



NOTTINGHAM CITY COUNCIL
STANDARDS COMMITTEE

Date: Wednesday, 12 December 2018

Time: 10.00 am

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

Corporate Director for Strategy and Resources

Governance Officer: Nancy Barnard **Direct Dial:** 0115 8764312

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|----------|--|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTES | 3 - 6 |
| | To approve the minutes of the meeting held on 22 March 2018. | |
| 4 | AMENDMENTS TO THE COUNCILLOR AND CO-OPTED MEMBER
CODES OF CONDUCT | 7 - 10 |
| 5 | COMPLAINTS AGAINST COUNCILLORS - UPDATE | 11 - 14 |

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

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT

WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

STANDARDS COMMITTEE

MINUTES of the meeting held at LH 0.06 - Loxley House, Station Street, Nottingham, NG2 3NG on 22 March 2018 from 10:00 – 11:05

Membership

Present

Councillor Jim Armstrong
Councillor Leslie Ayoola
Nigel Cullen
Councillor Neghat Khan
Councillor Ginny Klein
Councillor Wendy Smith
Councillor Chris Tansley (Chair)
Councillor Jane Urquhart (Vice Chair)

Absent

Councillor Andrew Rule,
Substituted by Councillor Jim
Armstrong

Colleagues, partners and others in attendance:

Nancy Barnard	-	Governance Manager
Nigel Cullen	-	Independent Person for Standards
Sarah Molyneux	-	Head of Legal and Governance and Deputy Monitoring Officer

11 CHANGES TO COMMITTEE MEMBERSHIP

The Committee noted the appointment of Cllr Andrew Rule to the Committee and the resignation of Cllr Jon Collins from the Committee.

12 APOLOGIES FOR ABSENCE

Councillor Andrew Rule – work commitments.
Councillor Ginny Klein – apologies for lateness due to transport problems.

13 DECLARATIONS OF INTEREST

None.

14 MINUTES

The minutes of the meeting held on 27 September 2017 were approved as a correct record and signed by the Chair.

15 SOCIAL MEDIA GUIDANCE

Sarah Molyneux, Head of Legal and Governance and Nancy Barnard, Governance Manager introduced the report which had been requested by Councillors at a previous meeting. The following points were highlighted during the discussion:

- a) The draft guidance is written in order to advise Councillors on avoiding difficult situations in their use of social media.
- b) Training is to be arranged for Councillors to cover both the safe management of social media activity and how to effectively use social media as a councillor. It will be delivered in house.

RESOLVED to

- (1) Approve the draft guidance for circulation to all councillors, and**
- (2) Arrange training for Councillors on the use of social media as soon as possible.**

16 COMMITTEE ON STANDARDS IN PUBLIC LIFE - CONSULTATION ON LOCAL GOVERNMENT ETHICAL STANDARDS

Councillor Ginny Klein joined the meeting at this point.

Sarah Molyneux, Head of Legal and Governance and Nancy Barnard, Governance Manager introduced the report which invited the Committee to consider a draft response to the Committee on Standards in Public Life's consultation on Ethical Standards in Local Government. During the discussion the following points were raised:

- a) The sanctions available to Councils to address breaches of the Code of Conduct for Councillors and Co-opted Members are too limited to deal with the most serious cases. Not having sufficient sanctions could lead to cases stagnating as little action can be taken and may lead to dissatisfaction with the process from citizens and others involved in the case.
- a) The Council has effective, legally compliant arrangements in place for dealing with alleged breaches of the Code of Conduct. These involve the political Groups, the Monitoring Officer, the Independent Person and, ultimately, this Committee but these are limited by national restrictions on action that can be taken. To ensure consistency, should new sanctions be brought in to address serious breaches, these should be accompanied by national guidance on the circumstances in which sanctions should be applied.
- b) Councillors are required to attend training on the Code of Conduct and on Safeguarding when they take up office. Training is also being arranged on the safe proper use of social media and there is a comprehensive induction programme for new councillors.

- c) The role of the Independent Person is valuable but in the more serious cases the involvement of an independent body separate from the authority of which the councillor or co-optee is a member would be appropriate. Options that could be explored could include reciprocal arrangements with other local authorities or panels made up of a number of Independent Persons appointed by local authorities in the area.
- d) The Committee acknowledged the challenges of requiring co-opted members to register and publish interests in the same way as councillors suggesting it might be appropriate for co-optees to register interests relevant to the role they have been appointed to and for those registered interests to be held by the Monitoring Officer and not published. Co-opted members would continue to be responsible for declaring their interests at meetings and not participating in any matter in which they have an interest. This is explained to co-opted members during their induction.
- e) The Committee was not aware of any serious intimidation of councillors having occurred locally but did raise concern about how to deal with difficult individuals such as vexatious complainants.

RESOLVED to

- (1) Approve the draft response to the consultation subject to amendments based on the comments outlined above,**
- (2) Delegate authority to the Chair of the Committee to approve the final draft for submission to the Committee on Standards in Public Life,**
- (3) Share the response with the Portfolio Holder with responsibility for Standards prior to submission,**
- (4) Request that the Governance Manager raise the issue of arranging training for Councillors on dealing with difficult individuals.**

17 COUNCILLOR COMPLAINTS – 6 MONTH REVIEW

RESOLVED to note the content of the report.

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STANDARDS COMMITTEE – 12 DECEMBER 2018

Title of paper:	Amendments to the Councillor and Co-opted Member Codes of Conduct	
Director(s)/ Corporate Director(s):	Malcolm Townroe – Director of Legal and Governance and Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager Nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:	None	
Date of consultation with Portfolio Holder	16/11/2018	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
The Standards Committee is responsible for advising Council on revisions to the Code of Conduct. Changes are proposed to the Councillor and Co-opted Member Codes of Conduct in order to ensure the requirements relating to declarations of interest are clear and that Councillors' and Co-opted Members' responsibilities in relation to equalities are reflected.		
Recommendation(s):		
1	To consider the proposed amendments to the Councillor and Co-opted Members Codes of Conduct outlined in paragraphs 2.1 – 2.3.	
2	If agreed, to refer the proposed amendments to the next appropriate meeting of Council for approval and incorporation into the Council's Constitution.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 The Standards Committee plays a key role in keeping the Councillor and Co-opted Member Codes of Conduct under review, ensuring they are fit for purpose and making recommendations to Council regarding any changes deemed necessary. In advance of the City Council elections in May and the potential election of new Councillors, the Codes have been reviewed to ensure that they continue to ensure Councillors and Co-opted Members are working to high ethical standards.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Two possible amendments were identified by the review for recommendation to the Standards Committee.

2.2 Equality and Diversity

Nottingham's Codes of Conduct currently make no explicit reference to Councillors' and Co-opted Members' responsibilities in relation to Equality and Diversity. The majority of other Core Cities make reference to this in their Codes of Conduct. In order to clarify this matter and underline the importance of Equality and Diversity to Councillor and Co-opted Members' roles the following addition is proposed to the Codes of Conduct:

Additional Paragraph 3.3, you must:

"promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability."

2.3 Declaration of Other Interests

Currently, the Codes of Conduct only explicitly require declarations of Other Interests when attending a meeting of the Council and not in relation to Councillors exercising individual decision making powers. While the application to individual decision making is implicit, and a requirement of the Localism Act 2011, the Codes would benefit from clarification on this point. Therefore the following amendment is proposed:

Additional Paragraph 5.2:

"Where you are able to discharge a function of the Council acting alone and you are aware that you have an Other Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter)."

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The proposed amendments are not required by law but clarify the standards expected of new and returning Councillors. The Codes of Conduct could be left unamended but this would leave the documents less clear than they might be.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 There are no financial implications to this report as it involves amendment of the Codes of Conduct.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 The proposed amendments are in line with the requirements of the Localism Act 2011. The report has no further significant legal implications.

7 EQUALITY IMPACT ASSESSMENT

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

No



An EIA is not required because the report proposes the inclusion of equality and diversity considerations in the Codes of Conduct.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 Nottingham City Council's Councillor and Co-opted Member Codes of Conduct contained within the Constitution and available at

<https://www.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>

9.2 The Localism Act 2011

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STANDARDS COMMITTEE – 12 DECEMBER 2018

Title of paper:	Councillor Complaints – Update	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager Nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:	None	
Date of consultation with Portfolio Holder(s) (if relevant)	16/11/2018	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
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 made about Councillors and resolved informally since the last update for information.		
Recommendation:		
1	That the Committee considers and notes the monitoring information.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 The terms of reference of the Standards Committee require the Monitoring Officer to submit a report on the above matters to inform any work the Committee might carry out in relation to Councillor Standards and the Code of Conduct.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Appendix A to this report summarises the nature and outcome of complaints made against councillors since the last update. None of the complaints reached the formal stage of consideration and were resolved informally. All complainants are offered the opportunity to escalate the complaint if they are not satisfied with the outcome. No complaints have been escalated since the last update.

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

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 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.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 There are no financial implications to this report

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 There are no legal or procurement implications to this report.

6 EQUALITY IMPACT ASSESSMENT

- 6.1 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.

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 7.1 None

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 8.1 None

Date complaint received	Summary of Allegations	Action Taken	Outcome of Complaint
28/03/18	Complaint about behaviour of a Councillor when meeting a constituent at their home.	Investigation continuing	Investigation continuing
27/03/18	Complaint about behaviour of a Councillor when visiting an NCH office.	Investigation continuing	Investigation continuing
03/05/18	Complaint about a perceived conflict of interest.	Investigated – the councillor did not have an interest in the alleged matter.	No further action
18/07/18	Complaint that a councillor did not respond to a citizen's complaint about a service.	Investigated – councillor apologised and offered to contact the citizen personally.	No further action
16/08/18	Concern about an alleged breach of confidence.	Investigation commenced, awaiting further input from complainant.	Investigation commenced
20/08/18	Complaint that a councillor didn't respond to an email.	Investigated – councillor had responded two days outside of corporate response times and apologised for the delay in responding.	No further action
25/10/18	Complaint about comments made about an individual.	Investigated – actions did not fall within the Councillors' Code of Conduct	No further action
08/11/18	Complaint about behaviour of a Councillor when meeting a constituent at their home.	Investigation continuing	Investigation continuing

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