

## **STANDARDS AND PERSONNEL APPEALS COMMITTEE**

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

**on Wednesday, 30th June, 2021 at 7.00 pm**

**Present:** Councillor Lee Waters in the Chair;

Councillors Chris Baron, Jim Blagden,  
David Hennigan, Warren Nuttall and Helen-  
Ann Smith.

**Apology for Absence:** Councillor Christian Chapman.

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

**In Attendance:** Vicky Heslop (Annesley & Felley Parish Council  
representative).

### **SP.1 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

Councillor Chris Baron and David Hennigan both declared a Non-Registrable Interest in relation to Agenda No. 5 (Ethical Governance Update). Their interests arose from the fact that they were both involved with a current standards complaint, as detailed in the Quarterly Update of Complaints attached to the report, that had yet to be resolved.

The meeting adjourned at 7.06pm and reconvened at 7.12pm.

### **SP.2 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 24 March 2021, be received and approved as a correct record.

### **SP.3 Standards and Personnel Appeals Committee Work Plan 2021 - 2022**

Members were asked to consider the proposed Standards and Personnel Appeals Committee Work Plan for the next municipal year and consider the inclusion of any additional items as required.

The Director of Legal and Governance (and Monitoring Officer) advised that the Work Plan included standard items which were considered by the Committee annually but also included additional, one-off, items that required particular consideration as the need arose:

### Quarterly Complaint Update

Standard Item.

### Report of the Committee on Standards in Public Life

This item would be worked on in the next couple of months through an Informal Working Group with a detailed report being submitted to Committee in September 2021.

The new Members' Code of Conduct, a hybrid version of the Council's last version and the Local Government Association's new Member Code, had now been approved by Council and a review of the Council's process for handling Code of Conduct Standards Complaints was due to commence imminently.

### Members Training Policy and Programme

A report was due to be considered later on the agenda.

### Politically Restricted Posts

Approval was sought to review and update the list of politically restricted posts following an agreed consultation.

### Use of Resources Policy

A previously drafted (but not finalised) Policy was due to be revisited in October 2021 in light of the revised Code of Conduct.

### Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police

Having been delayed due to the pandemic, the Protocol which dealt with the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests was due to be reviewed in December 2021.

### Whistleblowing Policy

Standard Item.

### Annual Review of the Workplan

Standard Item.

### Constitution Review

Standard Item.

Members took the opportunity to debate the proposed Workplan as follows:

- acknowledgement that very few Members received gifts or hospitality over £50 but in any event were all au fait and committed to the reporting process
- the ongoing lobbying of Government regarding the cessation of temporary Covid-19 legislation regarding virtual meetings and the operational difficulties being experienced by local authorities to conduct Council and Committee meetings face to face as the pandemic continued

- examples of when a Member may breach the Code of Conduct relating to Disclosable Pecuniary Interests and how the Police handle any complaints of such nature
- the usefulness of the Informal Working Groups and how they enable work to be expedited in an efficient and timely manner.

#### RESOLVED

that the Standards and Personnel Appeals Committee Work Plan for 2021/22, as appended to the report, be approved.

### **SP.4 Ethical Governance Update**

(In accordance with the Members' Code of Conduct as contained in the Council's Constitution, Councillors Chris Baron and David Hennigan had previously declared Non-Registrable Interests in relation to this item. Their interests were such that they remained in the room and took part in the discussion and voting thereon.)

As part of the Ethical Governance framework, the Director of Legal and Governance (and Monitoring Officer) gave an update regarding Gifts and Hospitality, Politically Restricted Posts and Members' Code of Conduct Complaints.

#### Gifts and Hospitality

Following on from the Committee on Standards in Public Life best practice recommendation 5, which stated that local authorities should update their gifts and hospitality register at least once per quarter and should publish it in an accessible format, the Committee had previously agreed the following:

- to develop a Register on the Council's Website.
- to introduce quarterly reporting through Committee
- produce a Guidance Note for Members (in line with the annual reminder).

In relation to the register, the Council 'Modern.gov' report management software was currently being upgraded and would feature a facility to enable Gifts and Hospitality to be recorded on it and published in a similar way to the Register of Members' Interests. It was envisaged that the upgrade would be completed by the end of August and Committee would receive a summary update thereafter.

#### Politically Restricted Posts

The Council was required to hold a list of designated politically restricted posts which included Chief Officers, Service Managers and officers falling under the 'politically sensitive' designation. The list should be reviewed regularly to ensure it remains up to date with the last review being undertaken by the Council in June 2018. Members were advised that work would commence shortly with HR to update the list and once formalised, consultation would be undertaken with the Council's Corporate Leadership Team (CLT) and its Trade Unions as per the agreed process.

### Members' Complaints

There had been 8 new complaints since the last update and 6 previous complaints had now been completed. In accordance with the schedule attached to the agenda, any outstanding complaints were still going through due process and would be reported on in due course. It was acknowledged by Committee that there was often an upsurge in complaints following an election and these would be dealt with by officers as soon as practicable.

A Members asked why a particular complaint was still not concluded after 2 years and Committee were advised that the case was complicated and had proved difficult due to the status of the complainant and the fact that various solutions had been suggested but not furthered.

During a short discussion Members expressed their concerns that many of the complaints were frivolous and politically motivated and were wasting officers' time. It was agreed that it was an opportune time to review the complaints process to consider if any changes could be made to speed up the process and equip officers with options to disregard any such complaints more swiftly.

It was also acknowledged that some complaints from the public about Members were just frustrations following service requests not being expedited quickly enough by the Council. These types of complaints needed to be fed back into their appropriate Directorates and expectations managed accordingly.

RESOLVED that

- a) the update regarding Committee on Standards in Public Life best practice recommendation 5 regarding gifts and hospitality, be noted;
- b) the Monitoring Officer (being the appointed proper officer for the purposes of maintenance of the list) be authorised to carry out a review of the existing list of politically restricted posts with the support of HR and thereafter consult with the Trade Unions in respect of the revised list before reporting back to the next meeting of the Committee with any changes, deletions or additions for approval;
- c) the updated position in respect of Members' Code of Conduct complaints as set out in Appendix 2, be also noted.

### **SP.5 Member Training and Development**

The Service Manager, Scrutiny and Democratic Services, presented the current Member Development Strategy which was approved by Council on 16 February 2017. A number of changes had taken place since its adoption which included the introduction of new Members following the District Elections in May 2019 and developments in online training and digital interaction following the Covid-19 pandemic.

It was imperative that Members had continued access to appropriate training opportunities (both discretionary and mandatory) and it was therefore time the strategy was reviewed and updated to ensure it remained viable and fit for purpose.

Members had previously expressed their preference for targeted training as necessary rather than intensive training over a long period of time. This focussed format was adopted for the introductory training for Members following the 2019 District Elections and it proved to be a success. A subsequent self-assessment exercise however, for Members' ongoing training requirements, did not prove to be so successful with very little useful information regarding individual training needs being garnered at the time.

Following this, the Covid-19 pandemic began in March 2020 and training opportunities were severely restricted and only delivered by virtual means if required. In conjunction with this current position, Members were advised that the Council's External Auditors, Mazars, had recently also commented regarding ongoing/refresher audit training being offered to Members and how the Council might address this situation going forward.

To inform the review process, Members were asked to consider what types of training opportunities they would welcome, both discretionary and mandatory, and the following comments were made:

- to incorporate regular, focussed training, as an agenda item on individual Committees as required or to be held prior to a Committee meeting taking place to make best use of Members' time
- to arrange for training to be delivered in a 'workshop' style to enable Members to learn in a more informal, practical environment
- to provide additional training for Chairman and Vice Chairman with a focus on role-play scenarios rather than just text-based learning
- to enable easy access to online training via Members' iPads
- to facilitate combined training with other local authorities to achieve value for money on more expensive learning opportunities as appropriate
- for Members to engage more in the training process and take responsibility for their own training needs and requirements including the methods best suited to their style of learning
- to acknowledge that 'learning on the job' was invaluable for Members and should not always be side-lined in favour of text-based training
- a desire for training to be more interesting thus encouraging Members to participate more fully in any arranged training sessions/programmes.

#### RESOLVED

that having taken on board the views and comments from Members regarding future training methods and requirements, the review of the Member Development Strategy be undertaken through the Standards Informal Working Group over the next few months with a report back to Committee in due course.

The meeting closed at 8.40 pm

Chairman.