

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 25th July, 2016 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

Councillors Amanda Brown, Cathy Mason,
Lachlan Morrison, Phil Rostance and Mike Smith
(substitute for Jackie James)

Apologies for Absence: Councillors Steve Carroll, Jackie James

Officers Present: Ruth Dennis and Alan Maher.

SP.01 Declarations of Disclosable Pecuniary and Non-Disclosable Pecuniary / Other interests

There were no declarations of interest made.

SP.02 Minutes

The minutes of the meeting held on Monday 14 March 2016 were approved as a true record.

SP.03 Standards and Personnel Appeals Committee - Work Plan 2016/17

The report to Committee set out the proposed Work Plan for the 2016/17 municipal year. The Council's Monitoring Officer, Ruth Dennis, explained, that this would focus on the Committee's core areas of responsibility - standards of behaviour, monitoring complaints and 'whistleblowing'.

Members considered each of the suggested work items. They heard that as part of the proposed update report on the implementation of the LGA recommendations and the assessment of their impact, the Committee would be asked to consider whether we should appoint Co-opted Members and also the retention of Independent Persons. The Committee was reminded that two recruitment exercises to appoint Co-opted Members had been carried out. Unfortunately, these had not been successful and the posts currently remained vacant.

The Committee noted that it would receive an update on the Member Development Strategy and Programme. In particular, it would be asked to consider proposals to personalise the programme, between now and the next District local elections, in 2019. The aim behind this change would be to provide bespoke support to Members to help them with those areas of development which they require or would benefit most from. The Committee was informed that some specific proposals were being developed in

consultation with Human Resources and these would be submitted to the Committee at its October meeting.

As part of the Work Plan, the Committee would be asked to consider whether a policy was required on Disclosure and Barring Service (DBS) checks for all elected Members. What other local authorities have done will be researched and some specific proposals brought to the Committee, in October 2016.

The Committee then noted that it would be asked to consider the Members Allowances Scheme – and in particular how the Performance Related Element should operate. The Committee was reminded that this would require Members to attend most of the Council meetings and the meetings of those Committees to which they had been appointed in order to receive their full allowance.

Members discussed briefly this issue. They emphasised just how important it would be to apply a consistent approach, especially in determining when there were legitimate grounds for missing meetings. At the same time they also emphasised that those with chronic medical conditions should not be disadvantaged if they were unable to attend as many meetings because of their conditions.

Finally, the Committee noted that it would be asked to consider the issue of Secret Societies as part of the Work Plan. In particular, it would be asked to consider whether the Code of Conduct ought to be amended to require all Members to declare their membership of Secret Societies. The Committee agreed that some suggested wording now be prepared and submitted to its December 2016 meeting.

RESOLVED

That the Committee approves the Standards and Personnel Appeals Committee Work Plan for 2016-17.

Reasons

To reflect good practice.

SP.04 Quarterly Complaints Monitoring Report

The report to Committee provided information on complaints of alleged Member misconduct and the progress which had been made in assessing them. In particular, the Monitoring Officer explained that two outstanding complaints had been assessed. The first had been seen as having sufficient grounds for it to be considered by a Hearing Sub-Committee. The Committee would be informed of the arrangements for this shortly. The second had been assessed as not requiring any further action. The Committee noted this.

Members also heard that since the Committee had received its last update, in March 2016, two new complaints had been received which required assessment. These complaints involved Member complaints (rather than complaints from the public) and were interrelated. Carrying out investigations into them would not necessarily produce a satisfactory outcome and other options were being explored. However the Committee was told that it may still

be necessary to carry out investigations if the other options were not successful.

Finally, Ruth Dennis told the Committee that she had been contacted by three members of the public about potential complaints, but these had not been submitted at this stage.

The Committee discussed the report. As part of this, Members considered the types of complaints which are received from the public, especially around planning issues. They also discussed briefly the arrangements for the hearing that was required. All in all, the Committee thought that good progress had been made in assessing the outstanding complaints and welcomed the prospect that there may even be no outstanding complaints by the next Committee meeting.

RESOLVED

The Committee notes the updated position in respect of Members Code of Conduct complaints as set out in report.

Reasons

To reflect good practice.

SP.05 Members with other roles which might conflict with their role as a Councillor

The Committee was asked to consider this discussion paper. The paper made it clear just how important it was to make Members aware of any potential conflicts of interest which they may have - and especially any conflicts of interest they might have when carrying out their roles as District Councillors and their other roles. In particular, it was pointed out that there were potential conflicts of interest for those Members who were elected to serve on both Ashfield District Council and Nottinghamshire County Council. These conflicts could also arise when Members have employment or business interests which might cause some sensitivities when they were taking part in the business of the Council.

In this context, the Committee heard and discussed some examples of when this had occurred, including those which involved Members becoming 'predetermined' (or unable to speak or take part in the discussion or decision) on planning applications because of their conflicting roles.

The report made clear that the Committee would not have to develop any new policies. Rules had been established for how Councillors should behave when faced with conflicts of interest. These were based on the Seven Principles of Public Life determined by the Nolan Committee. The Seven Principles had been incorporated into the Council's own Members' Code of Conduct. The Committee was reminded that under these principles Councillors should not disclose information which had been given in confidence to them, or to disclose any confidential information which they had acquired.

Members were asked how to take this forward and in particular, whether they wanted to produce some further clarification or guidance on dealing with conflicts of interest.

Members discussed the paper. During this discussion specific concern was raised about the need for clarity about when they could and could not share information. It was made clear that under the Data Protection Act Members should only use information for the purpose which it was intended – or in other words to enable them to carry out their roles as District Councillors. Consequently, they should not share this information with the public or other third parties, such as parliamentarians.

Members were reminded that the Council has an established process for dealing with MPs enquiries, which should be followed. The Committee felt it important that Members be clear when they are not acting in their capacity as a Councillor – such as when they are representing Members of Parliament or others. The Committee also felt it important that Officers be supported, so that they can challenge and seek clarity when this role was unclear.

At the conclusion of the discussion the Committee agreed that it would be a good idea to produce a briefing / guidance note. In addition, the Committee thought that it would be helpful to arrange a training session for those Members serving on more than one authority after the County Council elections had taken place, in May 2017.

RESOLVED

That a guidance note be produced on how to deal with other roles which might conflict with their roles as Councillors and this note be brought back for the Committee to consider at its October meeting.

Reasons

Members have highlighted the issue of conflicts of interest as part of the Committee's Work Planning discussions.

The meeting closed at 7.37 pm

Chairman.