

Agenda

Standards Committee

Date: **Thursday 14 March 2024**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Francesca Whyley

Head of Governance and Customer Services

0115 901 3907

Standards Committee

Membership

Chair	Councillor Paul Feeney
Vice-Chair	Councillor David Brocklebank
	Councillor Stuart Bestwick
	Councillor Boyd Elliott
	Councillor Andrew Ellwood
	Councillor Des Gibbons
	Councillor Clive Towsey-Hinton
	Councillor Russell Whiting
	Rosalie Hawks
	Louise Kopyrko

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Responsibility of committee:

Within their terms of reference the Standards Committee will be responsible for:

- a) promoting and maintaining high standards of conduct by the members and co-opted members of the council;
- b) assisting members and any co-opted members of the Council to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct;
- e) advising, training or arranging to train members and any co-opted members of the council on matters relating to the Members' Code of Conduct;
- f) performing the functions set out in (a) - (e) above in respect of the parish councils in the Borough;
- g) granting dispensations to members and any co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- h) dealing with any reports from the Monitoring Officer on any matter;

- i) advising on what should be entered into the register of interests for members and co-opted members;
- j) dealing with matters relating to the recruitment of co-opted independent and parish members of the Standards Committee;
- k) dealing with matters relating to the recruitment of the Independent Person and to make recommendations to Council as to the appointment of the Independent Person.
- l) approving all strategies, policies, protocols and procedural documents that fall within the remit of the Committee (excluding budget and policy framework items).

AGENDA

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Report of the Monitoring Officer
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MINUTES STANDARDS COMMITTEE

Thursday 7 December 2023

Councillor Paul Feeney (Chair)

Councillor David Brocklebank	Councillor Clive Towsey-
Councillor Stuart Bestwick	Hinton
Councillor Andrew Ellwood	Councillor Russell Whiting

Absent: Councillor Boyd Elliott and Councillor Des Gibbons

Officers in Attendance: F Whyley and E McGinlay

16 APOLOGIES FOR ABSENCE

Apologies for absence were received by Cllrs Elliott and Gibbons.

17 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record subject to the change to note Cllr Elliott as absent from the last meeting.

18 DECLARATION OF INTERESTS

None.

19 CODE OF CONDUCT UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to seek approval to recommend to Council the adoption of the new Members Code of Conduct.

RESOLVED:

To recommend to Council the adoption of the new Members Code of Conduct.

20 UPDATED GIFTS AND HOSPITALITY GUIDANCE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to update Members in relation to the review of the Gift and Hospitality code of Practice for Officers and Members and to seek approval of the revised Code in so far as it relates to Members.

RESOLVED:

To approve the updated Gifts and Hospitality Code of practice for members and officers.

21 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 21 September and 7 December 2023.

It was noted that no new complaints had been received in the period and the remaining complaint from last period was referred for formal investigation, which is currently ongoing.

RESOLVED:

That the report be noted.

22 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.17 pm

Signed by Chair:
Date:



Report to Standards Committee

Subject: Recruitment of Independent Person and Reserve Independent Person

Date: 14 March 2024

Author: Monitoring Officer

Purpose

To seek approval to commence recruitment to the positions of Independent Person and Reserve Independent Person.

Recommendation

That Members:

- 1) Authorise the Monitoring Officer to commence the recruitment process to the role of Independent Person and Reserve Independent Person from 14 July 2024 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 to establish a cross party interview panel to interview candidates and make recommendations to appoint.
- 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 2022 John Baggaley was appointed as the Independent Person for a period of 2 years and Stewart Bembridge was appointed as Reserve Independent Person for the same period. Both have been invaluable in the roles for the last two years.
- 1.5 In light of the fact that the current appointment of the Independent Person and reserve is due to end in July 2024, a recruitment exercise is necessary to ensure the Council is not without an Independent Person.
- 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. There is a need to agree an interview panel to carry out the interview process and make recommendations on appointment to this Committee and ultimately Council.
- 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.

2 Proposal

- 2.1 It is proposed that the Committee agree to the commencement of a recruitment exercise to the role of Independent Person and reserve. It is proposed that the 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. The role will be advertised in accordance with the Localism Act and promoted through the Council's website and other suitable publications, as well as being promoted to

community groups and other stakeholders.

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.

2.2 It is proposed that a cross party interview panel be established to carry out the interview process of applicants shortlisted by the Monitoring Officer in consultation with the Chair of Standards Committee. The panel will make recommendations on successful candidates to this committee. Authority is sought for the Monitoring Officer to arrange alternative interview panel members if a panel member is unable to attend the interviews.

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 2024.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer



Report to Standards Committee

Subject: Code of Conduct Complaints Update

Date: 14 March 2024

Author: Monitoring Officer

Purpose

To inform members of the Standards Committee of complaints received between 7 December 2023 and 14 March 2024.

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 2021/22 is set out in the table at Appendix 1. Since 7 December 2023, the Monitoring Officer has received two new valid code of conduct complaints.
- 1.2 Members may recall that at the last Committee, one complaint remained outstanding. This complaint was referred for formal investigation and that investigation is still ongoing but is now in the final stages with a draft report currently being prepared.
- 1.3 In relation to the two new complaints received, these have been through the initial assessment stage and have now concluded. The outcome of those complaints is included in Appendix 2.

2 Proposal

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

3 Alternative Options

- 3.1 Not to report code of conduct complaints received by the Monitoring Officer however this would be contrary to the Council's arrangements for dealing with complaints.

4 Financial Implications

4.1 The costs associated with complaints are met from existing budgets.

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.

Appendix 2 – Exempt Appendices

9 Background papers

9.1 None identified.

10 Reasons for Recommendation

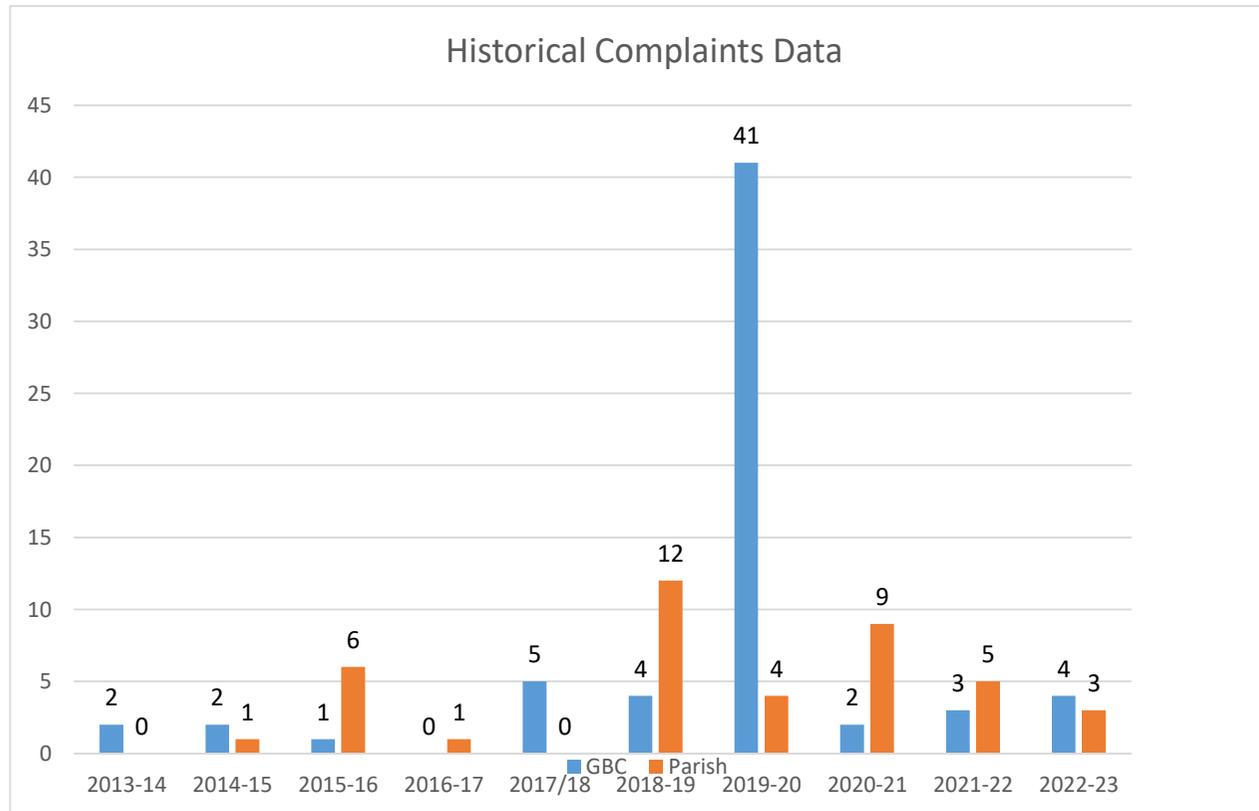
10.1 To keep Committee updated on Code of Conduct Complaints

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 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

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD002182	22/06/20	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	24/08/20
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	St Albans Parish Council	Member of the Public	No further action	12/05/21
STD002499	16/02/21	Calverton Parish Council	Councillor (not GBC)	No breach	28/07/22
STD002608	16/02/21	Calverton Parish Council	Councillor (not GBC)	Hearing concluded Breach of the Code	10/11/22
Complaints received 2021-22					

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD002554	21/04/21	Calverton Parish Council	Member of the Public	Complaint treated as withdrawn	
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	No further action	13/05/22
STD002955	16/03/22	Calverton Parish Council	Councillor (not GBC)	Reject complaint – Not acting in official capacity	28/07/22
STD002956	16/03/22	Calverton Parish Council	Councillor (not GBC)	No further action	30/05/22
Complaints received 2022-23					
STD002993	03/05/22	GBC	Member of the Public	Reject complaint – Conduct complained of outside the Code of Conduct	15/06/22

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD003067	29/06/22	St Albans Parish Council	Councillor (not GBC)	No further action	16/09/22
STD003116	01/08/22	Calverton Parish Council	Councillor (not GBC)	No further action	16/11/22
STD003124	13/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003126	15/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003127	15/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003249	30/11/22	Calverton Parish Council	Member of the public	Informal Resolution, apology given – no further action	10/03/23
Complaints received 2023-24					
STD003558	13/04/23	Burton Joyce Parish Council	Member of the Public	No further action	13/7/2023
STD003677	30/6/23	St Albans Parish Council	Councillor (not GBC)	Referred for investigation - Ongoing	03/08/2023
STD003687	10/7/23	Newstead Parish council	Member of the Public	Potential breach identified – informal resolution proposed	17/08/23
STD003690	13/7/23	Newstead Parish Council	Member of the	Potential breach identified – informal	17/08/23

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
			Public	resolution proposed	
STD004065	26/1/24	GBC	Member of the Public	No further action	8/2/24
STD004092	16/2/24	GBC	Member of the Public	No further action	29/2/24

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