

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 18th March, 2019 at 10.00 am

Present: Councillor Christine Quinn-Wilcox in the Chair;

Councillors Cheryl Butler, Cathy Mason,
Phil Rostance, Helen-Ann Smith and
Jason Zadrozny.

Apologies for

Absence: Councillor Lauren Mitchell.

Officers Present: Ruth Dennis and Martin Elliott.

SP.15 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

Councillors Butler and Mason declared a non disclosable pecuniary/other interest in agenda item 6 (Annual Ethical Governance Update), as they had both submitted complaints regarding the conduct of other Members of which the investigation was still ongoing.

SP.16 To receive and approve as a correct record the minutes of the meeting of the Committee held on 10th December, 2018.

RESOLVED

that the Minutes of the meeting held on 10 December 2018 be approved as a correct record and signed by the Chairman.

SP.17 Whistleblowing Policy Annual Update.

The Director of Legal and Governance (and Monitoring Officer) submitted a report to provide the Committee with an annual update in relation to the Whistleblowing Policy and on how the policy had operated in the preceding 12 months. The report also sought approval for some minor amendments to the Policy.

The Director of Legal and Governance advised that the only amendment that was being proposed to the Policy was to note the details of the new Section 151 Chief Finance Officer and noted that this change had been approved by the Audit Committee (Minute No. AC.22 2018/19). It was noted that during the past 12 months there had been six reported incidents of whistleblowing drawn

to the Monitoring Officer's attention. The report included a high level summary of the complaints that had been submitted and their current status. The Director of Legal and Governance advised that subsequent full investigations of incidents had been difficult as several of the complaints had been submitted anonymously via a Trade Union and noted that discussions were being held with the Trade Unions regarding how complaints were submitted, as, as stated in the Policy, anonymous complaints were difficult to move forwards.

Members of the Committee requested that in future years, if more significant changes to the policy were being proposed that a copy of the policy showing tracked changes be included in the officer's report. Members of the Committee asked with regard to the section of the policy regarding untrue allegations, whether it was appropriate for just the Monitoring Officer to be making a judgement on whether a complaint was untrue or vexatious. The Director of Legal and Governance advised that the consideration of whether a complaint was untrue or vexatious would in practice be made, in consultation with the Chief Executive and based a report from, and with the advice of other senior officers. Members of the Committee were in agreement that further clarification regarding this process should be included in the policy and that it was essential that reporters should not be discouraged from submitting a complaint regarding their concerns using the Whistleblowing Policy.

Members of the Committee asked with regard to the report that was produced as a result of a complaint being made, whether at that point the facts should be checked with the complainant. The Director of Legal and Governance advised that if a report at this stage showed the need for further investigation, the investigation would be done under another procedure, such as the Grievance Procedure, at which point further information would be gathered from the complainant.

RESOLVED

- a) that the amended Whistleblowing Policy, as attached as an appendix to the officer's report, be approved.
- b) that the operation of the Whistleblowing Policy over the preceding 12 months be noted.

REASON FOR DECISIONS

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the recommendation of CMAP in its audit report relating to Anti-Fraud and Corruption.

To ensure the policy remains up to date and fit for purpose.

SP.18 Annual Constitution Review.

The Director of Legal and Governance (and Monitoring Officer) submitted a report detailing proposed changes to the Constitution for their consideration and comment prior to the changes being reported to the AGM of the Council in May 2019 for consideration and approval.

The Director advised that as the review of the Constitution was the final review in advance of the District elections in May 2019 that the proposed changes were of a minor nature and had been proposed to reflect changes to job titles and to add clarity and ease of understanding to processes and procedures. The officer's report contained full details of all the proposed changes.

Members of the committee considered the proposed changes to the Constitution and made the following suggestions:

- That questions submitted by the public to be answered at Council by a Portfolio Holder should be answered by the relevant Portfolio Holder for the subject matter, and not by another nominated Portfolio Holder.
- That a Councillor who is not part of a political group may be substituted by another ungrouped Councillor at Committee meetings.
- That if alternative arrangements are proposed and approved for tenant participation and scrutiny that tenant activity with regard to scrutiny of housing matters be reported to the Overview and Scrutiny Committee.

Not all Members of the Committee were supportive of changing deadlines for Member Questions to 7 clear working day timeframe.

Members of the Committee were also supportive of the proposal to bring the public speaking procedure for Planning Committee into the Constitution and for the procedure to be amended to enable members of the Planning Committee to ask questions of speakers. Members were however in agreement that it was essential that any questioning of speakers was tightly controlled with regards to time and the number and relevance of questions asked by members of the Planning Committee.

RESOLVED

- a) that the report be noted.
- b) that the comments made by the committee on the proposed amendments to the Constitution be noted and used to further inform the proposed amendments to the Constitution submitted to the Council AGM for approval.

REASONS FOR DECISIONS

To ensure that the Council's Constitution remains up to date and fit for purpose it is reviewed annually.

The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

SP.19 Annual Ethical Governance Update.

The Director of Legal and Governance submitted a report to provide the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2018/19.

Summary and update of Member Complaints received during 2018/19

A summary of current Member complaints was presented to the Committee. The Director of Legal and Governance noted that work was continuing with Selston Parish Council in order promote positive behaviours at the Council, and advised that while this work was being effective and would continue for the foreseeable future, that this support would not be able to be offered indefinitely.

Member attendance

Following a recommendation from the Independent Remuneration Panel in 2016/17 it had been agreed that 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%. The officer's report noted that for 2018/19 only two out of 35 members had less than 70% attendance at the time the report was produced.

Member induction 2019

Members of the Committee considered the draft Member Induction Programme/Training Programme for implementation following the District Elections on 2 May 2019. It was noted that the induction had been designed for both new and returning Councillors and aimed to equip them with the knowledge and skills that would enable them to successfully fulfil the role of a District Councillor. It was noted that the draft programme had been developed taking into account lessons learned from previous induction programmes and would be delivered over a shorter time period than in previous years as this approach would enable Councillors to start settling into, and performing their roles more quickly. It was noted that after the initial training period further ongoing training would be delivered. The Chairman and Members of the Committee welcomed and were supportive of the redesigned and refreshed induction process.

Members' IT

Members of the Committee were advised that the preferred IT option for the new intake of Councillors was iPads with Bluetooth keyboards as they were both a cost effective and functional solution. Members of the Committee welcomed the proposal and noted that while iPads were not a perfect IT solution as the word processing app could be better, they were the best all-round solution to meet Councillors' needs, both in and outside of meetings. Members also agreed that as Wi-Fi was becoming more readily available that it was not necessary for all the iPads to be supplied with SIM cards.

Committee on Standards in Public Life – Report on Local Government Ethical Standards

The Director of Legal and Governance provided the Committee with an overview of the Committee on Standards in Public Life – Report on Local Government Ethical Standards. It was noted that while many of the proposals would require the implementation of primary legislation, the report included many suggestions of best practice which could be adopted by the Council. Members of the Committee welcomed the report and were in agreement that the Localism Act 2011 had not been effective, especially with regard to sanctions, and that it would be beneficial for the report to be added to the committee's workplan for 2019/20 to enable discussion on how it's suggestions could potentially be implemented.

The Chairman thanked Members of the Committee and the Director of Legal and Governance for their work and support over the past year.

RESOLVED

- a) that the progress made in relation to the agreed 2018/19 work plan be noted.
- b) that further consideration of the Committee on Standards in Public Life – Report on Local Government Ethical Standards, be added to the Committee's workplan for 2019/20.
- c) the number of Member complaints received during the year, as summarised in the officer's report, as well as the current outstanding complaints be noted.
- d) that the position in relation to the attendance of Councillors at Member level meetings be noted.
- e) that to the arrangements being made for Member Induction and for Member IT equipment be noted and supported.

REASON FOR DECISIONS

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

The meeting closed at 11.07 am

Chairman.