

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 14th March, 2016 at 6.30 pm

Present: Councillor Lachlan Morrison in the Chair;

Councillors Jim Aspinall, Amanda Brown,
Catherine Mason, Philip Rostance and
Christine Quinn-Wilcox.

Apologies for Absence: Councillor Jackie James.

Officers Present: Beth Brown, Ruth Dennis, Alan Maher.

In Attendance: Councillor Robert Sears-Piccavey and Councillor
Paul Roberts

SP.23 To receive apologies for absence, if any.

Councillor Helen Smith.

SP.24 Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary / Other Interests.

There were no declarations of interest made.

SP.25 To Receive and Approve as a Correct Record, the Minutes of the Meeting held on Monday 11 January 2016.

The minutes of the Committee meeting held on 11 January 2016 were approved as a true record.

SP.26 Annual Review.

The Committee was reminded that the Local Government Association had carried out an ethical governance review in 2014. The main conclusion of this review was that relationships and standards of behaviour between some Members and Officers had become unacceptable. The Association had made ten recommendations to help improve matters. The report explained what action had been taken on each of them since the last update to the Committee, in July 2015. In particular, the report pointed out that regular meetings of the group leaders now take place. These had been formalised as the 'Cross Party Update Meeting', with agreed terms of reference. These meetings were intended to provide an opportunity for the leaders to discuss and monitor the ethical conduct of their group members.

The report included a statistical analysis of the complaints which had been received

and how they had changed over time. This showed that in overall terms the number of complaints had gone down. Most of the recent complaints were from the public about elected Members. A few were from Councillors complaining about other Councillors. Recently, none had been submitted by Officers complaining about Members. It was noted that most complaints between Members tend to be about 'respect' issues.

The Committee discussed the report. Members generally welcomed the long term reduction in the number of complaints and the fact that they currently do not involve officers. The meeting was reminded that under the Member-Officer protocol any complaints which Members have about Officers are referred in the first instance to the Chief Executive and investigated under the Council's disciplinary policy.

The Committee also discussed what action can be taken when complaints are found to be justified. Members recognised that since the nationally determined changes to the way in which the standards system works, local authorities no longer have an array of sanctions which they can impose on Members who do not behave appropriately, or fail to receive appropriate training etc. The Committee recognised that although it was no longer possible to suspend Members it is possible to publicly name them through a censure sanction, which the Council has used.

The meeting also heard about what progress had been made on training. They were reminded that mandatory training on the Code of Conduct had taken place, which most Members had attended. A follow-up session for those few Members who had been unable to attend would be arranged. The Committee was also reminded that it had agreed that training on 'Safeguarding' issues should now be mandatory for all Members. In this context a training session had been held in February, with a further session planned for those who had been unable to attend.

The Committee was reminded that a recruitment exercise was carried out in the autumn to appoint two Co-opted Members. This exercise had not proved successful and so was in the process of being re-run.

At the conclusion of the discussion, Members considered what further action they wished to take and especially what further information that they would like to receive.

RESOLVED

- (a) That the Committee notes the updated position in respect of the recommendations of the Local Government Association as a result of their ethical governance review and any outstanding issues;
- (b) That the Committee receives annually information on both the number and type of complaints received about elected Members and their attendance at training sessions;
- (c) That as part of the review of the Members Allowances Scheme, the Independent Review Panel should be asked to look at whether attendance at training sessions and appropriate standards of behaviour can be linked to the allowances scheme.

Reasons

To enable the Committee to monitor the implementation of the LGA's recommendations and the impact of the changes. To carry out its role in monitoring ethical governance.

SP.27 Quarterly Complaints Monitoring Report

The report to Committee provided information on complaints of alleged Member misconduct and the progress which had been made in assessing them. In particular, it explained that no new complaints had been received since the last update, in January 2016. Members were reminded that the two complaints under investigation were nearing completion and that the 4 other complaints had been assessed in early March. The Committee discussed the report. As part of this discussion, they noted the reasons for delays, which were often outside of the Council's control.

RESOLVED

That the Committee note the updated position in respect of the Members' Code of Conduct complaints for the period 1 January 2016 to 4 March 2016.

Reasons

To reflect good practice.

SP.28 Annual Review of the Whistle Blowing Policy.

The Committee then considered a report which set out how the Council's 'Whistleblowing Policy' had operated over the last twelve months. Briefly, it explained that only one incidence of whistleblowing had been brought to the attention of the Monitoring Officer during this period. This complaint related to the accuracy of time keeping and leave taking. Members were also reminded that the policy had been comprehensively updated in July 2015. However, some further technical changes would now be required in order to reflect the Council's participation in the Central Midlands Audit Partnership, which the Committee was asked to formally approve.

RESOLVED

- (a) That the Committee notes the review of the Whistleblowing Policy and how it has operated over the last twelve months;
- (b) That the Committee approves the revised policy annexed to the report.

Reasons

To ensure that the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy. To ensure that the policy remains fit for purpose.

SP.29 Politically Restricted Posts.

The Monitoring Officer explained that the trade unions had raised no objections to the proposed list of politically restricted posts. As a consequence, the Committee was asked to now agree it as the definitive list. Members discussed the report and agreed to the proposal.

RESOLVED

That the Committee approves the list of Politically Restricted Posts, in accordance with the requirements of the Local Government and Housing Act 1989 and associated regulations, as appended to the report.

Reasons

To comply with the requirements of the Local Government and Housing Act 1989 and associated regulations.

The meeting closed at 7.40 pm

Chairman.