

STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Monday, 2nd July, 2018 at 10.00 am

Present: Councillor Christine Quinn-Wilcox in the Chair;

Councillors Cheryl Butler, Cathy Mason,
Lauren Mitchell, Phil Rostance and
Helen-Ann Smith.

Mr. Stuart Fletcher (Selston Parish Council
Representative).

Apology for Absence: Councillor Jason Zadrozny (Annesley & Felley
Parish Council Representative) .

Officers Present: Lynn Cain and Ruth Dennis.

SP.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest made.

(During consideration of this item, Councillor Phil Rostance entered the meeting at 10.07 a.m.)

SP.2 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 28th March, 2018, be received and approved as a correct record.

SP.3 Standards and Personnel Appeals Committee Work Plan 2018/2019

Committee were requested to consider and approve the proposed Work Plan for the 2018/19 municipal year. The Director of Legal and Governance explained that the Work Plan included standing work items which the Committee considered annually, such as updating the Constitution, the operation of the Council's Whistleblowing Policy and quarterly monitoring of complaints against Members.

The new items for 2018/19 included the following:-

Members' Attendance Update

An annual Members' Attendance update had been included on the Work Plan following the implementation of an attendance element to Members'

Allowances arising from the Independent Review Panel recommendations in 2016. The data collection and process for assessing the performance element commenced in June 2017.

DBS Check Policy Review

When the DBS Check Policy was first approved it was agreed that the content would be reviewed bi-annually to ensure it remained fit for purpose.

Members' Induction and Training Programme

It was envisaged that the Standards and Personnel Appeals Committee Members would be involved in the development of a Members' Induction and Training Programme for implementation following the District Elections in May 2019. The review would also encompass the Council's wider Member Development Programme and the ongoing training requirements for both District and Parish Members. The work would most probably be undertaken by a smaller, more informal working group made up of Standards and Personnel Appeals Committee Members.

Review of the Ethical Governance Arrangements for Selston Parish Council

Following a series of complaints relating to Selston Parish Council earlier this year it was agreed that an update would be given to the Committee in December 2018 regarding the Parish Council's current ethical and governance arrangements. To endeavour to assist, the Council had agreed that one of the Deputy Monitoring Officers would attend the Parish Council Meetings to observe and provide general guidance as necessary.

A decision was also made at the Annual Council Meeting in May 2018, to appoint two Parish Council Co-optees (one from Annesley & Felley and one from Selston) to the Committee to enable information, comments and feedback to be shared in a timely and transparent manner. Councillor Jason Zadrozny had been appointed for Annesley & Felley Parish Council and Mr. Stuart Fletcher for Selston Parish Council.

With regard to the Ethical Governance review, Committee were advised that the cost of undertaking the review would fall to the Parish Council and a scoping meeting would be taking place imminently between the Council and the Parish to firm up the requirements for the review exercise.

RESOLVED

that the Standards and Personnel Appeals Committee Work Plan for 2018/19, as outlined in the report, be approved.

Reason:

To reflect good practice.

SP.4 Members' Attendance - Update

The Director of Legal and Governance updated the Committee in relation to Members' attendance at meetings and training over the past 12 months as part of the data capture exercise for the Performance Related Element of the Members' Allowance.

The Performance Element came into operation in May 2017 and Members were individually informed of their attendance record on a quarterly basis with this information also being shared with their relevant Group Leader. Following the first year of implementation, only one Member had fallen below the required 70% attendance level and had recorded a 36% attendance overall.

The Committee discussed the various types of authorised and unauthorised absences (as outlined in the Guidance approved at Council in April 2017) and were informed that the Director of Legal and Governance had tried to take a pragmatic and flexible approach to authorising absences throughout the year. For example, when Members had taken care to book holidays around their scheduled Committee meetings and then those meeting dates were unavoidably changed and fell within the holiday period, the absence would be classed as authorised to ensure the Member was not unduly penalised through no fault of their own.

Members considered the current criteria and made some suggestions for change but it was agreed that the process had only been in place for 12 months and should at least be allowed to continue for a further 12 months before any potential changes to the guidance were made. In any event the Independent Review Panel (IRP) would be returning to the Council to commence a new review into Members' Allowances in 2019/2020 in accordance with current legislative requirements.

To conclude, Members discussed general meeting etiquette including the correct process for submitting apologies for Committee meetings. Slight concerns were raised that many Members were not following some of the agreed procedures and it was agreed that an appropriate training session for newly appointed Councillors after the May 2019 elections might be beneficial.

RESOLVED that

- a) the record of Members' attendance for the 2017/18 municipal year, as outlined in the report, be received and noted;
- b) the Director of Legal and Governance (and Monitoring Officer) be requested to undertake the following:-
 - to send out an e-mail to current Members reminding them of the agreed procedure for submitting apologies for meetings to the Democratic Services Team;
 - to ensure that an appropriate meeting etiquette training session be scheduled into the New Member Induction Programme for 2019.

Reason:

To ensure a clear and transparent process regarding the payment of the performance element of the Members' Allowance and to enable the Committee to perform its monitoring role in relation to the ethical governance of the Authority.

SP.5 Politically Restricted Posts - Update

The Director of Legal and Governance sought approval from the Committee to update the list of politically restricted posts to incorporate new job title to re-designated posts following the recent Third Tier Officer restructure.

RESOLVED

that the updated list of Politically Restricted Posts, as appended to the report and compiled in accordance with the requirement of the Local Government and Housing Act 1989 and associated regulations, be approved.

Reason:

To comply with the requirements of the Local Government and Housing Act 1989 and associated regulations.

SP.6 Quarterly Complaints Update

The Director of Legal and Governance presented the report to provide an update in respect of the number of alleged Member Code of Conduct complaints received for the period 21st March, 2018 to 22nd June, 2018.

Members were advised that the report noted one new complaint had been received since the last report was presented and initial enquiries were already underway. A further two complaints had been received since the report was prepared; one against a District Councillor and one against a Parish Councillor.

Following the recent spate of complaints relating to Selston Parish Council, one of the Council's Deputy Monitoring Officers had been attending the Parish Council meetings in an observatory capacity to enable feedback and guidance to be provided in relation to governance issues as required.

Since the last meeting, Council had approved the appointment of two Parish Council representatives to the Committee with Councillor Jason Zadrozny being the representative for Annesley & Felley and Parish Councillor Stuart Fletcher for Selston. It was hoped that the appointments would be beneficial to both the Committee and the Parish representatives over the coming year. Members also noted that the Council would be again endeavouring to recruit two Co-opted Members to the Committee within the next 6 months.

In relation to the list of complaints, Committee were reminded that the list was anonymised but did highlight the formation of any possible trends i.e. the increase of social media as a medium for potential bullying and defamation and the spate of complaints against Selston Parish Council following a particularly fractious meeting.

The Director of Legal and Governance took the opportunity to speak about the cluster of Selston Parish Council complaints and informed Committee that they had initially been put on hold pending a police investigation into an incident that has occurred at the same Parish meeting. However, the Council had recently been informed that the investigation had been concluded and the complaints would now be dealt with by an external third party as the Council did not currently have the resources available to undertake the investigation.

To conclude, Members were informed that the revised Members' Complaints Process had been approved at the Annual Meeting of the Council in May 2018 and would be applied to any complaints going forward.

(At this point in the proceedings and in accordance with the Members' Code of Conduct and the Council's Constitution, Councillor Christine Quinn-Wilcox declared a Non Disclosable Pecuniary/Other Interest in relation to her current position as Parish Councillor for Selston. Her interest was such that she remained in the room and took part in the discussion and voting thereon.)

A brief debate took place whereby Members discussed the following:-

- concerns regarding the weak sanctions available to local authorities to reprimand Councillors found to be in breach of the Members' Code of Conduct;
- ongoing limitations surrounding the election of committed Parish Councillors to the role due to lack of guidance, training and monetary recompense;
- the problems being experienced by Selston Parish Council being driven by political motivated Parish Councillors and the destructive impact of such actions;
- acknowledgement that the District Council was restricted in the influence it could bring to bear on solving political struggles at Parish Council level;
- the rules for co-option at Parish Council level and the balance of elected and co-opted Members holding Selston Parish Council seats.

RESOLVED

that the updated position in relation to Members' Code of Conduct complaints for the period 21st March, 2018 to 22nd June, 2018, as outlined in the Appendix to the report, be noted.

Reason:

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

(During discussion of this item, Councillor Cathy Mason left the room at 11.05 a.m. and returned to the meeting at 11.07 a.m.)

The meeting closed at 11.25 am

Chairman.