

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>8 MARCH 2023</b>
<b>Heading:</b>	<b>ANNUAL ETHICAL GOVERNANCE UPDATE</b>
<b>Executive Lead Member:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>
<b>Key Decision:</b>	<b>NOT APPLICABLE</b>
<b>Subject to Call-In:</b>	<b>NOT APPLICABLE</b>

## **Purpose of Report**

- To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2022/2023
- To consider work plan items for 2023/2024
- To receive an update regarding declarations of Member gifts and hospitality
- To note that no changes are required to the Disclosure and Barring Service (DBS) Policy
- To consider for recommendation to Council the update Members' Social Media 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 2022/23 work plan.**
- 2. Consider future work plan items for 2023/2024.**
- 3. Note there is 1 declaration of Member gifts and hospitality to report for 2022/23.**
- 4. Note that no changes to the Disclosure and Barring Service (DBS) Policy (attached as Appendix 1) are required.**
- 5. Recommend that Council approves the Members' Social Media Policy attached as Appendix 2**
- 6. Note the number of Member complaints received during 2022/23 to date as summarised in the report and the current outstanding complaints as set out in Appendix 3 to the report.**

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

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

## **Alternative Options Considered**

There are no alternative options considered where the recommendation is for noting.

The Committee may make further suggestions in relation to the proposed work plan for 2023/24.

In respect of the Social Media Policy the Committee may suggest further changes to the Policy or decide to make no changes to the existing Policy.

## **Detailed Information**

### **Work Plan – 2022/2023**

At its meeting in June 2022, the Committee agreed a programme of work for the 2022/2023 year. The table below sets out the work item, the agreed timeframes and an update in relation to the progress made.

<b>Work Item</b>	<b>Timeframe</b>	<b>Progress</b>
Quarterly Complaint Update  A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members	June 2022 October 2022 December 2022 March 2023	Reports have been submitted to each Committee meeting and Members have commented on the information provided.  The Committee meeting in October 2022 was cancelled.  A further update is included in this report.
Report of the Committee on Standards in Public Life  To consider the Report of the Committee on Standards in Public Life and implementation of Best Practice Recommendations	Ongoing throughout 2022/23 as required by Committee	The Report of the Committee on Standards in Public Life has been taken into account as part of all work undertaken by the Committee during the year.  A report was submitted in June 2022.
Members' Training Programme  To revise the Members' Training Programme	June 2022 December 2022	A report was submitted in June 2022 and also considered as part of a report in December 2022.

<p>Politically Restricted Posts – Update</p> <p>To seek approval to update the list of politically restricted posts</p>	<p>June 2022</p>	<p>The updated list was approved at Committee in June 2022.</p>
<p>Review of Members’ Social Media Policy</p> <p>To review the Members’ Social Media Policy</p>	<p>October 2022</p>	<p>A report was submitted in December 2022 (the October meeting was cancelled) and a further update is included in this report.</p>
<p>Members’ Induction Programme</p> <p>To develop Members’ Induction Programme for Post District Elections</p>	<p>October 2022 March 2023</p>	<p>A report was submitted in December 2022 (the October meeting was cancelled) and a further report appears on this agenda.</p>
<p>Review of Members’ DBS Policy</p> <p>To review the Members’ DBS Policy in advance of the District Elections</p>	<p>December 2022</p>	<p>This is included in this report for consideration.</p>
<p>Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</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 2022</p>	<p>This has not been progressed.</p>
<p>Whistleblowing Policy Annual report</p> <p>To consider amendments (if required) to the policy and to monitor the application of the policy</p>	<p>March 2023</p>	<p>A report appears on this agenda.</p>
<p>Annual Review Report</p> <p>To consider the work of the Committee over the year compared to the Work Plan</p>	<p>March 2023</p>	<p>This report.</p>

To consider an overview of the ethical governance of the Council		
Constitution Review Consideration of proposed amendments to the Constitution for recommendation to Council	March 2023	A report appears on this agenda.

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

### **Future Work Plan Items – 2023/2024**

Work Plan items for 2023/2024 are suggested below. Members may wish to suggest other items for inclusion.

Committee is therefore asked to consider the proposed work plan items for 2023/2024.

<b>Proposed Work Item</b>	<b>Timeframe</b>
Quarterly Update  A report to Committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members and to update Members in respect of Declarations of Gifts and Hospitality.	June 2023 October 2023 December 2023 March 2024
Members' Training and Induction Programme  To review the success of the Members' Induction Programme and review / develop ongoing training	October 2023
Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police  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	October 2023

Review of the Members' Code of Conduct  To review the Members' Code of Conduct to consider amendments.	December 2023 March 2024
Whistleblowing Policy Annual report  To consider amendments (if required) to the policy and to monitor the application of the policy	March 2024
Annual Review 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 2024
Constitution Review  Consideration of proposed amendments to the Constitution for recommendation to Council	March 2024

### **Gifts And Hospitality**

There has been 1 declaration of Member gifts and hospitality to report for the year 2022/2023 as detailed in the Appendix 3.

### **Disclosure and Barring Service Checks**

The current Policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-opted Members was adopted in 2019 with an effective commencement date of 13 February 2019. The Policy is attached as Appendix 1.

The Policy has been reviewed in line with current legislation to consider if changes need to be made to the Policy. In order to protect those who are most vulnerable in society, the Council adopted a policy for all Members to undergo a basic level DBS check within 2 months of taking office following election. A basic level check would disclose details of convictions and conditional cautions considered unspent under the terms of the Rehabilitation of Offenders Act 1974. The costs of the check (currently £18) are deducted from the Members' Allowances. The Policy sets out the processes and what happens if a disclosure is made as part of the check. The current policy continues to reflect existing legislation and as such no changes to the policy are considered necessary.

Committee is asked to note that no changes to the Disclosure and Barring Service (DBS) Policy (attached as Appendix 1) are required.

### **Members Social Media Policy**

The existing Members' Social Media Policy was developed through the Standards and Personnel Appeals Committee as part of the agreed work programme for 2017/18. It was added to the 2017/18 work programme for review due to a significant number of complaints being received relating to Member use of social media.

As part of the agreed 2022/23 work programme for the Standards and Personnel Appeals Committee, Members were asked to review the Council's existing Members' Social Media Policy adopted at the Annual Council Meeting in 2018.

At the December 2022 meeting of the Committee, Members were presented with a report detailing the development of the existing Policy and the key features within. Members had the opportunity to comment on all aspects of the Policy and put forward any suggestions for changes to be made.

Committee did not recommend any significant changes to the Members' Social Media Policy at the previous meeting. The Policy has been formatted to be more in line with other policy documents developed through the Standards and Personnel Appeals Committee along with minor content changes as required.

Committee is asked to recommend that Council approves the Members' Social Media Policy attached as Appendix 2 to the report.

### **Summary and Update of Member Complaints Received During 2022/2023**

15 formal complaints have been received during 2022 and 3 during 2023 to date regarding the behaviour of Councillors.

Of these 18 complaints:

- 15 complaints related to District Councillors during 2022
- 3 complaints relates to District Councillors during 2023

Appendix 3 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	15
2023	3

Committee is therefore asked to note the number of Member complaints received during 2022/2023 to date as summarised in the report and the current outstanding complaints as detailed in Appendix 3.

## **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.

The Policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-opted Members is compliant with legislation (Rehabilitation of Offenders Act 1974 and Rehabilitations of Offenders Act 1974 (Exceptions) Order 1975 as amended). [RLD 14/02/2023]

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	The cost of training and future Member development is to be met from the existing Training & Development budget for Members
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

**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.

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

None

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