

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.**