

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 3rd July, 2017 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

Councillors Tony Brewer, Amanda Brown,
Steve Carroll, Jackie James, Cathy Mason,
Lachlan Morrison and Helen-Ann Smith.

Apologies for Absence: Councillors Phil Rostance, Jason Zadrozny

Officers Present: Ruth Dennis, Alan Maher

SP.01 Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary/Other Interests

No Declarations of Interest were received.

SP.02 Minutes

The minutes of the meeting held on Monday 27 March 2017 were approved as a true record.

SP.03 Standards Work Plan 2017-2018

The report set out the proposed Work Plan for the 2017/18 municipal year. The Council's Monitoring Officer, Ruth Dennis, explained that the plan included those standing work items, which the Committee usually considered annually, such as updating the Constitution, the operation of the Council's Whistleblowing Policy and quarterly monitoring of complaints against Members.

Mrs Dennis went on to explain that the plan also included several other reviews. The first of these would be into the Members' Code of Conduct complaints process. The second would look at politically restricted officer posts within the Council and the third would review the Co-opted Members and Independent Person arrangements.

The Committee discussed and approved the Work Plan. In particular, Members agreed that the three additional reviews be included. They supported strongly a review into the Members' Code of Conduct Complaints Process. They noted that the LGA Peer Challenge had recommended that this take place. They also recalled that the Committee had independently identified problems with the complaints process. Members had made it clear that they were keen to find ways of speeding up the process in order to reduce costs

and to ensure that it was not being used for vexatious or trivial reasons.

With this in mind, the Committee asked for information on the costs of carrying out investigations to complaints, including the cost of officer time involved in investigations that could have been used for other purposes. The Monitoring Officer agreed to provide this.

The Committee considered how to carry out the review. There was a consensus that a small Task and Finish Group should be established. This would be comparable to the type of body set up to conduct scrutiny reviews. It was agreed that it consist of the Chair of the Committee along with a Committee Member, drawn from each of the political groups (4 Members in total).

Members discussed the scope of the review and in particular, some of the specific issues that would have to be addressed; such as whether sanctions could be imposed at District and Parish Council levels, at what stage apologies should be permitted in order to informally resolve complaints, whether the political groups could play more of a role in helping to prevent and resolve complaints and whether a presumption of guilt on those who refuse to co-operate with complaint investigations would be permissible?

What became clear from the discussion was that the apparent misuse of social media to make unacceptable personal comments had contributed to many of the recent complaints. Although there are clear rules on the use of social media these may not have always been followed and this may have been especially true of those serving on lower level councils. Members agreed, therefore, that in the context of this to review policies on the use of social media, how they are implemented and the impact on the behaviour by some Members and that this should also be looked at by the Task and Finish Group.

RESOLVED

- a) That the Committee approves the Standards & Personnel Appeals Committee Work Plan for 2017-18;
- b) That a Members' Task and Finish Group be established to carry out the review into the Members' Code of Conduct Complaints Process within the suggested time frame;
- c) That the Members' Task and Finish Group consist of the Chair of the Committee along with one Committee Member drawn from each of the political groups (four Members in total),
- d) That the Monitoring Officer be informed of the group representatives to serve on the Task and Finish Group.

Reasons

To reflect good practice.

SP.04 Quarterly Complaints Monitoring Report

The report to Committee provided information on complaints of alleged Member misconduct. This information covered both District and Parish Councillors. It also explained the progress which had been made in assessing them for the period 17 March 2017 to 23 June 2017.

Members were told that the investigation into the complaint ADC2016-01 had now been completed. The draft report had been sent to the Independent Person for his comments. It would then be sent to both parties involved in the complaint, who could also comment.

The Committee was informed the other cases involving District Councillors. No further action had been taken on some, others had been dealt with through action which did not involve hearings and the remainder were awaiting assessment.

Mrs Dennis went on to state that she had received a significant number of complaints involving Parish Councillors since the beginning of the year. The Committee discussed the reasons for these complaints and especially the role which social media posts had played in them.

During this discussion Members made it clear that they were concerned about the reputational damage this behaviour was causing in terms of how the public viewed Councillors and local government as a whole. They also wanted to explore what could be done to ensure more appropriate behaviour and to understand the impact on the Council's own workload of responding to this high volume of new complaints and if necessary having to investigate them.

It was agreed that these and other issues raised by these complaints should be considered by the Task and Finish Group formed to review the Members' Code of Conduct Complaints Process.

RESOLVED

That the Committee notes the updated position in respect of Members' Code of Conduct complaints for the period 17 March 2017 to 23 June 2017.

Reasons

To reflect good practice. To enable Members to monitor the volume and progress of complaints.

The meeting closed at 7.35 pm

Chair.