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**Nottingham
City Council**

Nottingham City Council Standards and Governance Committee

Date: Wednesday 11 September 2024

Time: 2.00 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Senior Governance Officer: Laura Wilson

Direct Dial: 0115 8764301

- | | | |
|----------|---|---------|
| 1 | Appointment of Vice-Chair | |
| 2 | Apologies for absence | |
| 3 | Declarations of interests | |
| 4 | Minutes | 3 - 8 |
| | To confirm the minutes of the meeting held on 18 April 2024 | |
| 5 | Decisions taken under Urgency Procedures | 9 - 14 |
| | Report of the Director of Legal and Governance | |
| 6 | Councillor Complaints - Update | 15 - 20 |
| | Report of the Director of Legal and Governance | |

If you need any advice on declaring an Interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting.

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Nottingham City Council

Standards and Governance Committee

Minutes of the meeting held at Loxley House, Station Street, Nottingham, NG2 3NG on 18 April 2024 from 4.00 pm - 4.32 pm

Membership

Present

Councillor Kirsty L Jones (Chair)
Councillor Angela Kandola (Vice Chair)
Councillor Sulcan Mahmood
Councillor Nayab Patel
Councillor Maria Watson
Nigel Cullen (Independent Member)

Absent

Councillor Imran Jalil
Councillor Sarita-Marie Rehman-Wall

Colleagues, partners and others in attendance:

Nancy Barnard - Governance Manager
Malcolm Townroe - Monitoring Officer and Director of Legal and Governance
Laura Wilson - Senior Governance Officer

6 Apologies for absence

Councillor Imran Jalil – work commitments
Councillor Sarita-Marie Rehman-Wall – unwell

7 Declarations of interests

None.

8 Minutes

The Committee confirmed the minutes of the meeting held on 22 June 2023 as a correct record and they were signed by the Chair.

9 Decisions taken under Urgency Procedures

Nancy Barnard, Head of Governance, presented the report detailing decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13) of the Council's Constitution since 1 May 2023, and highlighted the following points:

- (a) The Council's Constitution requires that decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13) are reported to Full Council and the Standards and Governance Committee.
- (b) The call-in procedure set out in Article 11 of the Constitution does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the

public's interests. A decision can only be taken under this urgency provision if the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Vice Chair; or in the absence of both, the Chief Executive) agrees that the proposed decision is reasonable in all circumstances and that the reasons for urgency are valid.

- (c) Where it is impractical to give at least five clear working days notice of the intention to take a Key Decision, that decision may only be made in accordance with the special urgency provisions set out in the Access to Information Procedure Rules (Article 13 of the Constitution). These special urgency provisions require agreement from the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Lord Mayor as Chair of Council; or in the absence of both, the Sheriff as Vice Chair of Council) that the decision is urgent and cannot reasonably be deferred.
- (d) Since 1 May 2023 there have been four decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules and no decisions taken under the special urgency provisions within the Access to Information Procedure Rules.
- (e) The agenda of every ordinary Council meeting includes a report informing Council of any decisions taken under these urgency procedures since the previous report. These regular reports evidence a positive trend of a significant reduction in the use of urgency procedures since the adoption of the new Constitution in October 2021, and associated strengthened training and guidance for officers and councillors.

In the discussion which followed, the following points were made:

- (f) The Nottingham City Homes decisions requiring exemption from call-in were predominantly due to unfamiliarity with processes, but colleagues have been provided with training to address this.
- (g) The rent setting decision required exemption from call-in was due to requiring information from external partners, but checks will be done to ascertain whether the process can be changed in the future to allow for the call-in period to take place.
- (h) It is not unusual for grant funding applications to require use of urgency procedures due to the short timescales often given for acceptance. Decisions such as this are an appropriate use of the procedures.

Resolved to note

- (1) That four decisions have taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) of the Constitution since 1 May 2023.**
- (2) That no decisions have been taken under the special urgency provisions within the Access to Information Procedure Rules (Article 13) of the Constitution since 1 May 2023.**

10 Councillor Complaints - Update

Nancy Barnard, Head of Governance, presented the report providing a summary of complaints made about Councillors since the last election, and highlighted the following points:

- (a) The terms of reference of the Committee require the Monitoring Officer to submit regular reports on complaints made about Councillors to inform any work the Committee might carry out in relation to Councillor Standards and the Code of Conduct.
- (b) There have been five complaints received:
 - (i) 2 relating to Councillors not responding to correspondence – these have both been closed as lack of response is not a breach of the Code;
 - (ii) 1 relating to potentially discriminatory language being used at an event – this has been closed as it was not possible to ascertain that they had attended as a Councillor;
 - (iii) 1 relating to concern regarding language used at a formal meeting – this is subject to an ongoing investigation and has been referred to an external investigator, with the outcome expected by the end of April;
 - (iv) 1 relating to inappropriate behaviour at a meeting with Councillors and officers present – this is under investigation and information is being gathered from the complainant.

During the discussion which followed, the following points were made:

- (c) There is no set timeframe for closing complaints, but they are closed as soon as it is possible to do so. There is an appeal process which is dealt with internally.
- (d) There is no pattern to the complaints which suggested there is a need for further training in a particular area but, if the Committee identified any needs, these could be discussed at the Councillor Development Steering Group.
- (e) Complaints can only be raised if a Councillor is acting in their role as Councillor or if they are presenting as if they are acting as a Councillor.
- (f) The external investigation is costing in the region of £5,000 - £7,500 and further updates on this complaint, together with the other ongoing complaint, will be provided at the next meeting.

Resolved to note the monitoring information.

11 Whistleblowing Monitoring Update

Malcolm Townroe, Director of Legal and Governance and Monitoring Officer, presented the report providing the annual update on whistleblowing cases drawn to

the attention of the Monitoring Officer and which either remain open or have been closed off, and highlighted the following points:

- (a) Four whistleblowing cases have occurred:
 - (i) Two anonymous allegations relating to a manager's alleged failure to uphold council procedures in relation to time off in lieu and nepotism regarding recruitment. Given the nature of the complaints and the sparsity of detail provided these have been discussed with the relevant Director by the Monitoring Officer. No further action is considered necessary and the case has been closed.
 - (ii) An allegation relating to matters around supported housing and the misuse of housing benefit. Given the nature of the allegation this is not a matter for the Council and it has been referred to the Department for Work and Pensions (DWP) for consideration by them.
 - (iii) A number of allegations regarding manager(s) in a service provided jointly by the City and another council. It was originally thought that this was a matter for the other council in isolation but after further consideration further action is being taken on the City side to review matters.
 - (iv) An allegation regarding the conduct of a manager which has now been raised as part of an employment tribunal case. This remains under review in order to determine what elements, if any, might fall under the heading of whistleblowing.
- (b) It is not always clear if an issue is being raised as whistleblowing, so it is important for those using the whistleblowing policy to be clear that they are.

During the discussion which followed, the following points were made:

- (c) There is scope to improve the form to include space for specific examples to be given and to upload supporting documents, which will be discussed with the Director of HR.
- (d) It is important that people feel safe enough to raise issues without doing it anonymously.

Resolved to note the report.

12 Arrangements for Commissioner Engagement in Decision Making

Nancy Barnard, Head of Governance, presented the report outlining the changes to Nottingham City Council's decision making processes in order to accommodate the Government appointed Commissioners required access to certain decisions and reports at the appropriate point in order for them influence or exercise their powers should they feel it appropriate, and highlighted the following points:

- (a) Following their appointment, the Commissioners require decisions involving significant levels of spend or changes to policy to be considered by them to enable them to influence or exercise their powers in relation to the decisions being taken as they see fit. It has been agreed that the following decisions will be shared with Commissioners as a matter of course:
- Portfolio Holder Decisions
 - Leader's Key Decisions
 - Reports to Executive Board
 - Reports to Commissioning and Procurement Executive Committee
 - Reports to Full Council.
- (b) Reports involving significant levels of spend or policy changes proceeding through other Committees may also require Commissioner consideration but these will be addressed on an ad hoc basis.
- (c) None of the reports/ decisions outlined can proceed without the Commissioners' explicit consent and the inclusion of any comments they wish to make. This is in accordance with the powers they have been granted by the Secretary of State to support the council's improvement.
- (d) It has been agreed that decisions and reports will be shared with Commissioners following Corporate Director sign off but prior to Councillor Authorisation or publication for consideration by a Committee. Report and decision templates have been amended to reflect the new requirements.
- (e) The Commissioners agreed to a 3 day turnaround for comments and are currently meeting that deadline.
- (f) The new process does have an impact on report deadlines, and draft versions of reports can no longer be submitted.

In the discussion which followed, the following points were made:

- (g) The new process is also having an impact on the speed of decisions being approved, but it is helping with the robustness of decisions and reports.
- (h) The new process is being reviewed at the end of May, and Governance Services will also be reviewing the comments made by Commissioners to feed any learning back to authors so that they can provide the information at the first stage instead of waiting to be asked for it.

Resolved to note

- (1) The changes to the decision making processes.**
- (2) That the changes will be reviewed two months after implementation and any significant subsequent changes will be reported to this Committee.**

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Standards and Governance Committee – 11 September 2024

Title of paper:	Decisions taken under Urgency Procedures	
Director(s)/ Corporate Director(s):	Beth Brown, Director for Legal and Governance	Wards affected: All
Report author(s) and contact details:	Jane Garrard, Senior Governance Officer jane.garrard@nottinghamcity.gov.uk	
Other colleagues who have provided input:	None	
Date of consultation with Executive Member(s) (if relevant)	Not applicable	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Outcome:		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>The Council’s Constitution requires that decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13) are reported to Full Council and the Standards and Governance Committee.</p> <p>This report informs the Committee of decisions that have been taken under these provisions since the last report to the Committee in April 2024. During that period there have been five decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules and no decisions taken under the special urgency provisions within the Access to Information Procedure Rules.</p>		
Recommendation(s):		
1	To note that five decisions have been taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) of the Constitution since the last report to the Committee in April 2024, details of which are set out in Appendix A.	
2	To note that no decisions have been taken under the special urgency provisions within the Access to Information Procedure Rules (Article 13) of the Constitution since the last report to the Committee in April 2024.	

1. **Reasons for recommendations**

1.1 The Council's Constitution requires that decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13) are reported to the next available meeting of the Standards and Governance Committee.

2. **Other options considered in making recommendations**

2.1 None. It is a constitutional requirement that the Standards and Governance Committee is informed of approved exemptions from standard decision-making processes including call-in and Executive notices.

3. **Consideration of Risk**

3.1 Consideration of the risks associated with each of the decisions taken under these provisions was published as part of those decisions.

4. **Background (including outcomes of consultation)**

4.1 **Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules**

4.1.1 The call-in procedure set out in Article 11 of the Constitution does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. A decision can only be taken under this urgency provision if the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Vice Chair; or in the absence of both, the Chief Executive) agrees that the proposed decision is reasonable in all circumstances and that the reasons for urgency are valid.

4.1.2 Since the last report to the Committee in April 2024, there have been five decisions taken under these urgency provisions. A summary of these decisions is set out in Appendix A, and the decisions are available on the Council's website.

4.2 **Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules**

4.2.1 Where it is impractical to give at least five clear working days notice of the intention to take a Key Decision, that decision may only be made in accordance with the special urgency provisions set out in the Access to Information Procedure Rules (Article 13 of the Constitution). These special urgency provisions require agreement from the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Lord Mayor as Chair of Council; or in the absence of both, the Sheriff as Vice Chair of Council) that the decision is urgent and cannot reasonably be deferred.

4.2.2 Since the last report to the Committee in April 2024 there have been no decisions taken under these urgency provisions.

4.3 The agenda of every ordinary Council meeting includes a report informing Council of any decisions taken under these urgency procedures since the previous report. These regular reports evidence trends in the use of urgency procedures.

Number of exemptions from standard governance processes						
	Period (Municipal Year)					
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25^
Exemption from call-in	16	27	12	10	4	5
Special urgency	6	14	4	2	0	0

* new constitutional arrangements introduced 1 October 2021

^ to 12 August 2024

5. Finance colleague comments (including implications and value for money)

- 5.1 The recommendation in this report relates to decisions that were taken under urgency provisions for which finance comments were provided at the time the decisions were taken. Consequently, there are no additional financial implications resulting from this recommendation.

Alfred Ansong, Strategic Finance Business Partner. 31.07.24

6. Legal colleague comments

- 6.1 The relevant legislation and sections of the Constitution are set out in the body of the report.
- 6.2 Appropriate legal comments would have been provided for each decision referenced in the report.

Anthony Heath, Head of Legal Services, 12 August 2024

7. Other relevant comments

- 7.1 None

8. Crime and Disorder Implications (If Applicable)

- 8.1 Not applicable

9. Social value considerations (If Applicable)

- 9.1 Not applicable

10. Regard to the NHS Constitution (If Applicable)

- 10.1 Not applicable

11. Equality Impact Assessment (EIA)

- 11.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not contain recommendations for changes to policies, services or functions. Where required, Equality Impact Assessments were published alongside each of the decisions referred to in the report.

12. Data Protection Impact Assessment (DPIA)

12.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because the report does not contain any recommendations involving the use of personal or sensitive data. Where required, the data protection implications of the decisions referred to in this report were assessed and, where appropriate, details published as part of those decisions.

13. Carbon Impact Assessment (CIA)

13.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because does not contain any recommendations for changes to policies, services or functions. Where required, the carbon impact of the decisions referred to in this report were assessed and, where appropriate, details published as part of those decisions.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None

15. Published documents referred to in this report

15.1 Nottingham City Council Constitution – Article 11 Overview and Scrutiny Procedure Rules and Article 13 Access to Information Procedure Rules

15.2 The committee reports and minutes, and records of delegated decisions referred to in this report (references detailed in Appendix A)

Appendix A – Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules since April 2024

Decision reference	Date of decision	Subject	Decision taker	Consultee on urgency	Reason for urgency
5128	06/06/24	Installation of Temporary Accommodation – Bluecoat Wollaton Academy	Executive Member for Children, Young People and Schools	Chair of Corporate Scrutiny Committee	To enable the accommodation to be fitted in time for use from September 2024.
5129	07/06/24	Transportation of Passenger Transport Services and School Trips, and School Meals Transport	Lead of the Council	Chair of Corporate Scrutiny Committee	To enable continuation of service until a Dynamic Purchasing System is in place.
5133	14/06/24	Midlands Net Zero Hub Grant Funding – Local Net Zero Programme	Leader of the Council	Chair of Corporate Scrutiny Committee	A draft Memorandum of Understanding had just been received from the Department for Energy Security and Net Zero with sign off required by 11 June 2024.
5141	26/06/24	Inpatient detox service ‘The Level’	Executive Member for Adult Social Care and Health	Chair of Corporate Scrutiny Committee	The new contract had to be signed before the end of June 2024 to ensure there were no gaps in provision.
5146	15/07/24	Proposed extension to the Nottingham City Council Public Spaces Protection Order (PSPO) Dane Court	Executive Member for Communities, Waste and Equalities	Chair of Corporate Scrutiny Committee	To enable the PSPO to be extended before the current PSPO expired, which would have involved a lengthy and costly process.

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Standards and Governance Committee – 11 September 2024

Title of paper:	Councillor Complaints – Update	
Director(s)/ Corporate Director(s):	Director of Legal and Governance and Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Head of Governance Constitutional.services@nottinghamcity.gov.uk	
Other colleagues who have provided input:	N/A	
Date of consultation with Executive Member(s) (if relevant)	N/A	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Outcome:		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>The Committee has a role in monitoring complaints that Councillors or Co-opted Members have breached the Code of Conduct. This report provides a summary of complaints about Councillors dealt with since the last meeting for information.</p>		
Recommendation(s):		
1	That the Committee considers and notes the monitoring information.	

1. Reasons for recommendations

- 1.1 The terms of reference of the Standards and Governance Committee require the Monitoring Officer to submit regular reports on complaints made about councillors to inform any work the Committee might carry out in relation to Councillor Standards and the Code of Conduct.

2. Other options considered in making recommendations

- 2.1 The Committee's terms of reference place a responsibility on the Committee to consider a Monitoring Officer report on Councillor Complaints. Therefore no other options were considered

3. Consideration of Risk

- 3.1 Any risk to the Council will be determined as part of the response to the individual complaint and escalated to this Committee in accordance with the published Complaints procedure.

4. Background (including outcomes of consultation)

- 4.1 Appendix A to this report summarises the nature and outcome of complaints made against councillors since the last update in April 2024 and provides updates on those not resolved at the point of the last update. Four complaints have been, or are in the process of being, formally investigated due to the nature of those complaints. None have been escalated beyond the local resolution stage of the procedure. None of the complaints reached the formal stage of consideration to date and are either in train or have been resolved informally.

- 4.2 The Committee is asked to note the information contained in the appendix.

5. Finance colleague comments (including implications and value for money)

This report is a monitoring report and has no financial implications.

6. Legal colleague comments

- 6.1 Section 27 of the Localism Act 2011 requires local authorities to "promote and maintain high standards of conduct by members and co-opted members of the authority." The arrangements in place in Nottingham are outlined in the Council's Code of Conduct for Councillors and Co-opted Member (Article 15 of the Constitution) and the agreed procedure for managing complaints that a Councillor or Co-opted Member has breached the Code. Both documents are available on the Council's website: [Councillor Conduct - Nottingham City Council](#).

- 6.2 The legal implications of each complaint have been considered as part of their management.

- 6.3 This report is a requirement of the Standards and Governance Committee's terms of reference and it enables Councillors to monitor the nature of complaints being made and seek assurance that they are being dealt with appropriately.

7. Other relevant comments

- 7.1 Not applicable

8. Crime and Disorder Implications (If Applicable)

- 8.1 Not applicable

9. **Social value considerations (If Applicable)**

9.1 Not applicable

10. **Regard to the NHS Constitution (If Applicable)**

10.1 Not applicable

11. **Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not propose a change to council policy or service. Equality matters may be taken into account as part of consideration of individual complaints

12. **Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because the report does not propose a change to council policy or service.

13. **Carbon Impact Assessment (CIA)**

13.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because the report does not propose a change to council policy or service.

14. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1 None

15. **Published documents referred to in this report**

15.1 Councillor and Co-Opted Member Code of Conduct (Article 15 of the Constitution and the Councillor Complaints procedure - [Councillor Conduct - Nottingham City Council](#))

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Date Complaint Received	Summary of Allegations	Action Taken	Outcome of Complaint
01/08/21	The party Whip was used inappropriately in relation to a Scrutiny Committee meeting	Referred to an independent Deputy Monitoring Officer to review in line with the complaints procedure	Review in progress
01/08/21	Discriminatory behaviour at a formal committee meeting	Referred to an independent Deputy Monitoring Officer to review in line with the complaints	Review in progress
22/12/23	Concern regarding language used at a formal meeting	Discussed with independent person and referred to an external investigator.	Investigation concluded - no breach of Code of Conduct Found. Case closed
11/02/24	Innappropriate behaviour at a meeting with Councillors and officers present	Further information sought from the complainant and the subject of the complaint.	Investigation ongoing
16/04/24	Councillor failed to respond to an email	Councillor requested a response from officer. Response sent.	No Breach - case closed
15/06/24	Councillor presented themselves as if on Council business and behaved inappropriately.	Apology provided by the Councillor. Monitoring Officer wrote to the Councillor reminding them of the importance of presenting themselves in the correct capacity and using appropriate language at all times.	Resolved informally - case closed
15/07/24	Cllr sought to use their position to unduly influence a process between an organisation and a citizen	Reviewed by MO who determined no undue influence had been exerted and the Cllr had not acted inappropriately. No breach of code.	No Breach - case closed

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