the allegations made, the matter was referred to the Regulator for Social Housing. There were no further actions recommended for the Council to undertake.

##### Complaint 2023-02

The complaint was raised by a member of the public who made allegations that a member of staff was involved in sending malicious correspondence. The Monitoring Officer carried out an investigation into the allegation and found no evidence of the involvement in such activity by a member of staff. The Monitoring Officer liaised with the police in relation to the allegations. There were no further actions recommended.

##### Complaint 2023-03

The complaint was raised by a member of public relating to the processes for disposing of the Council's old fleet vehicles. The Monitoring Officer looked into the allegations made. The Council's practices relating to the sale of no longer fit for purpose vehicles had been considered as part of an internal audit review during 2021/22. The internal audit review concluded that there was substantial assurance and made recommendations on how to improve controls further included the procurement process for engaging auction houses for the disposal of old vehicles. The procurement of this service was underway at the time the matter was investigated. As such, satisfactory assurance is in place regarding the sale of old fleet vehicles and therefore no further action was recommended.



## Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy for the past 9 years to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY/ GRIEVANCE INVESTIGATION
2015	2	1	1	0
2016	2	0	1	1
2017	3	1	1	1
2018	3	1	0	2
2019	4	3	1	0
2020	1	0	1	0
2021	0	0	0	0
2022	1	1	0	0
2023	3	3	0	0
2024 to date	0	0	0	0

## 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 Whistleblowing Policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith. [RLD 19/02/2024]

**Finance:** No direct financial implications arising from this report. [PH 20/02/2024].

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:**

<b>Risk</b>	<b>Mitigation</b>
Failure to maintain integrity and confidence in the Whistleblowing Policy and its applications.	Annual reporting to the Audit Committee and Standards and Personnel Appeals Committee. Annual update on the application of the policy. Update reporting in accordance with the policy to the Whistleblower (if identified). Identification of trends in disclosure to inform Management. The review ensures compliance with the governance framework and assists with the annual governance review.

**Human Resources:**

Regular review, maintenance and consistent application of the Whistleblowing Policy infers good employment practices. As such it is important to maintain the integrity of the policy. There are no other Human Resource issues identified in the report. [KB 20/02/2024]

**Environmental/Sustainability:**

There are no Environmental/Sustainability issues identified in the report or the policies reviewed.

**Equalities:**

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any whistleblowing investigation.

**Other Implications:**

None

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

Not applicable

**Report Author and Contact Officer**

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