

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 10th December, 2018 at 10.00 am

Present: Councillor Christine Quinn-Wilcox in the Chair;

Councillors Cheryl Butler, Rachel Madden
(Substitute for Helen-Ann Smith), Cathy Mason,
Phil Rostance

Stuart Fletcher (Selston Parish Council
representative) and Daniel Williamson (Substitute
for Jason Zadrozny) (Annesley and Felley Parish
Council representative).

Apologies for Absence: Councillor Lauren Mitchell.

Officers Present: Beth Brown, Ruth Dennis and Martin Elliott.

SP.11 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest.

SP.12 Minutes

RESOLVED

that the minutes of the meetings of the Committee held on 2 July and 15 October, 2018 (including the reconvened meeting of 23 October 2018), be received and approved as a correct record.

SP.13 Disclosure and Barring Service Checks for Members - Review of Policy

The Director of Legal and Governance (and Monitoring Officer) submitted a report to update the Committee in respect of the implementation of the Policy on Disclosure and Barring Service for Members which had been introduced in May 2017, and to request that the Committee considered the amended policy. The amended Policy was attached as an appendix to the officer's report.

The report noted that as Councillors by virtue of their role did not take part in "regulated activity" as defined by the Protection of Freedoms Act 2012, in that they generally did not have unsupervised contact with children or adults as part of their role, they were not legally required to be DBS checked. As

however the safeguarding of children, young people and adults was a key priority for the Council, and that as Councillors had a wide range of responsibilities which could require them to access sensitive information about, or have contact with, vulnerable children and adults, the Standards and Personnel Appeals Committee had at its meeting on 10 October 2016 recommended that all Councillors should be DBS checked at the Standard level (Minute No. SP9 2016/17). The Policy requiring all Councillors to be subject to a DBS check, and that the proposal that the cost of the check be deducted from their allowance had been approved by Council on 8 December 2016 (Minute No. C45 2016/17).

The Monitoring Officer advised the committee that the DBS system had changed since the Council had adopted and implemented the policy of DBS checks for Councillors and now included three levels of DBS checks, basic, standard and enhanced. The scope and costs of each level were outlined in the officer's report and it was noted that the Standard DBS cost £1 more than the Basic DBS but provided details of both spent and unspent convictions as defined by the Rehabilitation of Offenders Act 1974. The Monitoring Officer noted that previously issued DBS checks could not be accepted by the Council, for example those requested from Nottinghamshire County Council for District Councillors who were also County Councillors, unless it was through the official update service. It was noted that the official update service required an annual subscription and registration within 14 days of a DBS certificate being issued and that due to the costs, short timescales and data sharing permissions involved in using the update service this was not recommended as a practical option for the Council to use, and that the Council should continue to request a DBS check within two months of a Councillor taking office following their election.

Members of the Committee were in agreement that the policy of DBS checks for all Councillors had been beneficial and that they should continue, with cost of the checks being deducted from each Councillors' Basic Allowance at source. Members also noted that the DBS form should be included in the new starter pack issued to all Councillors after their election to enable checks to be processed promptly.

RESOLVED that

- a) the update in relation to the implementation of the Policy on Disclosure and Barring Service (DBS) for Members, be received and noted;
- b) it be agreed that Members continue to be DBS checked as per the Policy as presented;
- c) Council be recommended to approve that Members undergo a Standard level of DBS check at the commencement of their 4-year term of office (or at any such time as they may become elected);
- d) the amended Policy on Disclosure and Barring Service for Members, as appended to the agenda, be supported and recommended to Council for approval.

REASON:

In order to protect those who are most vulnerable in society the Council adopted a policy for all Members to undergo Standard Disclosure and Barring Checks in 2017. The policy has been in place for two years and so it is a good time, in advance of the District Council elections in May 2019, to look at how the policy has been implemented and consider making suitable changes to the policy in order for the policy to remain up to date.

SP.14 Quarterly Complaints Update

The Director of Legal and Governance (and Monitoring Officer) presented the report to provide an update in respect of the number of alleged Member Code of Conduct complaints received for the period 23 June to 30 November, 2018 and to also provide a summary of the complaints that were outstanding. The Monitoring Officer advised that since the last report to the Committee there had been nine new complaints submitted regarding Ashfield District Council Councillors. The report provided details of the current status of each complaint and it was noted that since the last report there had been no new complaints submitted regarding Selston Parish Councillors and that there were currently no complaints outstanding regarding Annesley and Felley Parish Councillors. The Monitoring Officer advised that the majority of complaints submitted regarding Ashfield District Councillors had been dealt with and resolved in consultation with the Council's Independent Person for Standards Matters. The Monitoring Office noted the substantial use of resources used in the dealing of complaints submitted and advised that the processes for dealing with complaints was being reviewed in order to make the process more streamlined, including the introduction of an online form for submitting complaints which would capture all required information at the start of the process.

In view of recent complaints relating to Selston Parish Council, the Service Manager – Legal Services (and Deputy Monitoring Officer) who had been attending Selston Parish Council meetings to observe and provide general guidance and feedback to the Parish in relation to governance issues, attended the meeting to provide an update in relation to the conduct of the Parish Meetings attended, the Governance Review and the outstanding complaints with regard to Selston Parish Council. The Deputy Monitoring Officer advised that with regard to the meetings of the Parish Council there had been a significant improvement in their conduct in recent months with notable improvements in the behaviour of Parish Councillors and in their interaction with each other. The Deputy Monitoring Officer advised that from observing meetings there was a clear commitment shown to the local area and agreement on many issues shared by all Parish Councillors, and noted that the Chair of the Council and the Parish Clerk had both been supportive in working with them to bring about positive change at Selston Parish Council.

The Deputy Monitoring Officer noted that changes to how planning considerations were dealt with had been introduced as well amendments being made to the style of minutes and agendas, but advised that a full Governance review was yet to take place, with quotations for such a review currently being sought. Members of the Committee noted that the cost of a full Governance review could be significant, and potentially not change behaviour,

and noted that how a Parish Council functioned was significantly impacted by the personalities of the membership of the Council, not just its Governance arrangements. The Monitoring Officer advised that a presence from Ashfield District Council at Selston Parish Council meetings would be maintained for the foreseeable future as this presence had been effective in positively affecting behaviour and supporting change, but noted that this presence would not be maintained indefinitely.

Members of the Committee asked several specific questions on the cases outlined in the officer's report and received verbal responses.

RESOLVED

that the updated position in relation to Members' Code of Conduct complaints for the period 23 June, 2018 to 30 November, 2018, as outlined in the Appendix to the officer's report, be noted.

REASON

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

The meeting closed at 11.00 am

Chairman.