

Agenda

Standards Committee

Date: **Thursday 10 March 2022**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

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Head of Governance and Customer Services

0115 901 3907

Standards Committee

Membership

Chair Councillor Michael Boyle

Vice-Chair Councillor Michael Payne

Councillor Pat Bosworth
Councillor Boyd Elliott
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Simon Murray
Councillor Clive Towsey-Hinton
Rosalie Hawks
Martyn Thorpe

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AGENDA

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MINUTES STANDARDS COMMITTEE

Thursday 9 September 2021

Councillor Michael Boyle (Chair)

Councillor Michael Payne	Councillor Mike Hope
Councillor Pat Bosworth	Councillor Simon Murray
Councillor Andrew Ellwood	Rosalie Hawks

Absent: Councillor Clive Towsey-Hinton

Officers in Attendance: A Dubberley and F Whyley

9 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies were received from Councillor Towsey-Hinton.

10 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 JUNE 2021

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

By way of update to minute 7, the Monitoring Officer reported that a reply had been received from the relevant Group Leader in respect of the outstanding query.

11 DECLARATION OF INTERESTS.

None.

12 UPDATE ON CODE OF CONDUCT REVIEW

Councillor Murray joined the meeting.

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, presenting the outcome of the consultation on the review of the Council's Code of Conduct for Members.

RESOLVED to:

- 1) Note the responses to the consultation with the public and stakeholders on the Council's Code of Conduct;

- 2) Recommend to Council that no changes be made to the Council's Code of Conduct at Appendix 2 to the report; and
- 3) Agree that a guidance document be prepared by the Monitoring Officer to accompany the Council's Code of Conduct.

13 RECRUITMENT OF A RESERVE INDEPENDENT PERSON

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking approval to recruit to the vacant Reserve Independent Person role.

It was clarified that the term of office for the Reserve Independent Person would be two and a half years. This would be in line with best practice and give a useful overlap with the term of office for the current Independent Person.

RESOLVED to:

- 1) Approve the commencement of a recruitment exercise to the role of Reserve Independent Person as detailed in the report and that the term of appointment shall be for two and half years;
- 2) Note that the Interview Panel, as detailed in the report, will consist of Councillors Boyle, Bosworth and Elliott; and
- 3) Delegate authority to the Monitoring Officer, in consultation with the Chair, to appoint alternative members to the Interview Panel should appointed members be unavailable.

14 RECRUITMENT OF A CO-OPTED PARISH REPRESENTATIVE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, which proposed recommending to Council that Martyn Thorpe, Councillor for St Albans Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative.

Councillor Payne pointed out that he has worked closely in the past with Councillor Martin Thorpe as St Albans Parish Council is in his own County Division. He added that this was not a formal declaration of interest but included on the minutes for transparency.

RESOLVED to:

- 1) Recommend to Council that Martyn Thorpe, Councillor for St Albans Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting; and

- 2) Delegate authority to the interview panel to review the appointment prior to the next annual meeting and recommend to Council whether the co-option should continue.

15 CODE OF CONDUCT COMPLAINTS UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, informing members of complaints received between 10 June 2021 and 2 September 2021.

RESOLVED:

To note the report.

16 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.50 pm

Signed by Chair:
Date:

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Report to Standards Committee

Subject: Recruitment of Independent Person and Reserve Independent Person

Date: 10 March 2022

Author: Monitoring Officer

Purpose

To seek approval to commence recruitment to the position of Independent Person and the currently vacant Reserve Independent Person position.

Recommendation

That Members:

- 1) Authorise the Monitoring Officer to commence the recruitment process to the role of Independent Person from 11 July 2022 for 2 years;
- 2) Agree that any suitable candidates for the role of Independent Person can be considered for the reserve role for the same period; and
- 3) Agree that the interview panel of Councillor Boyle, Bosworth and Elliot can continue to interview candidates and make recommendations to appoint to any future vacancies for co-opted members or independent persons.
- 4) Delegate authority to the Monitoring Officer, in consultation with the Chair, to appoint alternative members to the interview panel should appointed members be unavailable.

1 Background

1.1 The Localism Act 2011 ("the Act") requires that the Council's arrangements for dealing with allegations of breach of the Code of Conduct include provision for the appointment of at least one independent person, whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate. The arrangements provided by the Council include such provision.

1.2 The Independent Person(s)-

- Must be consulted by the authority before it makes finding on an

allegation that it has decided to investigate;

- May be consulted by the authority in respect of a standards complaint at any other stage; and
- May be consulted by a member or co-opted member of the Borough, Council or of a Parish Council against whom a complaint has been made.

- 1.3 The Act requires the Council to appoint at least one Independent Person, however given that there may be occasion where the Independent Person is unable to act for example due to holiday, illness or where there may be a conflict of interest, the Council has also previously appointed a reserve Independent Person. In addition, the Committee for Standards in Public Life (CSPL) best practice recommendations recommend an authority should have access to at least two independent persons.
- 1.4 In July 2017 John Baggaley was appointed as the Independent Person for a period of 5 years and Susan Dewey OBE was appointed as Reserve Independent Person for the same period. Members will recall that shortly before the Committee meeting in June 2021 the Reserve Independent Person indicated that she was moving away from the area so would no longer be able to perform the role. In September 2021, this Committee agreed to commence a recruitment process to the role of Reserve Independent Person for a term of 2 and a half years. Unfortunately, the recruitment process for this role has been unsuccessful. There was only one applicant for the role of Reserve Independent Person and the application was withdrawn prior to interview, as such, this position remains vacant.
- 1.5 In light of the fact that the current appointment of the Independent Person is due to end in July 2022 and the Reserve Independent Person position remains vacant, a recruitment exercise is necessary to ensure the Council is not without an Independent Person from July 2022.
- 1.6 The Localism Act requires the Independent Person role to be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Borough Council. Members will recall in September 2021 that an interview panel previously established consisting of Councillors Boyle, Bosworth and Elliot, was agreed to interview the Reserve Independent Person candidates. Consideration needs to be given as to whether to continue with this panel for the recruitment to the Independent Person and reserve positions.
- 1.7 It should be noted that the CSPL recommend, that to ensure that the Independent Person's judgement and independence is not compromised by a long period of involvement in a single authority, that Independent Persons should be appointed for a 2 year period only. The CSPL recommended that

the Act be amended to restrict appointment terms for Independent Persons to 2 years. This has not yet been done.

2 Proposal

- 2.1 It is proposed that the Committee agree to the commencement of a recruitment exercise to the role of Independent Person. It is proposed that the vacancy of Reserve Independent Person be dealt with through the same process with any candidates for the role of Independent Person also being considered for the reserve role.
- 2.2 It is proposed that any subsequent appointment to the role of Independent Person and reserve by this Council would be for a 2 year period in line with CSPL recommendations. Members will recall that in September 2021 the Committee agreed a term of 2 and a half years for the Reserve Independent Person to align it with the future Independent Person appointment. Given that the recruitment to the reserve role was not successful, it is proposed to standardise the term of the appointments to 2 years.
- 2.2 The current cross party interview panel originally established in June 2021 has worked well, and it is proposed that this continue, however Committee may wish to consider whether other members want to be involved in the interviewing of this, and any future vacancies for co-opted members and independent persons. A delegation to the Monitoring Officer is again requested to ensure that where panel members are unable to attend interview dates that a substitute can be appointed in consultation with the Chair.

3 Alternative Options

- 3.1 Not to recruit an Independent Person and reserve, however, this would be contrary to the requirements of the Act which requires an Independent Person be appointed. It is considered necessary to have a reserve if possible, to ensure complaints can be managed where the Independent Person is unable to act, for example due to a conflict of interest, illness or absence. In addition, the Committee for Standards in Public Life (CSPL) best practice recommendations recommend an authority should have access to at least two independent persons and this is reflected in the Council's Arrangements for Dealing with Complaints.

4 Financial Implications

- 4.1 On appointment, the Independent Person and reserve will be entitled to an allowance, agreed by the Council, which can be met from existing budgets.

5 Legal Implications

5.1 There is a legal requirement to have an Independent person. There is no such requirement in terms of a Reserve Independent Person, however, it is recommended best practice by the CSPL. Recruitment should follow the requirements of the Localism Act.

6 Equalities Implications

6.1 There are no equalities implications arising from this report. Arrangements for application and interview will ensure accessibility.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

8.1 None

9 Background papers

9.1 Report of the Committee on Standards in Public Life
Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

10 Reasons for Recommendations

10.1 To ensure the Council has an Independent Person and Reserve Independent Person in position from July 2022.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer



Report to Standards Committee

Subject: Code of Conduct Guidance for Members

Date: 10 March 2022

Author: Monitoring Officer

Purpose

To seek approval of the guidance document which supports the Council's Code of Conduct for Members.

Recommendation(s)

THAT:

- 1) **Members approve the Code of Conduct Guide for Members at Appendix 1 to this report.**

1 Background

- 1.1 Members will recall that on 2 September 2021, a report was presented to this Committee recommending that following review of the Council's Code of Conduct and taking into account the responses to the consultation on the Code of Conduct that this Committee recommend to Council that no changes be made to the Council's Code of Conduct. Council subsequently agreed with this recommendation on 17 November 2021.
- 1.2 Also on 2 September 2021 this Committee, following the recommendation of the Working Group established to review the Code of Conduct, resolved that the Monitoring Officer should prepare a guidance document to support the Code of Conduct. This document has now been drafted and is shown at Appendix 1 to this report.
- 1.3 The guidance has been prepared taking into account previous guidance from the former Standards Board for England and previous guidance prepared by this Council, as well as recent guidance issued by the Local Government Association on the Model Code of Conduct.

- 1.4 Whilst Members have determined not to adopt the Model Code at this time, the guidance document to support that Code is extremely helpful in providing advice and support to Members on Conduct in public office.
- 1.5 The guidance document at Appendix 1 is specific to the Gedling Code of Conduct, and if approved will be circulated to all Members and parishes as well as being accessible on the Council's website. The document provides useful narrative around all elements of the Code including some examples of when Conduct may be considered to fall foul of the Code. In particular the guide includes updated advice around the use of online communications and how behaviours expressed through such communication channels may be caught by the Code.

2 Proposal

- 2.1 It is proposed that Members approve the guidance document at Appendix 1 so that it may be circulated more widely and assist Members in understanding their roles in the context of the Code of Conduct.

3 Alternative Options

- 3.1 Members could propose not to approve this guidance or request amendments to this document, however this guidance has been prepared to assist in the understanding of the Gedling Code of Conduct taking into account other published guidance.

4 Financial Implications

- 4.1 There are no financial implications arising out of this report.

5 Legal Implications

- 5.1 The Localism Act 2011 requires authorities to have a Code of Conduct for Members. The Code provides a set of standards by which Member's conduct is measured as well as providing information on which Member's interests should be declared. This guidance document is not legally required but provides a helpful tool for Councillors and the public to assist in their understanding of the Code of Conduct and indeed what conduct may give rise to a breach of the Code.

6 Equalities Implications

- 6.1 There are no equality implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – The Code of Conduct Guide for Members (to follow)

9 Background Papers

9.1 Local Government Association Model Code of Conduct Guidance

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

10 Reasons for Recommendation

10.1 To provide guidance for Members on the Gedling Borough Council Code of Conduct.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Drafted by the Monitoring Officer

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Report to Standards Committee

Subject: Code of Conduct Complaints Update

Date: 10 March 2022

Author: Monitoring Officer

Purpose

To inform members of the Standards Committee of complaints received between 2 September 2021 and 10 March 2022.

Recommendation

THAT the report be noted.

1 Background

- 1.1 A summary of the number of complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the graph in Appendix 1. A summary of the complaints received since 2019/20 is set out in the table at Appendix 1. Since 2 September 2021, the Monitoring Officer has received no new code of conduct complaints.
- 1.2 Members of the Standards Committee will recall that at the time of the last committee meeting, 3 complaints were outstanding (including one new complaint received and one complaint that had been split into two as it related to two Councillors). At this time, all three complaints remain outstanding with two referred for investigation to external investigators and the other awaiting information to complete initial assessment.

2 Proposal

- 2.1 It is proposed that the Committee notes the report.

3 Alternative Options

- 3.1 Not to report code of complaints received by the Monitoring Officer.

4 Financial Implications

4.1 There are no financial implications arising from this report.

5 Legal Implications

5.1 Code of Conduct complaints must be dealt with in accordance with the Council's Approved Arrangements for Dealing with Complaints.

6 Equalities Implications

6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – Summary of the Code of Conduct complaints received since 1 July 2012.

9 Background papers

9.1 None identified.

10 Reasons for Recommendation

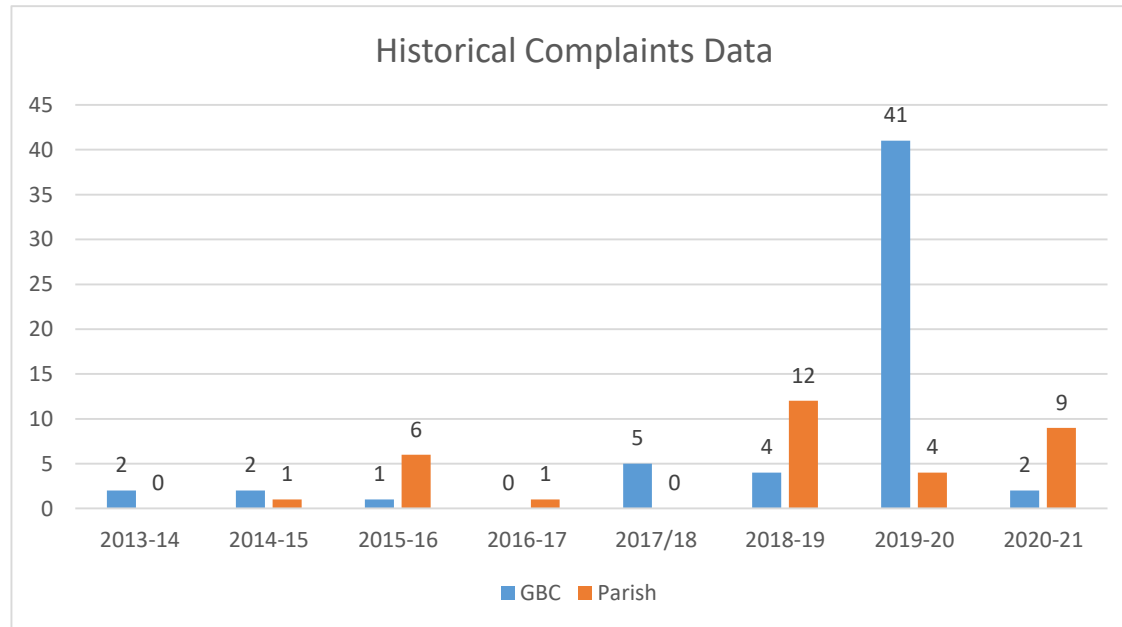
10.1 To keep Committee updated on Code of Conduct Complaints

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer



Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
Complaints received 2019-20					
STD001354	02/05/19	Calverton Parish Council	Member of Public	Other action – recommendation to Parish Council that the Complaints Policy and Procedure be reviewed and amended to make it clear how a complaint relating to the Clerk to the Council should be dealt with, including who should investigate it and, recognising the conflict of interest, who should clerk the meeting and give	26/06/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
				advice to the councillors.	
STD001355	02/05/19	Calverton Parish Council	Member of Public	No further action	20/06/19
STD001402	23/04/19	Calverton Parish Council	Member of Public	Other action – recommendation to Parish Council that the Complaints Policy and Procedure be reviewed and amended to make it clear how a complaint relating to the Clerk to the Council should be dealt with, including who should investigate it and, recognising the conflict of interest, who should clerk the meeting and give advice to the councillors.	26/06/19
STD001403	23/04/19	Calverton Parish Council	Member of Public	Not pursued by complainant	N/A
STD001635	16/08/19	Calverton Parish Council	Member of Public	No further action	24/10/19
STD001737	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	25/10/19
STD001739	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001740	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001742	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001743	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to	18/10/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
				deal with.	
STD001744	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001746	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001747	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001748	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001749	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001750	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001751	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001752	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001753	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001755	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with	18/10/19
STD001756	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official	18/10/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
				capacity. Referred to Group Leader to deal with	
STD001758(1)	30/09/19	GBC	GBC Councillor	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001758(2)	04/10/19	GBC	GBC Councillor	No further action	29/11/19
STD001759	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001760	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	25/10/19
STD001761	30/09/19	GBC	Councillor (not GBC)	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with	18/10/19
STD001762	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001763	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD001766	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001767	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001768	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001769	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001770	30/09/19	GBC	Member of Public	No further action.	29/11/19
STD001771	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001772	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001773	01/10/19	GBC	Councillor (not GBC)	Complaint treated as withdrawn.	N/A

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD001774	01/10/19	GBC	Member of Public	No further action.	26/11/19
STD001775	01/10/19	GBC	Member of Public	Complaint treated as withdrawn.	
STD001778	02/10/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001779	01/10/19	GBC	Parish Councillor	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	12/11/19
STD001784	04/10/19	GBC	Member of Public	No further action.	26/11/19
STD001785	04/10/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001786	05/10/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001802	14/10/19	GBC	Member of Public	No further action. Referred to Group Leader to deal with.	26/11/19
STD001897	23/12/19	GBC	Member of Public	No further action.	14/02/20
Complaints received 2020-21					
STD002164	09/06/20	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	24/08/20
STD002181	22/06/20	Calverton Parish Council	Member of Public	Complaint treated as withdrawn	24/08/20
STD002182	22/06/20	Calverton Parish Council	Councillor (not	Complaint treated as withdrawn	24/08/20

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
			GBC)		
STD002187	26/06/20	Calverton Parish Council	Member of Public	No further action	21/09/20
STD002207	13/07/20	GBC	Member of Public	Reject Complaint – Not acting in official capacity	13/08/20
STD002306	21/10/20	GBC	Member of Public	Complaint treated as withdrawn	
STD002393	07/01/21	Calverton Parish Council	Councillor (not GBC)	Informal Resolution: recommended a written apology be issued	02/07/21
STD002463	02/02/21	Calverton Parish Council	Councillor (not GBC)	No further action	24/05/21
STD002464	02/02/21	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	
STD002465	31/01/21	Bestwood St Albans Parish Council	Member of the Public	No further action	12/05/21
STD002499	16/02/21	Calverton Parish Council	Councillor (not GBC)	Ongoing – referred for investigation	
STD002608	16/02/21	Calverton Parish Council	Councillor (not GBC)	Ongoing – referred for investigation	
Complaints received 2021-22					
STD002554	21/04/21	Calverton Parish Council	Member of the	Complaint treated as withdrawn	

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
			Public		
STD002555	07/04/21	Calverton Parish Council	Member of the Public	No further action	13/08/21
STD002582	06/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002583	07/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002584	11/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002657	14/07/21	Calverton Parish Council	Member of the Public	Ongoing	