

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>23 MARCH 2022</b>
<b>Heading:</b>	<b>ANNUAL ETHICAL GOVERNANCE UPDATE</b>
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

- To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2021/2022
- To consider work plan items for 2022/2023
- To receive an update regarding declarations of Member gifts and hospitality
- To recommend to Council for approval the Use of Resources Policy
- To note the update in relation to Member Code of Conduct complaints to date

### **Recommendation(s)**

Committee is asked to:

1. Note the progress made in relation to the agreed 2021/22 work plan;
2. Consider future work plan items for 2022/2023;
3. Note there are no declarations of Member gifts and hospitality to report.
4. Recommend that Council approve the Use of Resources Policy as attached to the report at Appendix 1
5. Note the number of Member complaints received during 2021/22 to date as summarised in the report and the current outstanding complaints as set out in Appendix 2 to the report.

### **Reasons for Recommendation(s)**

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

## Alternative Options Considered

Options are considered within the body of the report.

## Detailed Information

### **WORK PLAN – 2021/2022**

At its meeting in June 2021, the Committee agreed a programme of work for the 2021/2022 year.

The table below sets out the work item, the agreed timeframes and an update in relation to the progress made

<b>Work Plan Item</b>	<b>Timeframe</b>	<b>Progress</b>
<p><b>1. Quarterly Complaint Update</b></p> <p>A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.</p>	<p>June 2021 October 2021 December 2021 March 2022</p>	<p>Reports have been submitted to each Committee meeting and Members have commented on the information provided.</p> <p>The Committee meeting in October 2021 was cancelled; informal working groups met on a number of occasions.</p> <p>An update is included in this report.</p>
<p><b>2. Report of the Committee on Standards in Public Life</b></p> <p>To consider the Report of the Committee on Standards in Public Life and implementation of Best Practice Recommendations to include:</p> <ul style="list-style-type: none"><li>○ Revised Code of Conduct Complaints Process</li><li>○ Online Register of Gifts and Hospitality, quarterly reporting</li></ul>	<p>Ongoing throughout 2021/22</p>	<p>Reports to the Committee and informal working groups have taken place during the year.</p> <p>Online Register of Gifts and Hospitality and revised guidance and forms were introduced following the Committee in December 2022. Quarterly reporting has also started.</p> <p>The Complaints Process was considered at an informal meeting and no significant changes were identified.</p> <p>This work will be ongoing during 2022/2023.</p>
<p><b>3. Members Training Policy and Programme</b></p>	<p>June 2021</p>	<p>The Strategy was approved at the Committee meeting in December 2021.</p>

To revise the Member Development Strategy		
<p><b>4. Politically Restricted Posts – Update</b></p> <p>To seek approval to review and update the list of politically restricted posts</p>	<p>June 2021 October 2021</p>	<p>Committee in June authorised the Monitoring Officer to revise the current list of politically restricted posts in conjunction with HR and consult with the Trade Unions and Corporate Leadership Team (CLT).</p> <p>A revised list has been presented to the Trade Unions for consultation and some queries were raised by GMB. The Monitoring Officer met with GMB and the issues were resolved.</p> <p>Due to further staffing changes, further revisions to the list are now required and as such consultation with the Trade Unions and CLT will need to take place before bringing back to Committee for approval.</p> <p>The item will be rolled forward to the 2022/23 work plan.</p>
<p><b>5. Use of Resources Policy</b></p> <p>To revisit the previously drafted (but not finalised) Policy in light of the revised Code of Conduct</p>	<p>October 2021</p>	<p>The draft policy was considered and revised and reported to the Committee in December 2021. A further query was raised by the Committee and the policy is appended to this report for approval. Further details are set out below.</p>
<p><b>6. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</b></p> <p>To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests</p>	<p>December 2021</p>	<p>This work remains outstanding.</p> <p>This item will be rolled forward to the 2022/2023 work plan.</p>
<p><b>7. Whistleblowing Policy</b></p> <p>Annual report to consider amendments (if required) to the</p>	<p>March 2022</p>	<p>A report is presented to this Committee meeting elsewhere on the agenda.</p>

policy and to monitor the application of the policy		
<b>8. Annual Review</b>  Report to consider the work of the Committee over the year compared to the Work Plan  To consider an overview of the ethical governance of the Council	March 2022	This report provides the update to Committee.
<b>9. Constitution Review</b>  Consideration of proposed amendments to the Constitution for recommendation to Council	March 2022	A report is presented to this Committee meeting elsewhere on the agenda.

**Committee is therefore asked to note the progress made in relation to the agreed work plan.**

### **FUTURE WORK PLAN ITEMS FOR 2022/23**

Work Plan items for 2021/22 are suggested below. Members may wish to suggest other items for inclusion.

<b>Proposed Work Plan Item</b>	<b>Timeframe</b>
<b>1. Quarterly Complaint Update</b>  A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.	July 2022 October 2022 December 2023 March 2023
<b>2. Report of the Committee on Standards in Public Life</b>  To continue to consider the Report of the Committee on Standards in Public Life and implementation of Best Practice Recommendations.	Ongoing throughout 2022/23
<b>3. Members Training Programme</b>  To revise the Members Training Programme.	July 2022 December 2022

To consider the induction programme for members following the District Council elections in May 2023.	
<b>4. Politically Restricted Posts – Update</b>  To seek approval to review and update the list of politically restricted posts	June 2022
<b>5. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</b>  To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests	March 2023
<b>6. Whistleblowing Policy</b>  Annual report to consider amendments (if required) to the policy and to monitor the application of the policy	March 2023
<b>7. Annual Review</b> Report to consider the work of the Committee over the year compared to the Work Plan  To consider an overview of the ethical governance of the Council	March 2023
<b>8. Constitution Review</b>  Consideration of proposed amendments to the Constitution for recommendation to Council	March 2022

**Committee is therefore asked to consider the proposed work plan items for 2022/2023.**

**GIFTS AND HOSPITALITY**

There are no declarations of Member gifts and hospitality to report.

## USE OF RESOURCES POLICY

At the previous meeting of the Committee, discussions were held on the draft Use of Resources Policy, particularly regarding the use of PPE and Council branded clothing, and the following was resolved:

- a) *the Service Manager for Scrutiny and Democratic Services, in conjunction with the Service Manager for Risk and Emergency Planning, be requested to suitably amend the wording of Part 14 of the draft Use of Resources Policy to enable Members, in certain circumstances, to keep possession of Council branded items of clothing;*
- b) *as a result of (a) above and once amendments have been made to Part 14 of the draft Use of Resources Policy, the draft document be electronically circulated to Committee Members for consideration and then re-submitted to the next Standards and Personnel Appeals Committee in March 2021, for final sign off and subsequent recommendation to Council.*

The following extract from the minutes of the previous meeting highlight the discussion:

*“Members briefly discussed the ongoing issue of Members wearing Council branded clothing during their attendance at events or outside locations and the requirement of any items to be returned to the Council after such use. Concerns were raised that the return of such items was often impracticable and unhygienic (i.e. protective footwear) and that Members often attended multiple events on a weekly basis and preferred to keep such items in their possession.”*

Following this discussion and the resolved items, the Service Manager – Risk and Emergency Planning was contacted regarding the wording in the draft Provision of Corporate Clothing and Personal Protective Equipment Policy, which has been used for the draft Use of Resources Policy.

As a reminder, the wording is as follows:

### 5.3 Elected Members

5.3.1 Elected Members will be provided with appropriate corporate clothing and PPE on an ‘as needs’ basis as required by the particular circumstances and duties/functions being undertaken. All items of corporate clothing and PPE issued to Member(s) shall be returned to the Council upon completion of the relevant duty/function.

Following discussions, the Service Manager – Risk and Emergency Planning has explained that the wording used is intended to be interpreted in a flexible manner. Meaning that reference to a relevant duty is intended to mean a Councillor’s entire term of office as well as any specific event or photo opportunity.

Committee Members were contacted to provide comments on this explanation; however, no feedback has been received to date.

If the Committee is happy with the explanation provided by the Service Manager – Risk and Emergency Planning regarding the use of PPE and Council branded clothing, no further action is needed, and the draft Use of Resources Policy can be considered for approval.

The draft Use of Resources Policy is attached as **Appendix 1**

## **SUMMARY AND UPDATE OF MEMBER COMPLAINTS RECEIVED DURING 2021/22**

I have received 6 formal complaints during 2021 and 3 during 2022 regarding the behaviour of Councillors.

Of these 9 complaints:

- 6 complaints related to District Councillors during 2021
- 3 complaints relates to District Councillors during 2022

Appendix 2 sets out the complaints in more detail.

Comparing the total number of complaints since 2011:

<b>YEAR</b>	<b>NUMBER OF COMPLAINTS</b>
2011	0
2012	13
2013	15
2014	8
2015	12
2016	4
2017	18
2018	24
2019	14
2020	10
2021	6
2022	3

**Committee is therefore asked to note the number of Member complaints received during 2021/22 to date as summarised in the report and the current outstanding complaints as detailed in Appendix 2.**

## **Implications**

### **Corporate Plan:**

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are:

- People Focussed
- Honest
- Proud
- Ambitious

It is important that the Council has the most effective infrastructure and support to enable:

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

### **Legal:**

This report is presented in accordance with the Terms of Reference for this Committee as set out in the Constitution.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Lack of transparency. Lack of monitoring. Failing to meet the duty of maintaining high standards of behaviour	The work plan for this Committee, the quarterly update reporting and this Annual report ensures the Council is open and transparent in the way it deals with ethical governance.  The reporting and work of the Committee demonstrates the Council's commitment to maintaining high levels of ethical behaviour.

### **Human Resources:**

There are no significant Human Resource issues identified in the report.

### **Environmental/Sustainability**

There are no Environmental/Sustainability issues identified in this report.



## **Equalities:**

There are no significant equalities issues identified in the report.

## **Other Implications:**

None.

## **Report Author and Contact Officer**

Ruth Dennis  
DIRECTOR OF LEGAL AND GOVERNANCE  
[ruth.dennis@ashfield.gov.uk](mailto:ruth.dennis@ashfield.gov.uk)  
01623 457009