

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Virtual Meeting held on Wednesday, 24th March, 2021 at 7.00 pm

Present: Councillor Lee Waters in the Chair;

Councillors Jim Blagden, Christian Chapman,
David Hennigan, Warren Nuttall, Phil Rostance
and Helen-Ann Smith.

Apology for Absence: Stuart Fletcher (resigned as Selston Parish
Council representative).

Officers Present: Lynn Cain, Ruth Dennis and Shane Wright.

In Attendance: Councillor Jason Zadrozny (as Annesley & Felley
Parish Council Representative).

SP.16 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

SP.17 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 9 December 2020,
be received and approved as a correct record.

SP.18 Whistleblowing Annual Update

The Director of Legal and Governance (and Monitoring Officer) presented the
report and provided Members with an update as to the operation of the
Whistleblowing Policy over the preceding 12 months. In relation to the
Whistleblowing Policy, Members were advised that no changes were required
for the forthcoming year.

One anonymous whistleblowing complaint, via the trade union, had been
received in the preceding twelve months. The allegations were substantial
and were in relation to fraud, corruption and bribery. An extensive investigation
was carried out with 16 people being interviewed by the Director of Legal and
Governance and the Chief Executive and the police were also involved at
certain points in the exercise. On its conclusion, there had been no evidence
of any wrongdoing and no disciplinary action was taken but some
management recommendations had been made and disseminated
accordingly.

It had been acknowledged following the investigation, that most whistleblowing allegations were now being submitted anonymously through the unions and management were keen to ascertain why this was. Investigations could be undertaken with far greater clarity and understanding if the whistle blower was a named officer and it was hoped that this course of action could be encouraged in the future.

The Director of Legal and Governance (and Monitoring Officer) was intending to be a more visible presence at the Depot going forward to encourage a drop in approach for staff wishing to voice any concerns or worries in confidence.

RESOLVED that

- a) it be acknowledged that no changes were required to the Whistleblowing Policy, as appended to the report, for the forthcoming year;
- b) the update as to the operation of the Whistleblowing Policy over the preceding 12 months, be received and noted.

SP.19 Annual Constitution Review

The Scrutiny Research Officer presented the report which detailed the proposed annual changes to the Constitution for the 2021/22 municipal year. Key officers had submitted their suggested updates for the document which usually came about due to changes in legislation and the introduction of new policies. The table contained in the report highlighted the main changes for 2021/22 including any textual amendments and updates to officer titles as required.

Contract Procedure Rules had been changed to reflect the country's departure from the EU but the Council was still awaiting further information in relation to new procurement rules. Work was also being undertaken by officers to consider how to incorporate the decision taken at the 4 February Council meeting (via a motion) to ensure that as many purchases as possible, procured by the Council, would come from UK based organisations and/or local businesses.

The Director of Legal and Governance (and Monitoring Officer) advised Committee that the Council Procedure Rules would continue to be reviewed up until the report's submission to the Annual Council Meeting in May 2021 to incorporate the latest guidance in relation to virtual, face to face and/or hybrid meetings.

Temporary Covid legislation with regard to virtual meetings was due to end on 7 May 2021 and the Council would then be required to return to face to face meetings with social distancing rules being observed. Local authorities nationally had recognised that this change would be extremely difficult to facilitate and many had lobbied Government for an extension to the temporary legislation. The outcome was awaited.

RESOLVED

that the proposed changes to the Council's Constitution for 2021/22, be received and noted.

SP.20 Committee on Standards in Public Life and Code of Conduct Update

The Director of Legal and Governance (and Monitoring Officer) presented the report and firstly took Members through progress in relation to implementation of the Committee on Standards in Public Life best practice recommendations, incorporating where applicable the recommendations from the recent informal Standard Working Group.

Members fully considered each recommendation in turn and agreed their progress/implementation as required.

Secondly, the Committee considered the new draft Members Code of Conduct that was a hybrid version of the Council's current code and the new Model Code of Conduct as produced by the Local Government Association (LGA).

Members had already debated the content of the new Code at length through the informal Standards Working Group and the draft was now being presented to Committee for final consideration prior to its submission to the Annual Council Meeting in May 2021.

The informal Standards Working Group had however, highlighted five areas for final consideration prior to approval and these were in relation to the following:

- to agree the definition of what was included as a Disclosable Personal Interest
- to consider if declarations of interest should be registered in advance or to stay with the current Council process of registering interests at the start of a meeting
- to consider whether the wording for "Non-disclosable Pecuniary/Other interest" should be changed to "Non-Registrable Interests"
- to consider if Members should continue with the Council's current approach to Member involvement in discussion and voting after declaring interests at a meeting
- whether to state in the Code a financial value (£50) for a gift or hospitality that is declined, or to update the Code to the more recent version of a "significant" gift only.

RESOLVED that

- a) the updated position regarding the implementation of the Committee on Standards in Public Life best practice recommendations and to include the ongoing work to the Committee's Work Plan for 2021/22, be approved as follows:

	Best Practice:	Agreed:
1.	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition	The new Member Code of Conduct, as recommended to Council for approval, contains the bullying and harassment definitions based on those in the LGA's Model Code of Conduct
2.	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors	<p>The new Member Code of Conduct, as recommended to Council for approval, contains provisions based on those in the LGA's Model Code of Conduct (including some current Council wording)</p> <p>The Complaints Process, to be reviewed by the Standards and Personnel Appeals Committee as part of their 2021/22 Work Plan</p>
3.	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	Consultation on the new draft Code to be undertaken through existing channels such as the Citizens' Panel, the Youth Council and the Council's website and social media platforms, prior to submission to the Annual Council Meeting in May 2021
4.	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.	In the event that Council adopts the revised Code at its Annual Meeting in May 2021, the document will be prominently placed on the Council's website to be accessible to both Councillors and public alike
5.	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV	Agreed to develop a Register on the Website and to introduce quarterly reporting through the Standards and Personnel Appeals Committee

6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered	The Council's Complaints Process, to be reviewed as part of the Standards and Personnel Appeals Committee's Workplan for 2021/22 will include such a public interest test and be prominently published on the Council's website
7.	Local authorities should have access to at least two Independent Persons	Procedures already in place with access to two Independent Persons
8.	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial	Procedures already in place and will remain in the updated Complaints Process once reviewed by the Standards and Personnel Appeals Committee as part of its Workplan for 2021/22
9.	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied	Procedures already in place and will remain in the updated Complaints Process once reviewed by the Standards and Personnel Appeals Committee as part of its Workplan for 2021/22, including publication on the Council's website
10.	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes	Procedures already in place (complete with access to an electronic complaint form) and will remain in the updated Complaints Process once reviewed by the Standards and Personnel Appeals Committee as part of its Workplan for 2021/22

11.	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances	Review of Parish Council and Monitoring Officer roles and procedures to be undertaken in the forthcoming municipal year, in conjunction with Parish Council representatives
12.	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work	Review of Parish Council and Monitoring Officer roles and procedures to be undertaken in the forthcoming municipal year, in conjunction with Parish Council representatives
13.	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation	Discussions taking place at a County level to develop reciprocal arrangements for accessing monitoring officers from neighbouring authorities
14.	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place	No action required at this present time

15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	Agreed to facilitate ad hoc meetings as required at the Chief Executive and Monitoring Officer's discretion
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- b) the new draft Member Code of Conduct, as appended to the report, be approved and recommended to Council at its Annual Meeting on 20 May 2021, for approval.

SP.21 Annual Ethical Governance Update

The Director of Legal and Governance (and Monitoring Officer) presented an overview of the work of the Standards and Personnel Appeals Committee during 2020/2021, asked Members to consider the Workplan items for 2021/2022 and to note the update in relation to Member Code of Conduct complaints to date.

Members acknowledged that the progress with the Workplan had faltered during 2020 as a result of the Covid-19 pandemic but had picked up in early 2021. Work on the review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police had not been started and would be rolled over onto the Workplan for 2021/22.

Work however, on the new Member Code of Conduct, had been really productive and the new draft Code had been submitted to Members at this meeting for consideration. Meeting as an informal group had been extremely useful for officers and Members alike and it was intended that these would continue to be utilised in the forthcoming year.

Members debated the content of the new Workplan for 2021/22 and acknowledged the current position in relation to Members complaints. Due to the pandemic, minimal progress had been made with the majority of the complaints and although further resources had been made available, there was still a considerable amount of work to be undertaken to clear the backlog.

Some work had been progressing, but it was sporadic. Outsourcing the complaints was not a viable option as this was extremely expensive and not something the Council could financially support at this present time.

10 new formal complaints had been received during 2020, with a further 4 already being submitted in the early part of 2021. It was acknowledged however, on consideration of the complaint forms, that many of the accusations were seemingly frivolous and trying to eradicate this type of complaint was an issue to be considered by officers in the future.

RESOLVED that

- a) progress made in relation to the agreed 2020/21 Workplan and the items proposed for the 2021/22 Workplan, be received and endorsed;

- b) the number of Member complaints received during 2020/21 to date, as summarised in the report, including the current outstanding complaints as set out in Appendix 1, be duly noted.

The meeting closed at 8.30 pm

Chairman.