

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 8th July, 2019 at 7.00 pm

Present: Councillor Lee Waters in the Chair;

Councillors Jim Blagden, Warren Nuttall,
Phil Rostance, Helen-Ann Smith, David Walters
and Daniel Williamson (as substitute for Christian
Chapman).

Apology for Absence: Councillor Christian Chapman.

Officers Present: Ruth Dennis and Rachel Newton.

In Attendance: Parish Council Representatives
Stuart Fletcher and Councillor Jason Zadrozny.

SP.20 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations were made.

SP.21 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 18th March, 2019, be received and approved as a correct record.

SP.22 Standards and Personnel Appeals Committee - Introduction to the Role of the Committee

The Director of Legal and Governance (and Monitoring Officer) gave a presentation to Members outlining the role of the Committee, its Members and information around some of the best practice procedures falling within the remit of the Committee.

SP.23 Standards and Personnel Appeals Committee Work Plan 2019-2020

Committee were asked to consider and approve the proposed Work Plan for the 2019/2020 municipal year. The Director of Legal and Governance advised that the Work Plan included items which were considered by the Committee

annually, such as updating the Constitution, the operation of the Council's Whistleblowing Policy, quarterly monitoring of the complaints against Members and the annual review of work undertaken by the Committee in comparison to the agreed Work Plan.

The other items placed on the 2019/2020 Work Plan included:-

Members' Attendance Update

The annual Members' Attendance update is likely to become an annual monitoring exercise linking in with the findings of the Independent Remuneration Panel (IRP).

Members' Use of Resources

During March 2019 the Referral Sub Committee suggested that the use of resources should be included in the Members' Code of Conduct to provide clear guidelines on acceptable use of resources and this would be explored during the latter part of the year.

Report of the Committee on Standards in Public Life

Further work will be undertaken in the coming months around the report of the Committee on Standards in Public life.

Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police

This is a technical protocol regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests. The current protocol was developed in 2012 and requires updating in order to be fit for purpose. The Director of Legal and Governance advised Members that she is taking a lead role across Nottinghamshire and will report back in due course.

RESOLVED

that the Standards and Personnel Appeals Committee Work Plan for 2019/20, as outlined in the report, be approved.

Reason:

To reflect good practice.

SP.24 Report of the Committee on Standards in Public Life - Local Government Ethical Standards

The Director of Legal and Governance presented the report making Members aware that the report of the Committee on Standards in Public Life (CSPL) relating to Local Government Ethical Standards was published in January 2019 and sought guidance on an appropriate response to the report.

The CSPL had found that the vast majority of councillors and officers worked to maintain the highest standards of conduct, however, some specific areas of concern had been identified. A minority of councillors engage in bullying, harassment or other highly disruptive behaviour with a small number of parish councils giving rise to disproportionate numbers of complaints.

The report concluded that arrangements should remain and there was an expectation that they are strengthened in order to provide a more robust locally determined system.

The Director of Legal and Governance advised the Committee that it would be prudent to focus on the main best practice recommendations identified in the report as the CSPL will be reviewing the implementation of those points in 2020, further that informal working groups be arranged to consider and feedback to the committee.

The best practice findings are set out below:-

Code of Conduct

- Local Authorities should include prohibitions on bullying and harassment in codes of conduct including a definition and list of examples;
- Include in the code a requirement for councillors to cooperate with formal standards investigations and to prohibit trivial or malicious allegations by councillors;
- The code should be reviewed annually and the views of the public, community organisations and neighbouring Authorities sought;
- Accessibility of the code should be examined and be readily available to Councillors and the public in a prominent.

Interests

- Local Authorities should update registers of gifts and hospitality quarterly and publish it in an accessible form.

Investigations and Safeguards

- That a public interest test for filtering complaints is adopted and published;
- At least two Independent Persons are appointed;
- Full hearing decisions, including a statement of facts, breaches, views of the Independent Persons, the reasons for the decision and the sanction applied should be published;
- Complaints guidance and information should be clearly displayed on websites.

Town and Parish Councils

- Standards complaints about the behaviour of a Parish Councillor towards a clerk should be made by the Chair of the Parish Council as a whole;
- The Monitoring Officer role and resourcing should include advice, support and management of Parish Council cases.

Role of the Monitoring Officer

- Local Authorities should have investigation conflict procedures,

including use of Monitoring Officers from other Authorities.

Council Governance, Leadership and Culture

- The annual governance statement should include reporting on related bodies; those bodies to publish agendas, minutes and annual reports and abide by the Nolan principles;
- Senior officers should meet regularly with political group leaders or group whips regarding standards issues.

RESOLVED that

- a) informal working groups be arranged to discuss the findings of the CSPL report and feed back to the Committee in October for recommendation to Council;
- b) the Director of Legal and Governance (and Monitoring Officer) will explore the possibility of sharing the Monitoring Officer function to avoid investigation conflict via the Nottinghamshire Network.

Reason:

To ensure the Committee charged with ensuring high standards of conduct is aware of the CSPL report and to ensure that it considers if any of the best practice recommendations contained in that report should be implemented by this Council. The CSPL will review implementation of its best practice recommendations to local authorities during 2020.

SP.25 Members' Attendance - Update

The Director of Legal and Governance updated the Committee in relation to Members' Attendance at meetings and training during the preceding 12 months and the payment of the Performance Related Element of the Members' Allowances.

The Independent Remuneration Panel's recommendations had been accepted by Council in July 2016 and implemented at the beginning of the new municipal year, in May 2017. The guidance provided the criteria for excused and unexcused absences, allowed for the Monitoring Officer to administer the process at her discretion to consult with Group Leaders regarding absences caused by "exceptional circumstances".

Members discussed the year end information which had been collated and included within the report. Three Members had fallen short of the 70% attendance requirement achieving attendance levels of 33%, 60% and 67% respectively, the Committee noted that they were no longer Members following the District Elections.

According to the scheme those former Members did not receive the £500 performance related element of the allowance, all other Members during the 2018/2019 municipal year reached the required threshold and received the £500 allowance during June.

The Committee went on to discuss the definition of excused and unexcused

absences and also the protocol for submitting apologies. The Director of Legal and Governance advised Members that the correct channel was via the Democratic Services team who would keep a record for inclusion in the data capture relating to attendance for the next municipal year.

The Leader of the Council, Councillor Jason Zadrozny in his capacity as Parish Councillor for Annesley and Felley Parish Council addressed the Committee with regard to concerns he had around the criteria relating to the scheme. The Committee were in agreement with the concerns raised and would like to ensure that the Independent Remuneration Panel are mindful of these when conducting their review later in the year.

RESOLVED that

- a) the record of attendance by Members as set out in the report, be received and noted;
- b) the Performance Related Element of Members' Allowances be considered by the Independent Remuneration Panel when carrying out their review of the Scheme during this municipal year;
- c) the Director of Legal and Governance (and Monitoring Officer) be requested to clarify to current Members the agreed procedure for submitting apologies to the Democratic Services Team.

Reason:

To ensure a clear and transparent process regarding the payment of the performance element of the Members' Allowance. To enable the Committee to perform its monitoring role in relation to the ethical governance of the Authority.

SP.26 Quarterly Complaint Monitoring Report

The Director of Legal and Governance (and Monitoring Officer) took Members through the quarterly complaints monitoring report and in so doing advised them that:-

- 3 complaints had been concluded, the summary details of which were included in the report;
- 8 complaints relating to District Councillors were in the process of being investigated with 3 complaints awaiting assessment, of which 2 relate to District Councillors and 1 to a Selston Parish Councillor;
- 1 complaint regarding a District Councillor which requires clarification prior to an assessment being made.

Members discussed the content of the report and were pleased that there had been a reduction in complaints arising in relation to Selston Parish Council since legal representation had been provided by the Council.

However, Stuart Fletcher, Selston Parish Council Representative advised the Committee that although having a legal officer in attendance had assisted it

had not eradicated the issue in its entirety.

The Director of Legal and Governance advised Members that there was an intention to deliver further training in order to provide further information around the importance of adhering to adopted codes and protocols in relation to behaviour.

A number of Members sought advice around the value of continuing with investigations relating to previously elected Members, given the financial implication it could have.

The Director of Legal and Governance advised the Committee that best practice dictates that any ongoing investigation should be concluded and further that a number of those investigations being referred to involved multiple members, some of whom were currently elected and as this was the case there was no financial gain by discontinuing.

RESOLVED

that the updated position in respect of Members' Code of Conduct complaints as set out in the Appendix to the report be noted.

Reason:

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

The meeting closed at 8.27 pm

Chairman.