

## **STANDARDS AND PERSONNEL APPEALS COMMITTEE**

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

**on Tuesday, 23rd July, 2024 at 7.00 pm**

**Present:** Councillor Paul Grafton in the Chair;

Councillors Kier Barsby, Jamie Bell, Oliver Hay,  
Phil Rostance and Dave Shaw.

**Apology for Absence:** Councillor Lee Waters.

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

### **SP.1 Appointment of Chairman**

RESOLVED

that Councillor Paul Grafton be appointed as Chairman for the duration of the meeting.

### **SP.2 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

No declarations of interest were made.

### **SP.3 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 19 March 2024, be received and approved as a correct record

### **SP.4 Standards and Personnel Appeals Committee 2024/25 Work Plan**

The Executive Director of Governance and Monitoring Officer presented the report and took Members through the proposed items for the Committee Work Plan for 2024/25.

It was acknowledged that the Members' Code of Conduct and related documents review would be a significant piece of work that would be facilitated through a mix of informal and formal meetings of the Standards Working Group as required.

RESOLVED

that the Standards and Personnel Appeals Committee Work Plan for 2024/25, as presented, be approved.

## **SP.5 Quarterly Ethical Governance Update**

The Assistant Director for Democracy presented the report and advised Members that four new complaints had been received by the Authority during the period April to June 2023. Three of the complaints related to District Councillors whilst the fourth had related to a Parish Councillor but had already been dismissed. In relation to the four outstanding complaints from the previous year, one had been resolved with no further action or breach identified.

Six complaints remained under consideration with two currently with the Independent Person, two at scoping stage and one longer term complaint awaiting further information from the complainant.

The Service Manager for Governance updated Committee in relation to the Gifts and Hospitality declaration that had been made during the first quarter and in accordance with the Council's current procedure. It was noted that the hospitality had been accepted.

Due to the July 2024 General Election and the availability of officers and Members during that time, it had been agreed to postpone the proposed July Member refresher training month until September 2024.

The refresher training month would include sessions in respect of the following:

- mandatory training to those Members who had yet to complete it in accordance with the requirements set out in Part 5 of the Constitution
- refresher training to any interested Members
- training, as required, to any Member with new special responsibilities.

Members were also directed to peruse upcoming events organised by the Local Government Association (LGA), which included training and development opportunities across a wide range of topics.

A debate took place and Committee discussed the following:

- the increase in complaints being sent to the Ombudsman and the additional work falling to the two Deputy Monitoring Officers to provide information and responses as required;
- concerns around complainants becoming more aggressive/demanding of officers at a much earlier stage and when outcomes are not accepted
- a suggestion that any future Member Complaint guidance contains information explaining the Ombudsman's remit and the fact that they examine whether there is fault in the way the Council makes decisions and not the decisions themselves

- a suggestion that future Committee updates indicate whether new complaints are for separate Councillors or if there is a pattern of behaviour with multiple complaints for particular Councillors
- a request that individual Members are advised on a yearly basis as to their current training status and what sessions remained outstanding for completion.

RESOLVED that

- a) the updated position in respect of Member Complaints, Gifts and Hospitality declarations and Member Training arrangements, as presented, be duly noted;
- b) the Service Manager for Governance be requested to furnish Members with information regarding their training status and what individual training requirements remain outstanding for completion.

(During consideration of this report, Councillor Dave Shaw entered the meeting at 7.10pm.)

#### **SP.6 Members' Code of Conduct Review**

Members received an introduction to the Members' Code of Conduct and related processes and procedures with a view to agreeing an approach for the review and the appointment of an Independent Person and Coopted Members to the Committee.

The Executive Director for Governance and Monitoring Officer had previously requested a review by Internal Audit focussing on the Members' Code of Conduct and its related processes and arrangements against best practice, to inform the planned review by this Committee of its current arrangements. The Internal Audit review had provided a reasonable level of assurance and advised that there was generally a sound system of governance, risk management and control in place.

However, some issues of noncompliance and scope for improvement had been identified and a summary of these were presented to Members regarding the following:

- some inconsistencies with the Local Government Association (LGA) Model Code of Conduct relating to the disclosure of interests, which the Committee should consider when conducting its review
- the Council's Member/Officer Protocol was dated 2015 and was due a review to ensure it remained consistent with other parts of the Constitution and maintained current best practice
- the Member Complaints Process was last updated in May 2018 and would benefit from a review

- to consider the recruitment of a second Independent Person to ensure resilience in relation to the progression of complaints
- to consider trying to recruit co-opted Members to the Standards and Personnel Appeals Committee to mitigate the risk of perception that the Committee lacks political neutrality.

During the ensuing discussions it was agreed that a hybrid working arrangement including both informal and formal meetings of the Committee would be necessary to enable Members to fully consider all elements of the review and prepare a suitable set of recommendations for submission to Council on its completion.

RESOLVED that

- a) the existing Members' Code of Conduct and related processes and procedures, as appended to the report, be noted;
- b) the comments made by Internal Audit as part of its recent review, as outlined in the report, be also noted;
- c) it be agreed that a hybrid arrangement of both informal and formal meetings of the Committee be adopted, to undertake the review and to agree a preferred process for recruiting an Independent Person and Coopted Members to the Committee.

The meeting closed at 8.20 pm

Chairman.