

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Monday, 16th December, 2024**

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:

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 23 July 2024.** 5 - 8
- 4. Quarterly Ethical Governance Update.** 9 - 16
- 5. Consultation on Remote Attendance.** 17 - 24

This page is intentionally left blank

Agenda Item 3

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Tuesday, 23rd July, 2024 at 7.00 pm

Present: Councillor Paul Grafton in the Chair;
Councillors Kier Barsby, Jamie Bell, Oliver Hay,
Phil Rostance and Dave Shaw.

Apology for Absence: Councillor Lee Waters.

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

SP.1 Appointment of Chairman

RESOLVED
that Councillor Paul Grafton be appointed as Chairman for the duration of the meeting.

SP.2 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

SP.3 Minutes

RESOLVED
that the minutes of the meeting of the Committee held on 19 March 2024, be received and approved as a correct record

SP.4 Standards and Personnel Appeals Committee 2024/25 Work Plan

The Executive Director of Governance and Monitoring Officer presented the report and took Members through the proposed items for the Committee Work Plan for 2024/25.

It was acknowledged that the Members' Code of Conduct and related documents review would be a significant piece of work that would be facilitated through a mix of informal and formal meetings of the Standards Working Group as required.

RESOLVED
that the Standards and Personnel Appeals Committee Work Plan for 2024/25, as presented, be approved.

SP.5 Quarterly Ethical Governance Update

The Assistant Director for Democracy presented the report and advised Members that four new complaints had been received by the Authority during the period April to June 2023. Three of the complaints related to District Councillors whilst the fourth had related to a Parish Councillor but had already been dismissed. In relation to the four outstanding complaints from the previous year, one had been resolved with no further action or breach identified.

Six complaints remained under consideration with two currently with the Independent Person, two at scoping stage and one longer term complaint awaiting further information from the complainant.

The Service Manager for Governance updated Committee in relation to the Gifts and Hospitality declaration that had been made during the first quarter and in accordance with the Council's current procedure. It was noted that the hospitality had been accepted.

Due to the July 2024 General Election and the availability of officers and Members during that time, it had been agreed to postpone the proposed July Member refresher training month until September 2024.

The refresher training month would include sessions in respect of the following:

- mandatory training to those Members who had yet to complete it in accordance with the requirements set out in Part 5 of the Constitution
- refresher training to any interested Members
- training, as required, to any Member with new special responsibilities.

Members were also directed to peruse upcoming events organised by the Local Government Association (LGA), which included training and development opportunities across a wide range of topics.

A debate took place and Committee discussed the following:

- the increase in complaints being sent to the Ombudsman and the additional work falling to the two Deputy Monitoring Officers to provide information and responses as required;
- concerns around complainants becoming more aggressive/demanding of officers at a much earlier stage and when outcomes are not accepted
- a suggestion that any future Member Complaint guidance contains information explaining the Ombudsman's remit and the fact that they examine whether there is fault in the way the Council makes decisions and not the decisions themselves

- a suggestion that future Committee updates indicate whether new complaints are for separate Councillors or if there is a pattern of behaviour with multiple complaints for particular Councillors
- a request that individual Members are advised on a yearly basis as to their current training status and what sessions remained outstanding for completion.

RESOLVED that

- a) the updated position in respect of Member Complaints, Gifts and Hospitality declarations and Member Training arrangements, as presented, be duly noted;
- b) the Service Manager for Governance be requested to furnish Members with information regarding their training status and what individual training requirements remain outstanding for completion.

(During consideration of this report, Councillor Dave Shaw entered the meeting at 7.10pm.)

SP.6 Members' Code of Conduct Review

Members received an introduction to the Members' Code of Conduct and related processes and procedures with a view to agreeing an approach for the review and the appointment of an Independent Person and Coopted Members to the Committee.

The Executive Director for Governance and Monitoring Officer had previously requested a review by Internal Audit focussing on the Members' Code of Conduct and its related processes and arrangements against best practice, to inform the planned review by this Committee of its current arrangements. The Internal Audit review had provided a reasonable level of assurance and advised that there was generally a sound system of governance, risk management and control in place.

However, some issues of noncompliance and scope for improvement had been identified and a summary of these were presented to Members regarding the following:

- some inconsistencies with the Local Government Association (LGA) Model Code of Conduct relating to the disclosure of interests, which the Committee should consider when conducting its review
- the Council's Member/Officer Protocol was dated 2015 and was due a review to ensure it remained consistent with other parts of the Constitution and maintained current best practice
- the Member Complaints Process was last updated in May 2018 and would benefit from a review

- to consider the recruitment of a second Independent Person to ensure resilience in relation to the progression of complaints
- to consider trying to recruit co-opted Members to the Standards and Personnel Appeals Committee to mitigate the risk of perception that the Committee lacks political neutrality.

During the ensuing discussions it was agreed that a hybrid working arrangement including both informal and formal meetings of the Committee would be necessary to enable Members to fully consider all elements of the review and prepare a suitable set of recommendations for submission to Council on its completion.

RESOLVED that

- a) the existing Members' Code of Conduct and related processes and procedures, as appended to the report, be noted;
- b) the comments made by Internal Audit as part of its recent review, as outlined in the report, be also noted;
- c) it be agreed that a hybrid arrangement of both informal and formal meetings of the Committee be adopted, to undertake the review and to agree a preferred process for recruiting an Independent Person and Coopted Members to the Committee.

The meeting closed at 8.20 pm

Chairman.



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	16 DECEMBER 2024
Heading:	QUARTERLY ETHICAL GOVERNANCE UPDATE
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 2024 to September 2024). This report further provides an update on Gifts and Hospitality Declarations up until the end of quarter 2 (April 2024 to September 2024).

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.

Reasons for Recommendation(s)

To enable the Standards and Personnel Appeals Committee to monitor the volume and progress of Members' Code of Conduct complaints and Gifts and Hospitality declarations.

Alternative Options Considered

No alternative options are considered appropriate.

Detailed Information

MEMBERS' CODE OF CONDUCT COMPLAINTS – APRIL TO SEPTEMBER 2024

There have been 5 new Member complaints submitted between July and September 2024. All 5 relate to District Councillors, 3 were submitted by Members of the Public, with 1 being dismissed as

being outside of the Code of Conduct and 2 complaints submitted by a Councillor against another ADC Councillor.

4 complaints remain ongoing, with one of these being referred to an external investigator. 2 were reviewed and determined to not be a breach and 2 were dismissed at the initial stages, one for not being in the public interest and another for being outside of the scope of the Code of Conduct.

Please see Appendix A for full update on complaints schedule.

GIFTS AND HOSPITALITY DECLARATIONS – APRIL TO SEPTEMBER 2024

Committee is advised that there have been no Gifts and Hospitality declarations made between July to September 2024.

Implications

Corporate Plan:

In line with the Corporate Plan 2023 – 2027, 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 05/12/2024]

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.

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

Budget Area	Implication
General Fund – Revenue Budget	N/A
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 could impact the Council's reputation. Potentially adverse impact upon the workings of the Council. Associated legislation does not provide "strong" sanctions for breaches of 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 approved an annual work plan to consider how it will ensure high standards of ethical behaviour. Presentation of Quarterly Ethical Governance Updates to the Standards and Personnel Appeals Committee ensures ongoing monitoring of complaints to identify any 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:

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.

Report Author and Contact Officer

Michael Joy
ASSISTANT DIRECTOR - DEMOCRACY
michael.joy@ashfield.gov.uk
01623 457232

Sponsoring Executive Director

Ruth Dennis
EXECUTIVE DIRECTOR - GOVERNANCE
ruth.dennis@ashfield.gov.uk
01623 457009

QUARTERLY UPDATE OF COMPLAINTS – April – September 2024

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2024-01	27/11/23	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Complete, awaiting advice from Independent Person before issuing outcome.	No Breach
ADC2024-02	23/4/2024	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.5 Confidentiality	Complete	Dismissed at assessment stage, not in public interest.
ADC2024-03	5/4/2024	District Councillor	District Councillor	2.2 Contrary to high standards of conduct.	Ongoing	Ongoing

ADC2024-04	25/07/2024	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.5 Confidentiality	Completed	Dismissed. Not within scope of Code of Conduct
ADC2024-05	2/8/2024	Public	District Councillor	2.2 Contrary to high standards of conduct. 1.1 Respect 2.1 Bullying	Ongoing – External Investigator	TBC
ADC2024-06	21/08/2024	public	District Councillor	2.2 Contrary to high standards of conduct.	Information gathering	TBC
ADC2024-07	21/08/2024	District Councillor	District Councillor	Incorrect declaration of interest.	Complete	No Breach

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2024-08	15/9/2024	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.7 Disrepute	Initial Assessment / Information gathering ongoing.	TBC

This page is intentionally left blank



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	16 DECEMBER 2024
Heading:	CONSULTATION ON REMOTE ATTENDANCE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

Members of the Standards and Personnel Appeals Committee are asked to provide a response to the consultation published by the Ministry of Housing, Communities & Local Government (MHCLG) in relation to remote attendance and proxy voting at local authority meetings.

Recommendation(s)

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

- a. Formulate a response to the Ministry of Housing, Communities & Local Government open consultation in relation to remote attendance, hybrid meetings, and proxy voting at local authority meetings.

Reasons for Recommendation(s)

The MHCLG have launched an open consultation seeking feedback from a wide range of stakeholders on remote attendance and proxy voting at local authority meetings. The Standards and Personnel Appeals Committee have been asked to consider the consultation and contribute toward the Council's corporate response.

Alternative Options Considered

The Standards and Personnel Appeals Committee could choose not to respond to the open consultation on remote attendance and proxy voting at local authority meetings. However, this is not advised, as developments in this area could have significant implications for the Council and how Elected Members attend and vote at formal meetings.

Detailed Information

BACKGROUND

On 24 October 2024, the MHCLG launched an open consultation on enabling remote attendance and proxy voting at local authority meetings. MHCLG are seeking views on the detail and practical implications of allowing remote and hybrid attendance and proxy voting at local authority meetings in England.

The Government is consulting on introducing powers for local authority members to the relevant authority for a dispensation to attend formal council meetings remotely and vote by proxy in certain circumstances.

If any changes to legislation are made as a result of the open consultation, they would apply to local authorities in England, including but not limited to:

- County Councils
- Unitary Councils
- London Borough Councils
- District Councils
- Parish Councils
- Combined County Authorities

The Local Government Capability and Improvement Division of the MHCLG is responsible for conducting the open consultation.

CONSULTATION QUESTIONS

Below is an extract of the open consultation as published on the MHCLG website through the following link: <https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings>

The open consultation consists of 13 questions. See below the questions for the Standards and Personnel Appeals Committee to formulate a response to.

Please note that the narrative included before questions is taken directly from the consultation website.

Question 1: Are you responding to this consultation as:

Answer: A District Council.

(Narrative) The Proposal for Remote Attendance

The government intends to legislate to give local authorities the flexibility to allow elected members to attend formal council meetings remotely. We believe that this modernising measure of providing broad flexibility to enable remote attendance will have the dual positive impacts of diversifying the representation of those willing and able to stand for elected office and enhance the resilience of local authorities in the face of local or national emergencies.

The intent is that this legislative change would give local authorities the flexibility to allow members to attend remotely.

Question 2: Do you agree with the broad principle of granting local authorities powers to allow remote attendance at formal meetings?

Yes/No

If you answered No to the above question please go directly to question 4.

Question 3: If you answered Yes to the above question, do you think that there should be specific limitations on remote attendance?

Please tick all the options below that correspond with your view and use the free text box for any other comments.

- a) Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance.
- b) Members should only be able to attend council meetings remotely in exceptional circumstances, such as those who are medically or physically unable to attend, or for reasons of local or national emergencies.
- c) There should be no limitations placed upon councils with regard to setting arrangements for remote attendance of council meetings, up to and including full remote attendance.
- d) [Free text box]

Question 4: If you are an elected member can you anticipate that you personally may seek to attend some of your council meetings remotely?

- yes
- no
- I am not an elected member

Question 4a: If you answered No please use the free text below

[Free text box]

Question 4b: If you answered Yes, could you indicate below which of the following options best describes your likely pattern of attending meetings remotely

- very occasionally
- from time to time
- regularly but not always
- all the time

Question 5: If you are responding to this consultation on behalf of a council as a whole, what proportion of the council's current elected members are likely to seek to attend council meetings remotely over the course of a year?

- less than 10%
- more than 10% but less than 50%

- more than 50% but less than 90%
- most of them 90% to 100%

Question 6: The government recognises that there may be cases in which it is necessary for councils to hold meetings fully remotely. Do you think there should be limitations placed on the number of fully remote meetings councils should be able to hold?

- a) Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.
- b) Councils should only have the flexibility to change a meeting from in-person to online, or vice versa, due to unforeseen and exceptional circumstances.
- c) Councils should not have the flexibility to conduct fully remote meetings to ensure there is always an in-person presence.
- d) [Free text box]

Question 7: Do you think there are any necessary procedural measures that would help to ensure a remote or hybrid attendance policy is workable and efficient?

Please tick all the options that correspond with your view and use the free text box for any other comments.

- a) Councils should be required to publish a list of attendees joining the meeting remotely and give notice if a meeting is being held with full remote attendance.
- b) Councils should be required to ensure that standard constitutional arrangements are followed for hybrid and fully remote meetings.
- c) Councils should be required to make arrangements to ensure restricted items (where a council decision is taken in private to protect confidentiality) are managed appropriately and to require remotely attending members to join from a private location.
- e) Other [Free text box]

Question 8: Do you think legislative change to allow councillors to attend local authority meetings remotely should or should not be considered for the following reasons?

Tick all the statements below that apply to your point of view.

Should be considered because

Should not be considered because

It is a positive modernising measure.

Councillors should be physically present at all formal meetings.

It would likely increase the diversity of people willing and able to stand for election in their local area, making councils more

It could lead to a significant number of councillors habitually attending remotely and ultimately reduce the effectiveness of councils.

Should be considered because

Should not be considered because

representative of the communities they serve.

Councils would be more resilient in the event of local or national emergencies which prevent in-person attendance.

It would be more difficult for councillors to build personal working relationships with colleagues, and engage with members of the public in attendance at meetings.

Free text box – please state any other reasons

Free text box – please state any other reasons

Question 9: In your view, would allowing councillors to attend formal local authority meetings remotely according to their needs particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit members
- it would disadvantage members
- neither

Please use the text box below to make any further comment on this question.
[Free text box]

(Narrative) Proxy Voting

Proxy voting is a form of voting whereby a member of a decision-making body may delegate their voting power to another representative to enable a vote in their absence.

It is possible some members may find that, due to their personal circumstances, they are temporarily unable to participate in meetings even if remote attendance provisions are in place. Provisions for proxy voting could provide additional flexibility to those who really need it on a time-limited basis, allowing affected members to indirectly exercise their democratic duty, participate in their local authority's governance, and ensure that their views are taken into consideration. In the context of local authorities, the representative would have to be another elected member of the local authority.

Question 10: In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?

- yes
- no
- unsure

Question 11: If yes, for which of the following reasons which may prohibit a member's participation in council meetings do you consider it would be appropriate?

Please select all that apply:

- physical or medical conditions

- caring responsibilities
- parental leave or other responsibilities
- other [Free text box]

Question 12: Are there circumstances in which you feel proxy voting would not be appropriate?

[Free text box]

Question 13: If you think proxy voting is appropriate, are there any limitations you think should be placed upon it?

[Free text box]

END OF QUESTIONS.

RESPONDING TO THE CONSULTATION

The feedback from the Standards and Personnel Appeals Committee will contribute to the Council's corporate response to the open consultation.

As the consultation is open, individual members can also respond to the consultation if desired on the MHCLG website accessible through the following link

<https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings>.

OTHER CONSIDERATIONS

In considering the open consultation, and the potential for legislation to be introduced requiring Ashfield District Council to allow remote attendance, hybrid meetings, and proxy voting at local authority meetings, there are other factors that will need to be considered, including:

- The Council Chamber does not have the necessary equipment and functionality to facilitate hybrid meetings – if the Council is required to facilitate hybrid meetings investment will be required
- Member equipment and training – Members will need further training on how to utilise remote attendance/hybrid meeting attendance on the supplied IT equipment
- As stated in the narrative of the consultation, members would have to seek dispensation to attend meetings remotely – a process for this would need to be developed. Similarly with any proxy voting requirements

Implications

Corporate Plan:

Innovate and Improve is one of the Council's key corporate priorities as established in the Corporate Plan 2023 – 2027. This includes looking to increase accessibility to the Council's formal meetings.

Legal:

There are no direct legal implications resulting from the recommendations within this report. Depending on the outcomes of the open consultation, the Council may need to comply with new legislation for remote attendance, hybrid meetings, and proxy voting and the Constitution amended accordingly. [RLD 05/12/2024]

Finance:

There are no direct financial implications resulting from the recommendations within this report. Depending on the outcomes of the open consultation, the Council may need to invest in facilities to enable hybrid meetings.

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

Risk:

Risk	Mitigation
Legislation introduced requiring the Council to enable remote attendance, hybrid meetings, and proxy voting.	The Standards and Personnel Appeals Committee will contribute to the Council's corporate response to the open consultation. Appropriate steps will be taken to ensure the Council complies with any new requirements as a result of the consultation outcomes.

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:

Any other implications to be considered by the Standards and Personnel Appeals Committee and wider corporate response to the open consultation.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

Shane Wright
Service Manager – Governance
shane.wright@ashfield.gov.uk
01623 457318

Sponsoring Executive Director

Ruth Dennis
Executive Director – Governance (Monitoring Officer)
ruth.dennis@ashfield.gov.uk
01623 457009