

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 10th October, 2016 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

Councillors Amanda Brown, Steve Carroll,
Jackie James, Cathy Mason, Lachlan Morrison,
Phil Rostance and Jason Zadrozny.

Apologies for Absence: Councillor Helen-Ann Smith.

Officers Present: Beth Brown, Mike Joy and Alan Maher.

SP.06 Declarations of Disclosable and Non-Disclosable Pecuniary / Other Interests

No Declarations of Interest were received.

SP.07 Minutes

RESOLVED

The minutes of the Standards and Personnel Appeals Committee held on 25 July 2016 be received and approved as a true record.

SP.08 Draft Member Development Strategy

Members were reminded that at its last meeting the Committee discussed the Council's approach to Member training and development. It was explained that since May 2015 the focus for the development programme had been on providing a general introduction to the different Member roles; especially for those who had been elected for the first time. Valuable as this had been, the Committee thought that a more targeted approach should now be adopted, with the aim of meeting the specific development requirements of individual Councillors.

There was a consensus that Member Development was important both to individual Councillors and to the Council as a whole in terms of helping to ensure that it operates effectively. This is reflected in the Council's Corporate Plan 2016-2019. The Committee emphasised just how important it was to help Members gain the knowledge and skills they require to carry out their roles. It was also important for them to understand what the consequences are likely to be when they do not understand these roles, behave inappropriately or take the wrong decisions. These risks were seen as especially significant, when

Members have to carry out their regulatory or quasi-judicial functions, such as considering and deciding on planning applications.

The report to Committee set out the draft Member Development Strategy, which brought together a range of proposals on how a more targeted approach to training and development could be achieved. In particular, it argued that the process for identifying development needs ought to be Member-led. The strategy suggested that an annual training needs survey could be introduced. If adopted, Councillors would be asked to say what learning and development activities they had found effective. It would also ask them what they thought their priorities for learning and development would be over the coming year.

There was a lot of support for Members feeding back their experience of these training events. This would be a way of providing benchmark information that would save the Council money by ensuring that Members were not booked on courses that had already proved not to be suitable. The Committee heard and discussed examples of how this type of feedback from training courses works in other authorities.

The Committee felt it important that training be made as accessible as possible, including for those Members who work or who cannot attend during the day time because of care commitments. They welcomed the proposal that the Members e-learning facility ought to be enhanced and developed as a practical way of extending the way in which Members receive training, rather than just relying on them to attend training sessions.

Members discussed how the training budget for Member Development is currently allocated. A range of options were considered. These included consideration of a possible threshold or upper cost limit for any training activity for individual Members. The Committee also discussed whether the Member Development budget should be allocated on a pro rata basis between the different groups or whether it would be better to target funding on meeting specific training requirements. Some Members of the Committee felt that further discussion was required on this and suggested that the issue be raised at a future Group Leaders Meeting.

Members then considered various options for delivering training and development. In this context, there was a lot of support for working with neighbouring authorities to run joint training sessions etc. They felt that this would be more cost effective and also potentially better for individual Members; especially if they could then share and discuss their experiences with colleagues from other local authorities.

There was an extensive discussion about whether Members who had received relevant training from other local authorities should also be required to attend similar training course required by the Council – for instance on safeguarding. Some saw this as a practical way of making use of these opportunities which would reduce the costs to Ashfield. Others felt that it would be better if all Councillors received the same training provided by the Council to ensure that they received training of the same quality.

At the end of the discussion the Committee agreed that the Monitoring Officer explore further the possibility of 'dual hatted' Members (or those who serve on

Ashfield and another local authority) only attending required training at one or the other authority rather than at both of them.

RESOLVED

- a) That the Committee's comments be forwarded to the Monitoring Officers for inclusion in the draft Member Development Strategy;
- b) That the Committee considers a revised draft of the strategy at its next meeting (12 December 2016).

Reasons

The Member Development Strategy will help to ensure that we focus our resources and make the best use of Members' time.

SP.09 Disclosure and Barring Services for Councillors

Members next considered a report on Disclosure of Barring Service (DBS) checks for Councillors. This explained that Councillors had not been required to have DBS checks, especially those in district local authorities with no responsibility for children's services or adult social care. However, many councils have now decided to carry out DBS checks for all of their Members, often as a way of providing reassurance to the public. A similar approach, it was suggested, would help to improve public confidence in Ashfield also.

Members discussed the report. During this discussion they made it clear that they supported DBS checks for all Councillors. They recognised that there were often instances when they can find themselves in contact with vulnerable people and that it would provide reassurance to the public and individual constituents if they could be assured that their elected Members had been DBS checked.

The Committee explored how the DBS checking process might work and in particular, what could be done if certain Members decided that they did not wish to apply for a DBS check. Members heard that in neighbouring local authorities these objections were usually resolved as a matter of internal group discipline or persuasion rather than as matter for the authority. It was expected that a similar approach was likely to happen in Ashfield. The Committee thought that this would be appropriate.

Members also discussed what would be the most appropriate level of DBS check. The report recommended that they should each receive the Enhanced level of DBS check. After a debate, the Committee concluded that this would be disproportionate and that an appropriate level of assurance could be provided through the less expensive Standard check. The Committee agreed that the proposal should be recommended to Council on that basis.

RESOLVED

- a) The Committee recommends to Council that all Councillors receive

'Standard' DBS checks, as set out in Paragraph 4(b) of the report;

- b) The Committee recommends to Council that the proposed Policy on Disclosure and Barring Service 'DBS' checks for Councillors and Co-opted Members as appended to the report be adopted.

Reasons

In order to protect those who are most vulnerable in society and to help strengthen public confidence.

SP.10 Members with other Roles which might Conflict with their Role as a Councillor

The Committee was reminded that it had asked for a draft guidance note be prepared, in order to help those Councillors with external roles or interests, to recognise and avoid any conflicts of interest.

Members were asked to consider the draft guidance note. During the discussion, the Committee reiterated its concerns about the problems that can be caused when a Member's role as a District Councillor becomes blurred with other roles that they might have, such as a Councillor for another local authority or as part of the support staff for a Member of Parliament. It was argued that this can confuse local people; for example by blurring who was actually responsible for dealing with any issues that they had raised.

The Committee felt it important that there should be transparency about different roles. Members must always be clear when they are acting in their capacity as a District Councillor and when they are acting in another capacity (for instance, not using their Ashfield District Council email accounts for work related to their employment.)

In this context the Committee discussed the arrangements for dealing with MP enquiries. These arrangements had been recently revised in order to provide a single point of contact for parliamentarians. This would, it was felt, help to provide greater clarity and to prevent confusion over roles.

Members also felt that it would be helpful if there was clarity about how enquiries from Councillors of other local authorities are dealt with. Again, it was felt that the status of these requests should be made explicit and handled centrally. The Committee thought the best approach would be to ask County Councillors and others to channel their enquiries through the Council's existing Members Enquiry Service.

RESOLVED

That the Committee approves the guidance note, subject to inclusion of arrangements for dealing with enquiries from those in their capacity as representatives of other local authorities through the Members Enquiry Service.

Reasons

To help promote and maintain high standards of conduct by Members.

SP.11 Quarterly Complaints Update

The report to Committee provided information on complaints of alleged Member misconduct and the progress which had been made in assessing them for the period 16 July 2016 to 30 September 2016.

Members heard that since the report had been prepared there had been further developments on the first case. Briefly, it was explained that it was now hoped that the case could be resolved on the basis of local resolution and so not require a formal hearing.

The Committee discussed extensively this case. In particular, Members were concerned about the length of time that it had taken to investigate and resolve it, with the associated costs that this involved. Some Members suggested that other authorities are able to deal with complaints more quickly. The Committee was also concerned that a local resolution was only now being proposed. Members felt that this should happen at the start of the complaints process rather than at the end. The Committee felt that there would be advantages of making this a firm provision in the policy. It was agreed to pass this suggestion to the Monitoring Officer.

RESOLVED

That the Committee notes the updated position in respect of Members' Code of Conduct Complaints for the period 16 July 2016 to 30 September 2016.

Reasons

To reflect good practice.

The meeting closed at 8.15 pm

Chairman.