

## **STANDARDS AND PERSONNEL APPEALS COMMITTEE**

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

**on Wednesday, 28th March, 2018 at 6.30 pm**

**Present:** Councillor Lauren Mitchell in the Chair;

Councillors Steve Carroll, Jackie James,  
Cathy Mason, Lachlan Morrison, Phil Rostance,  
Helen-Ann Smith, Mike Smith and  
Jason Zadrozny.

**Apology for Absence:** Councillor Amanda Brown.

**Officers Present:** Lynn Cain and Ruth Dennis.

### **SP.10 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

### **SP.11 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 11th December, 2017, be received and approved as a correct record.

### **SP.12 Annual Ethical Governance Review**

The Director of Legal and Governance presented the report and gave the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2017/18 as follows:-

#### Independent Co-optees

Members were advised that following two former recruitment exercises that had proved unsuccessful, Members of the Working Group had suggested that the Council could seek to recruit two Independent Co-optees from the Parish Councils. Members considered the suggestions and views were mixed as to the potential input/benefits that could be achieved from having Parish representatives (as Independent Co-optees) on the Committee.

#### Member Complaints

A summary of current Member complaints was presented to the Committee.

#### Member Development

Following approval of the Member Development Strategy in September 2017, Members had been asked to complete a training needs survey to enable

officers to consider their individual training requirements. Only 6 surveys were completed and it had been agreed that the Service Manager – Scrutiny and Democratic Services would contact Members again shortly to consider any 2018/19 requirements. Work was also due to commence shortly on the full induction training programme for new Councillors following the 2019 District Elections next year and a Working Group was due to be set up to enable appropriate Member input into the process.

#### Member DBS Checks

To date 29 Member DBS checks had been completed with 6 still outstanding to date. An item to review the Councillor DBS Policy would be included on the work plan for 2018/19.

#### Attendance at Meetings

Following a recommendation from the Independent Remuneration Panel in 2016/17, an element of the Councillor's annual allowance (£500) would be related to attendance at meetings and mandatory training sessions with a minimum achievement of 70%. For 2017/18, only one Member was currently under the 70% attendance threshold although it was noted that there had been an increase in Members not submitting their apologies to the Democratic Services Team for being absent from meetings. It was also acknowledged that the perceived issue of Members leaving meetings early once they had signed in their attendance, was not a problem with the data showing a decrease from the figures presented in 2016/17.

#### Independent Persons

Committee were advised that the Council was intending to continue to pay a retainer to the two Independent Persons that were originally appointed in 2012. The costs were shared with Mansfield District Council on agreed proportions which took into account the Council's increased use of the Independent Persons to assist with the larger number of Member complaints received.

#### Review of Local Government Ethical Standards – Stakeholder Consultation

The Committee on Standards in Public Life was currently undertaking a stakeholder consultation in relation to reviewing local government ethical standards. The consultation was due to end on 18<sup>th</sup> May and it was agreed that the Working Group Members could formulate a detailed response and circulate to the remaining Committee Members for comment.

All items on the work plan had been completed and Members were requested to consider any new items for 2018/19.

Members were advised that the annual reviews/reports for the Constitution, Work Programme and Whistleblowing Policy would be added to the work plan as per standard practice and Members acknowledged that an item would be included to consider the governance issues surrounding current Councillor relationships and working arrangements at Selston Parish Council.

RESOLVED that

- a) the progress made to complete the agreed work plan for 2017/18, be received and noted;

- b) the work plan for 2018/19 to include the standard Constitution, Work Programme and Whistleblowing Policy annual reviews, a Member DBS Check review and a further item to consider the governance issues surrounding current Councillor relationships and working arrangements at Selston Parish Council;
- c) a further recruitment exercise be undertaken to appoint two Independent Co-optees to the Standards and Personnel Appeals Committee;
- d) in addition to c) above, Council be recommended to agree to seek two Parish Council representatives as Co-opted Members (one from each Parish Council: Annesley & Felley and Selston) to the Standards and Personnel Appeals Committee;
- e) the number of Member complaints received during the year, as summarised in the report, be received and noted;
- f) updates in relation to the following, be noted;

Members' Development  
 Member DBS Checks  
 Member Attendance at Meetings;

- g) Council be recommended to retain Hazel Salisbury and Neil Stent as Independent Persons for a further two years and to continue to pay a retainer to the two Independent Persons of £1,000 per annum each with the costs being shared with Mansfield District Council in the proportions originally agreed in 2012/2013;
- h) in relation to the stakeholder consultation being undertaken by The Committee on Standards in Public Life as part of their review of local government ethical standards, it be agreed that the Working Group Members meet to consider and formulate a detailed response to the document (and circulate to the remaining Committee Members for comment) prior to the deadline date of 18<sup>th</sup> May, 2018.

Reason:

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

### **SP.13 Whistleblowing Policy Update**

The Director of Legal and Governance presented the report and provided Members with an update as to the operation of the Whistleblowing Policy over the preceding 12 months.

Members were given a brief synopsis of the three whistleblowing allegations that had been received during 2017/18 and accepted that there would be some minor changes to the Whistleblowing Policy and the Council's Constitution to reflect changes to job roles/titles, prescribed contacts and the additional reporting mechanism to the Audit Committee.

RESOLVED that

- a) the amended Whistleblowing Policy, as appended to the report, be approved;
- b) the update as to the operation of the Whistleblowing Policy over the preceding 12 months, be received and noted.

Reason:

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 Part 3, Paragraph 1.8 of the Constitution.

#### **SP.14 Annual Constitution Review**

The Director of Legal and Governance asked the Committee to consider the proposed changes to the Constitution in readiness for their presentation to the Annual Council meeting in May 2018.

For future reference, it was requested that the textual changes to the content of the Constitution document be tracked and highlighted and appended to the report in full for consideration each year. This would enable Members to have a better overview of how the proposed changes might influence/improve the document and how the overall business of the Council is governed.

RESOLVED

that the proposed changes to the Council's Constitution, as presented, be accepted for submission to the Annual Council meeting in May 2018.

Reason:

To ensure that the Council's constitution remains up to date and fit for purpose. The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

(During consideration of this item, Councillor Jackie James entered the room at 7.20 p.m.)

#### **SP.15 Review of Politically Restricted Posts**

The Director of Legal and Governance sought approval from the Committee to agree the revised list of posts considered to be politically restricted following consultation with the Trade Unions. Members were asked to note that due to the ongoing consultation of third-tier officer posts, the list contained some additional re-designated and new job titles in readiness for the outcome of the review. This list would be further updated once this had been finalised.

RESOLVED

that the list of Politically Restricted Posts, as appended to the report and compiled in accordance with the requirement of the Local Government and Housing Act 1989 and associated regulations, be approved.

Reason:

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

(During consideration of this item, Councillor Helen-Ann Smith left the room at 7.26 p.m. and returned to the meeting at 7.28 p.m.)

**SP.16 Update on the Review of the Members' Code of Conduct Complaints Process and Social Media Policy**

The Director of Legal and Governance updated Members in relation to the review of the Members' Code of Conduct Complaints Process and the Members' Social Media Policy.

The Cross Party Leaders' Group had considered the Working Group's suggestions in relation to the review of the Members' Code of Conduct Complaints Process and had agreed to the approach in principle but wished for some flexibility to amend the process further should any issues arise once the agreed changes were implemented.

Committee considered and debated the Working Group's suggestions for changes to the Code of Conduct Complaints Process but acknowledged that since the last review, no legislative changes had been made to the unsatisfactory sanctions that were currently in place. However, it was agreed that the Council's response to the consultation document regarding the review of local government ethical standards would be a good opportunity to express the Council's concerns for the current regime and make some suggestions for improvement.

RESOLVED that

- a) the work undertaken by the Working Group in relation to the Members' Code of Conduct Complaints Process and the Members' Social Media Policy, as presented, be noted;
- b) the Monitoring Officer be instructed to draft changes to the policies, in line with the suggested amendments and the additional comments made at the meeting, for approval by Council.

Reasons:

1. The review of the Members' Code of Conduct Complaints Process and Members' Social Media Policy was a work plan item for the Committee during 2017/2018.
2. The Peer Challenge suggested making changes to the complaints process to address the volume of trivial or low level complaints being made relating to Member conduct which is a drain on Council resources to consider and process.
3. Members also suggested a review of the Members' Social Media Policy in light of a significant number of complaints being made about Members' use of social media.

4. The Committee was asked for its views in relation to the suggestions of the Members' Working Group to enable the Monitoring Officer to draft appropriate changes to the policies for Council to approve.

(During consideration of this item, Councillor Cathy Mason left the room at 7.30 p.m. and returned to the meeting at 7.32 p.m.)

### **SP.17 Quarterly Complaints Monitoring Report**

The Director of Legal and Governance presented the report to provide an update in respect of the number of alleged Member misconduct complaints received for the period 1<sup>st</sup> December, 2017 to 20<sup>th</sup> March, 2018 and also provide a summary of the complaints which were outstanding. Members were advised that two new complaints had been received since the publication of the agenda.

Committee were made aware that the majority of the recent Members' Code of Conduct complaints were in relation to Selston Parish Council Members. To endeavour to address the issue, the Council had agreed to send a representative (the Deputy Monitoring Officer) to attend the Parish Council meetings over the next 2/3 months to observe the governance arrangements and Member behaviour at such meetings. It was hoped that this insight would provide some clarity to the Monitoring Officer to resolve the underlying issues that were preventing the Parish Council from functioning effectively.

A suggestion was made that some additional cross-party presence (i.e. Group Leaders alongside the Chairman of Standards and Personnel Appeals Committee) at the Parish Council meetings might also be beneficial as part of the Council's observation exercise and this approach was welcomed by the Committee.

#### **RESOLVED**

that the updated position in relation to Members' Code of Conduct complaints for the period 1<sup>st</sup> December, 2017 to 20<sup>th</sup> March, 2018, as outlined in the Appendix to the report, be noted.

#### **Reason:**

To reflect good practice and to enable Members to monitor the volume and progress of complaints.

The meeting closed at 8.00 pm

Chairman.