

Public Document Pack



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PUBLIC

To: Members of Council

Tuesday, 5 September 2023

Dear Councillor,

You are hereby summoned to attend a meeting of **Council** to be held at **2.00 pm** on **Wednesday, 13 September 2023** in the Council Chamber, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington

Director of Legal and Democratic Services

AGENDA

1. Apologies for absence
To receive apologies for absence (if any)
2. Declarations of interest
To receive declarations of interest (if any)
3. Chairman's announcements

4. Minutes (Pages 1 - 14)
To confirm the minutes of the meeting of the Council held on 12 July 2023.
5. Report of the Leader of the Council and Members' questions
To consider the report of the Council Leader and Members' questions on the report
6. Public questions (Pages 15 - 16)
To consider public questions (if any)
7. Petitions
To receive petitions (if any)
8. Honorary Freewoman of the County (Pages 17 - 22)
9. Changes to Political Balance and Committee Memberships (Pages 23 - 28)
10. Code of Conduct for Employees (Pages 29 - 84)
11. Governance, Ethics and Standards Committee Chairman's Report (Pages 85 - 92)
12. Appointment of the Executive Director of Adult Social Care and Health (Pages 93 - 96)
13. Decisions taken as a matter of Urgency and Key Decisions and Special Urgency (Pages 97 - 104)
14. Elected Member questions (Pages 105 - 106)
To consider questions submitted by Elected Members
15. Notice of Motion (Pages 107 - 108)

PUBLIC

MINUTES of a meeting of **COUNCIL** held on Wednesday, 12 July 2023 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

Councillors D Allen, R Ashton, N Atkin, K S Athwal, J Barron, B Bingham, S Bull, S Burfoot, A Clarke, C Cupit, A Dale, C Dale, J Dixon, R Flatley, M Ford, E Fordham, A Foster, R George, A Gibson, K Gillott, N Gourlay, D Greenhalgh, C Hart, A Hayes, G Hickton, S Hobson, R Iliffe, J Innes, T King, G Kinsella, B Lewis, W Major, R Mihaly, P Moss, D Muller, D Murphy, P Niblock, R Parkinson, J Patten, L Ramsey, C Renwick, P Rose, J Siddle, S Spencer, A Sutton, S Swann, D Taylor, J Wharmby, D Wilson, B Woods, J Woolley and M Yates.

Apologies for absence were submitted for Councillor J Bryan, D Collins, M Foster, L Grooby, N Hoy, T Kemp, G Musson, J Nelson, P Smith and A Stevenson.

Officers present: Emma Alexander (Managing Director), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Helen Barrington (Director of Legal and Democratic Services), Mark Kenyon (Director of Finance and ICT), Carol Cammiss (Executive Director - Children's Services), Chris Henning (Executive Director - Place) and Alec Dubberley (Head of Democratic and Registration Services).

55/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bryan, Collins, M Foster, Hoy, Kemp, Grooby, Musson, Nelson, Smith and Stevenson.

56/23 DECLARATIONS OF INTEREST

Councillor E Fordham declared a non-pecuniary interest in agenda item number 12, Notices of Motion, Motion 1, Assisted Dying, Minute number 66/23 refers.

57/23 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred with sadness to the death of Councillor Roger Redfern who had died on 21 June and was the Member for Swadlincote South.

Members spoke to give their own tributes and afterwards members stood in silent reflection.

The Chairman referred to the recognition Derbyshire County Council had given to the 75th Anniversary of the NHS by lighting County Hall up and recorded his vote of thanks to all NHS workers, past and present, who had done an amazing job, sometimes under exceedingly difficult circumstances.

Finally, he wished the Lionesses Football Team good luck in the forthcoming World Cup and acknowledged Millie Bright's key position in the team who was born in Chesterfield and started her career at Killamarsh Dynamos.

58/23 **MINUTES**

On the motion of Councillor B Lewis, duly seconded, it was

RESOLVED:

To confirm, as a correct record, the minutes of the meeting of Council held on 24 May 2023.

59/23 **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

The Leader of the Council began his update by referring to the recent flash flooding down in Matlock Town Centre and reported that Derbyshire County Council had reopened its Flood Grant Scheme which assisted businesses and residents to clear up after the event. He encouraged everyone who knew of any businesses or resident impacted by the flooding to let them know that the grant scheme was open and there to support them. He then referred to the further work the County Council and partner agencies were undertaking to assist with the devastation caused and to implement measures to try and prevent or minimise future impact. He also mentioned that they were lobbying the Government for additional funding and explained the complex criteria for accessing this grant funding through Defra. To conclude on this issue he reported that the works on the riverbank would be completed by the autumn which would mean that the town would return to normal service.

Finally, to conclude his update, he referred to the book titled 'Walking Together' which had been edited by one of the County Council's employees, Peter Storey. The book refers to the art memorial installed at the Markham Vale Development called 'Walking Together' that reflects upon, recognises and honours the deaths of the 106 men who died over three events from 1937 through to 1973. He recommended the book and encouraged people to read a copy which could be obtained by

contacting him directly in the first instance.

In response to a question from Councillor Burfoot in relation to the impact and damage the floods had caused on the road infrastructure in the town centre and surrounding areas, and the comments the Environment Agency had made about recent housing developments on greenfield sites contributing to the alarming increase in flooding over recent years, Councillor Lewis confirmed he was aware of the situation and referred to the complex and technical process involved when considering planning applications. He agreed with the point Councillor Burfoot had made about the future implications that climate change would have on flooding events.

In response to a question from Councillor George about the increase in school meal fees and the impact on families struggling with the cost-of-living crisis, Councillor Lewis confirmed that the decision was still pending. He informed the meeting that as a local authority, it too was impacted by the rising costs of food and those entitled to free school meals would continue to get them. He added that Derbyshire County Council could not continue to bear the cost of that as this was no longer tenable.

60/23 PUBLIC QUESTIONS

Question from John Geddes to Councillor C Cupit, Cabinet Member for Highways, Assets and Transport

“How much of Derbyshire's £47m Bus Service Improvement Plan money has been committed on extensions and improvements to timetabled bus services already announced, how much has been committed to other initiatives already announced, and when will the council be announcing how it plans to spend the rest of the funds during what is now only 20 months before the scheme ends in March 2025?”

Councillor Cupit responded as follows:

“£12m has been allocated towards improvements to bus services with £7m of this committed so far. You may have seen the 17 big service improvements already made on better timetables, extensions and route enhancement across the county. I am working now on going through network reviews and continued close working with the bus operators on additional services to further improve timetables and routes wherever possible.

I am also pleased to highlight that we have successfully received permission to extend the funding for these improvements for an extra

year until March 2026 which will hopefully provide additional time for those services to bed in, to grow and become self-sustainable, so hopefully that is good news.

Then, as I know you will appreciate, the Bus Service Improvement Plan cannot and should not just be about extending services. As I think we would all agree in this Chamber we need to take this quite big £47m opportunity to better integrate and improve the infrastructure around public transport wherever we can to make it more attractive, reliable and easier to travel by bus.

So £6m has been allocated to improving and simplifying fares as well as launching some additional offers to support the Government's £2 fare cap with things such as the Wayfarer and the free Sunday/summer morning travel for six weeks. Other key initiatives include directing around half of the BSIP money towards bus infrastructure measures to address network pinch points, improve traffic signals and roadworks where we can with the first schemes on those going live over the next couple of months as well as developing the information and connectivity around buses again with things such as the orange RTI signage, transport hubs and app improvements.

With this, just to answer the final part of your question, I know that communication is really key here so we do have a new dedicated BSIP Communications Officer who has recently started and is working on getting all the work and announcements out to as many residents and members as possible.

In terms of scrutinising the BSIP progress in detail there are regular stakeholder meetings, various groups, and reports added online to I think it is derbyshire.bus.info.

Sorry, that is quite a lot of information for one question but hopefully that provides a helpful summary of the current position and just to assure you and all the Chamber that we do have plans for the full £47m as well as pushing for further investment be it by devolution and the Government in what is I think a really key service for the county in future."

Mr Geddes asked the following supplementary question:

"One of the key planks of the original Bus Service Improvement Plan submission was some additional trials of Demand Responsive Transport or DRT. Now Councils across the UK have tried DRT and none have achieved an affordable cost per ride. Lincolnshire, which is often quoted as the model, turns out to cover most of the cost out of their Adult Care transport funding. Elsewhere again and again trials burn through their

project funding and then they close. In the last month schemes in North Yorkshire and in East Leeds have been announced as failures so I am asking will the councillor undertake that before instigating any further DRT trials in Derbyshire you will talk to those behind these failed schemes, see if you can get let in on these valuable lessons that are invariably quoted as the great justification for all the money they have burnt through, and will you undertake only to go ahead with trials in Derbyshire if they are designed to find out something genuinely new?"

Councillor Cupit responded to the supplementary question as follows:

"As you know I think you are due to meet with officers next week to discuss this in detail and it will be really useful to hear your views and thoughts because I agree with you, Demand Responsive Transport I think is a key thing. I have heard representations so far - I have only been in post for a short while - both for and against so we have to take that into account but I completely agree with you that it is an expensive means of travel sometimes but that doesn't mean it doesn't have benefits. Absolutely commit to analysing and thinking carefully before we progress. I understand that officers have been doing some soft market testing on what is available and potential schemes that could be of benefit in Derbyshire so we are just analysing that before we proceed any further and obviously we will speak to you and meet with you.

I am happy to speak to you as well and analyse it really carefully because we are eager to make the best use of the whole £47m that we can."

Question from David Ingham to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

"The Refreshed Council Plan/Delivery Plan and inter-related Departmental Plans, approved at Full Council on 22-03-23 include success measurements allied to the new CRM complaints and feedback system such as 100% statutory compliance and 20% reduction in complaints by 2025.

I note the system benefits of seeking and capturing compliments but regarding complaints I'm unclear what will ultimately be considered as complaints, captured and measured.

I have previously raised at Full Council known senior officer complaints that have not been captured in any reporting systems. Currently, there are also numerous complaints excluded from the corporate complaints procedure e.g. road/light repairs, finding care homes, SARs, FOI's.

There is also currently now the proposal to remove from the constitution the Ethics Statement and the channel of reporting officer complaints to Legal Services.

Precisely which complaints will ultimately be facilitated through the CRM system, recorded, reported, measured and which won't?"

Councillor Lewis responded as follows:

"Due to the quite technical nature of your particular question, I will ensure that you are given a detailed written answer on that one."

The written response was as follows:

"Currently, and in line with our Council wide roll out of Granicus, our Customer Relationship Management system, we are undertaking a review of compliments, comments and complaints. We have an agreed timetable in place for a number of our key service areas to migrate from the existing processes for capturing complaints, over to the new system, and that is planned to happen between the end of this year and March 2024. The initial services that will move to the new system are:

Children's Services, Adult Care, Place, General Feedback (this is under the Contact Us on the DCC webpage) and Representations (MPs etc).

In addition to the above, the review that we are undertaking will look at all areas of the Council where we receive complaints, compliments, and feedback from our residents. Our aim is to implement a standardised process for all areas, where feasible and not withstanding any statutory requirements that we have. This will not only make the process easier and more accessible for our residents but will also enable us to review the detail for each service area and support our process of continually looking to improve the services that we offer.

The only process that is not due to migrate and will remain as is now, are the complaints from the Ombudsman as they are submitted directly onto the LGO's website (Home - Local Government and Social Care Ombudsman). This will remain as is now."

Mr Ingham asked the following supplementary question in writing:

"I note from the response it appears FOI's/SAR's may not eventually go into the CRM system. Ombudsman complaints also. As I previously mentioned I note there is a move towards 100% statutory compliance in such areas being used/measured for allied success determination.

Given this, would Councillor Lewis agree to make a request in accordance with the allowed Scrutiny Procedure to suggest that FOI/SAR/Ombudsman complaint performance metrics be referred to the Improvement and Scrutiny Committee - Resources for consideration this year and if not agreeable to do so please provide an explanation why he doesn't feel it is necessary/appropriate?

I consider these are areas that would really benefit from a review by Scrutiny and would also clearly be helpful for the Council going forwards in terms of Council Plan/Departmental Plan delivery. The next scheduled Scrutiny meetings are being held in September 2023 and December 2023."

Councillor Spencer (in Councillor Lewis's absence) responded to the supplementary question as follows:

"You are correct that the refreshed Council Plan/Delivery Plan, approved at Full Council on 22 March 2023, included an action to implement a complaints and feedback system with associated success measures.

You will note from the initial response provided to you, that there is no intention to include complaints to the Local Government and Social Care Ombudsman (LGSCO) in the CRM system as they are submitted directly onto the LGSCO's website. An annual report of complaints to the LGSCO is already provided to both Cabinet and Governance, Ethics and Standards Committee.

FOIs and SARs were not part of the original scope for the CRM as they are not treated as complaints and fall outside the Council's Corporate Complaints Policy. The process for dealing with FOIs and SARs is governed by information governance legislation and set out in separate information request procedures, with oversight from the Council's Information Governance Group. Therefore it was not the intention for such requests to fall within the scope of the Council Plan/Delivery Plan action and success measures you refer to.

In light of the above I do not consider it necessary for performance metrics to be referred to the Improvement and Scrutiny Committee - Resources for consideration."

61/23 PETITIONS

None received.

62/23 DERBYSHIRE PENSION BOARD - APPOINTMENT OF

INDEPENDENT CHAIR

The Director of Finance and ICT introduced a report, which had been circulated in advance of the meeting that sought approval for the appointment of a new Independent Chair for Derbyshire Pension Board.

On the motion of Councillor D Wilson, duly seconded

RESOLVED

To approve the appointment of Neil Calvert as Independent Chair of Derbyshire Pension Board for a term of four years with immediate effect.

63/23 APPOINTMENT OF THE INTERIM EXECUTIVE DIRECTOR OF ADULT SOCIAL CARE AND HEALTH (DASS)

The Managing Director introduced a report, which had been circulated in advance of the meeting that requested Council to note the appointment of Simon Stevens to the role of Executive Director of Adult Social Care and Health and the officer having statutory responsibility for the Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970.

On the motion of Councillor B Lewis, duly seconded

RESOLVED:

To note the temporary appointment of Simon Stevens to the role of Executive Director of Adult Social Care and Health and the officer having statutory responsibility for the Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970.

64/23 DERBYSHIRE ELECTORAL BOUNDARY REVIEW - DIVISIONAL ARRANGEMENTS SUBMISSION TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND (LGBCE)

The Managing Director introduced a report, which had been circulated in advance of the meeting that gave an update on the Derbyshire Electoral Division Boundary Review and, in line with the second stage of the process to determine the Electoral Divisional Arrangements for the Authority which would be submitted to the Local Government Boundary Commission for England (LGBCE).

Councillor Lewis proposed that an additional recommendation should be inserted between to read as follows:

“To note members’ concerns in relation to the proposed Divisional Arrangements for the High Peak in particular and acknowledges that they are sub-optimal but it accepts that given the challenging geography and the electoral numbers, as well as the need to remain within variants while pursuing some single Member Divisions, the Council has been unable to find better alternatives. In this regard approves Council to write by way of covering letter to the submission to urge the LGBCE to carefully consider whether it can find more suitable alternative arrangements that better maintain local community cohesion and do not involve such a radical redrawing of the existing High Peak boundaries, including a consideration of whether there may be an exceptional case for Glossop to remain in a two Member Division due to the challenges identified.”

On the motion of Councillor B Lewis, duly seconded, it was

RESOLVED to:

- 1) Approve the Council’s draft Divisional Arrangements Submission document attached at Appendix 5 to the report, which sets out revised Electoral Division proposals, for consideration by the LGBCE;
- 2) Note members’ concerns in relation to the proposed divisional arrangements for the High Peak in particular and acknowledges that they are suboptimal, but accepts that, given the challenging geography and electoral numbers, as well as the need to remain within the variance while pursuing single member divisions, the Council has been unable to find better alternatives. In this regard approves Council to write by way of covering letter to the Submission to urge the LGBCE to carefully consider whether it can find more suitable alternative arrangements, that better maintain local community cohesion and do not involve such a radical re-drawing of the existing High Peak boundaries, including a consideration of whether there may be an exceptional case for Glossop to remain in a two member division due to the challenges identified;
- 3) Note the revised indicative timescales for undertaking the key stages of the Electoral Boundary Review 2024 process, as outlined in the report; and
- 4) Make a formal request to the LGBCE recommending that the start of the Phase 2 consultation period be delayed to take into account challenges completing the consultation over the Christmas period and to align with the current Full Council meeting schedule in

February 2024.

65/23 **ELECTED MEMBER QUESTIONS**

The following questions had been submitted by Councillor R George to Councillor N Hoy as Cabinet Member for Adult Care. However, Councillor Hoy had submitted apologies and was not present at the meeting. It was therefore proposed that written responses would be provided after the meeting.

1) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

“Why have carers of people with learning disability who receive much-needed respite breaks been told that the homes where their loved ones have received short-term breaks will shortly be closing?”

Written response:

“The short term breaks units referred to above are commissioned by the NHS through Derbyshire Community Health Services NHS Foundation Trust (DCHS) to provide 'short breaks' for adults with a learning disability. The Derbyshire and Derby Integrated Care Board is reviewing this provision and a report was considered by Improvement and Scrutiny – Health 15 May. Discussions across Derbyshire and Derby Integrated Care Board and Adult Social Care are currently on ongoing. A further report will be available to Improvement and Scrutiny- Health once this review has been concluded.”

2) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

“What measures are being considered besides home care charging to reduce the cost of Adult Social Care to the county council, including support for permanent staff such as flexible working options, to reduce reliance on agency staff, increased training opportunities both for potential recruits to care and to enable existing staff to upskill, and streamlining the lengthy recruitment processes for Adult Social Care?”

Written response:

“Any proposed changes are only proposals, and no decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account.”

3) Question from Councillor R George to Councillor N Hoy,

Cabinet Member for Adult Care

“What resources have been planned to enable the necessary financial assessments and assessments of Disability Related Expenditure for the thousands of residents due to be impacted by all of the options proposed for home care charging?”

Written response:

“As previously stated: Any proposed changes are only proposals, and no decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account. Unless a decision is made there can be no changes to how a person’s charges are calculated.”

4) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

“What assessment has been made of the financial impact on affected residents of the 3 proposals for home care charging, and what measures considered to support residents who will not have planned for such sudden and potentially high expenditure, and who may have financial commitments that make such payments unviable?”

Written response:

“As stated earlier: Any proposed changes are only proposals, and no decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account. Unless a decision is made there can be no changes to how a person’s charges are calculated.”

5) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

“What measures are being proposed as part of the home care charging proposals to ensure couples’ income does not fall below the Minimum Income Guarantee if the partner with the highest income is assessed for care charges and potentially charged all of their excess income above their half of the Minimum Income Guarantee, whilst their partner’s income falls below half of the Minimum Income Guarantee?”

Written response:

“As stated earlier, any proposed changes are only proposals, and no

decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account. Unless a decision is made there can be no changes to how a person's charges are calculated."

66/23 NOTICES OF MOTION

Motion One – Assisted Dying

Councillor S Spencer proposed a motion that was duly seconded, in the following terms:

Background

Ahead of the next General Election, Dame Prue Leith is to write an open letter asking party leaders to listen to the strength of support for choice at the end of life and bring forward a debate on assisted dying in the next Parliament.

It is noted in the letter on The Campaign for Dying with Dignity(CfDWD) website that for every day that passes until the law is reformed, 17 people will suffer as they die. According to the CfDWD the British public overwhelmingly supports assisted dying, yet terminally ill people are still being forced to choose between suffering, suicide and Switzerland.

The motion proposed was:

"To raise awareness of this letter this motion asks that this Council engages in a sensible debate on this matter and where its elected members, staff and the public of Derbyshire support the content, they should be encouraged to add their signatures to it to ask that the government bring forward a debate on assisted dying in the next Parliament."

Following debate, the motion was duly voted on and declared to be WON. It was therefore:

RESOLVED

That this Council engages in a sensible debate on this matter and where its elected members, staff and the public of Derbyshire support the content, they should be encouraged to add their signature to it to ask that the government bring forward a debate on assisted dying in the next Parliament.

Motion Two – Diverse Council Declaration

Councillor L Ramsey proposed a motion that was duly seconded, in the following terms:

“That this Council commits to being a Diverse Council. That we agree to:

- 1) Provide a clear public commitment to improving diversity in democracy and benchmark our current position in line with established good practice;
- 2) Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct;
- 3) Set out a local Diverse Council Action Plan ahead of the next local elections. Including:
 - Appoint Diversity Ambassadors for each political group on the council to work with each other and local party associations to encourage recruitment of candidates from under-represented groups;
 - Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes and information and learning events for people interested in standing as official candidates;
 - Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups;
 - Ensure that all members and candidates complete a candidates’ and Councillors’ survey distributed at election time;
 - Set ambitious targets for candidates from under-represented groups at the next local elections.
- 4) Work towards the standards for member support and development as set out in the LGA Councillor Development Charter and/or Charter Plus;
- 5) Demonstrate a commitment to a duty of care for Councillors by:
 - providing access to counselling services for all Councillors having regard for the safety and wellbeing of Councillors whenever they are performing their role as Councillors;

- taking a zero-tolerance approach to bullying and harassment of members including through social networks.
- 6) Provide flexibility in council business by:
- regularly reviewing and staggering meeting times;
 - encouraging and supporting remote attendance at meetings;
 - agreeing recess periods to support Councillors with caring or work commitments.
- 7) Ensure that all members take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it;
- 8) Ensure that the council adopts a parental leave policy setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances;
- 9) Ensure that Councillors from under-represented groups are represented whenever possible in high profile, high influence roles.

An amendment to the motion was proposed by Councillor C Hart, duly seconded, in the following terms:

That "the wide-ranging matters covered in this motion be dealt with by a cross-party Working Group with a detailed report to Cabinet."

The proposition as amended was put to a named vote and declared to be WON

RESOLVED

That in accordance with Standing Order 15.11, Council agrees that the wide-ranging matters covered in the motion be dealt with by a cross-party Working Group with a detailed report to Cabinet.

The meeting finished at 4.01 pm

PUBLIC QUESTIONS TO COUNCIL – 13 September 2023

a) Question from Sue Owen to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“The Department of Levelling Up, Housing and Communities is proposing that all Local Government Pension funds should be transferred into less than 8 pools by 2025, with 5% of funds allocated to levelling up. While we support investment in local sustainable projects and housing, we see this proposed change as a severe curtailment of local democracy. It will mean that local councils have virtually no control over their pension funds to which the people they represent have contributed their earnings.

I also asked a question previously about the Economic Activities of Public Bodies (overseas matters) Bill. Both these proposed changes represent a profound attack on local democracy.

Will Derbyshire County Council defend local democracy and oppose these proposed changes to pension funds, and what has or will be your response to both the consultations?”

b) Question from David Ingham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“After raising a Performance and Monitoring report query, HR Services advised on 21-03-23 that previously reported 2022/23 absence rates were incorrect due to calculation errors. Quarter 1 was reported as 5.4% instead of 5.3 %, Quarter 2 as 5.7% instead of 5.4% and Quarter 3 was reported as 5.5% but subject to change.

I was informed adjustments would be made clear in future Cabinet and Full Council reports. An FOI request was also subsequently submitted for background information. However, I note the Quarter 4 report to Cabinet on 27-07-23 made no reference to Quarters 1 to 3 errors, instead comparing the 2022/23 year end figure to the 2021/22 year end figure.

The Corporate Performance Management Framework states (under Principles - honesty and transparency) reports should accurately reflect the true picture. What error margins are acceptable to Cabinet and before any published Performance data also has to be publicly corrected?”

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

13 September 2023

Report of the Managing Director

Honorary Freewoman of the County

1 Purpose

- 1.1 To consider, in principle, conferring the title of Freewoman of the County on Millie Bright following the England Team's recent success at the World Cup.

2 Information and Analysis

- 2.1 Following the recent extraordinary success of the England Football team at the recent FIFA Women's World Cup, it is proposed that Millie Bright be put forward to become the recipient of the title of Honorary Freewoman of the County of Derbyshire.
- 2.2 Millie grew up in Derbyshire having been born in Chesterfield where she attended Killamarsh Junior School and Eckington School. She began her footballing career at the age of nine playing for her local team, the Killamarsh Dynamos. Millie has played for both Doncaster Rovers Belles and Chelsea.
- 2.3 Millie's senior international career began in 2016 and she has represented her country ever since. Last year Mille was part of the UEFA Women's Euro 2022 winning side when England beat Germany 2-1 in the final at Wembley. This was the England Team's first win at a major tournament.

- 2.4 This past summer, Millie was named as the captain of the England Team that progressed to the final of the FIFA Women's World Cup. This was the first time that an England Team had reached the final of a world cup since 1966. Although England lost to Spain 1-0, Millie's part in such a historic occasion will be remember as an extraordinary success and the Council is delighted to be able to honour her in such a way.
- 2.5 It is proposed that the Council considers Millie's nomination in principle so that, if agreed, the formality of agreeing to confer the title would be made at a specially convened meeting, as is required by law, to take place on a date to be agreed. To confer the honorary title, the Council must pass a resolution at that meeting by not less than two-thirds of the Members present at that meeting.

3 Alternative Options Considered

- 3.1 Not to consider conferring the title of Honorary Freewoman of the County on the proposed recipient

4 Implications

- 4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5 Consultation

- 5.1 Not applicable.

6 Background Papers

- 6.1 None.

7 Appendices

- 7.1 Appendix 1 - Implications.

8 Recommendations

That Council:

- (a) supports in principle the proposal to confer the title of Honorary Freewoman of the County of Derbyshire upon Millie Bright; and

(b) agrees to convene a special meeting of the Council on a future date to be confirmed to consider the nomination.

9 Reasons for Recommendations

- 9.1 For the Council to formally recognise Millie Bright's achievements in an appropriate way.
- 9.2 To comply with the provisions of the Local Government Act 1972, conferring the title of Honorary Freeman or Freewoman, needs to be approved at a specially convened meeting of the Council.

Report Author: Alec Dubberley

Contact details: alec.dubberley@derbyshire.gov.uk

Implications

Financial

1.1 None

Legal

- 2.1 Section 249 of the Local Government Act 1972 enables a principal council to confer the title of honorary freeman or honorary freewoman on “persons of distinction” and “persons who have, in the opinion of the authority, rendered eminent services to that place or area.” To confer the honorary title, the Council must pass a resolution by not less than two-thirds of the Members present at that meeting.
- 2.2 An honorary freeman or freewoman may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not have the right—
- (a) to attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or
 - (b) to receive any allowances or other payments.
- 2.3 Under section 249, the Council may spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of honorary freewoman.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 None

Corporate objectives and priorities for change

6.1 None

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 13 SEPTEMBER 2023

Report of the Director - Legal and Democratic Services

**Changes to Political Balance and Committee Memberships
and Outside Body Appointments**

1. Purpose

- 1.1 Following the Swadlincote South by election, the political balance of the Council has changed. As a result, the allocation of seats to committees and the appointment to one outside body must be updated and this report proposes to make the necessary changes.

2. Information and Analysis

Committee Membership

- 2.1 In determining the membership of committees, account must be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 as amended made under the Local Government and Housing Act 1989. These regulations require that seats on committees and sub-committees are allocated in a way which reflects the overall political balance of the Council and that the Council gives effect to the wishes of the political groups in the appointments to those seats.
- 2.2 Allocation of seats by a Council must give effect to the following principles set out in the 1989 Act. The principles have to be applied in priority order as follows:

- (a) that not all the seats are allocated to the same political group;

- (b) that the majority of seats are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;
- (c) subject to (a) and (b) above, that the total number of all seats of the ordinary committees allocated to each particular political group reflects the group's proportion to the membership of the authority;
- (d) subject to (a) – (c) above, that the number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority.

2.4 The current political make-up of the Council is:

	Members	Percentage of seats	Actual seats
Conservative Group	41 (-1)	65.08	65
Labour Group	16 (+1)	25.40	26
Liberal Democrat Group	4	6.35	6
Reform UK Group	2	3.17	3

There are a total of 100 committee seats to be allocated for the remainder of the 2023/24 municipal year. The allocation of seats on the committees and sub-committees of the Council is, therefore, as follows:

Committee	Total Seats	Con	Lab	Lib dem	Reform
Appointments and Conditions of Service	8	5 (-1)	3 (+1)	0	0
Audit	6	4	1	0	1
DCC Trading	5	4	1	0	0
Governance Ethics and Standards	8	6	2	0	0
I&S - Climate	10	6	3	1	0
I&S - Health	9	6	2	1	0
I&S - People	9	5	2	1	1
I&S - Places	9	5 (-1)	3 (+1)	1	0
I&S - Resources	9	6	3	0	0
Pensions and Investments	8	5	1	1	1
Planning Delegation Sub	4	3	1	0	0
Regulatory – Planning	10	7	2	1	0
SACRE	5	3	2	0	0
Total	100	65	26	6	3

2.5 As a result of the by election, the Labour Group need to be

allocated two additional seats across the Committees of the Council so that the seats on committees reflect overall political balance of the Council. The appointment to the Improvement and Scrutiny Committee – Places was made to replace the seat left vacant by Councillor Redfern’s sad death. The seat left vacant by Councillor Redfern on the Improvement and Scrutiny Committee - Climate Change, Biodiversity and Carbon Reduction could not be taken by a member of the Labour Group as this would result in that committee becoming too imbalanced. Therefore, it was agreed that the additional seat would be taken from the Appointments and Conditions of Service Committee.

2.6 In order to facilitate the required changes to representatives, the Group Leaders of the Conservative and Labour Groups have been asked to provide the necessary nominations to seats.

2.7 The Conservative Group has advised that Councillor Swann will be appointed as the Council’s representative to the National Coal Mining Museum for England Liaison Committee. This will be to replace the late Councillor Redfern.

3. Consultation

3.1 There is no requirement for public consultation on this report. Relevant Political Groups have been contacted for their nominations as appropriate.

4. Alternative Options Considered

4.1 The Council must make the appointments to Committees to ensure political balance, although members could choose to make different appointments to those suggested.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified

7. Appendices

7.1 Appendix 1 – Implications

8. Recommendation(s)

That Council:

Approves the following changes to representation on committees:

- 1) Remove Councillor R Flatley from the Appointments and Conditions of Service Committee;
- 2) Add a Councillor from the Labour Group (to be notified verbally at this meeting) as a Member of the Appointments and Conditions of Service Committee
- 3) Add a Councillor from the Labour Group (to be notified verbally at this meeting) as a Member of the Improvement and Scrutiny Committee – Places;
- 4) Add Councillor A Gibson as a member of the Improvement and Scrutiny Committee - Climate Change, Biodiversity and Carbon Reduction;
- 5) Appoint Councillor G Hickton as the Vice-Chair of the Improvement and Scrutiny Committee - Climate Change, Biodiversity and Carbon Reduction;
- 6) Appoint Councillor S Swann as the Council's representative on the National Coal Mining Museum for England Liaison Committee

9. Reasons for Recommendation(s)

- 9.1 To ensure that the Committees of the Council are politically balanced as required by relevant legislation.
- 9.2 To ensure that the Council has sufficient membership on its committees that reflect the wishes of political groups.

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Tel: 01629 539035

Implications

Financial

1.1 There are no direct financial implications arising this report.

Legal

2.1 Legal implications have been considered in the body of the report.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 None

Corporate objectives and priorities for change

6.1 None

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 13 SEPTEMBER 2023

**Report of the Director of Legal and Democratic Services and the Interim
Director of Organisation Resilience, People and Communications**

Code of Conduct for Employees

1. Purpose

- 1.1 To agree the updates and amendments to the Code of Conduct for Employees following the scheduled review and recommendations by the Appointments and Conditions of Service Committee and the Governance, Ethics and Standards Committee; and
- 1.2 To consider an amendment to the constitution to remove the Code of Conduct for Employees and the Ethics Statement from the Constitution and delegate decision-making regarding future amendments to the Code of Conduct for Employees to the Appointments and Conditions of Service Committee.

2. Information and Analysis

- 2.1 The Council's employment procedures are updated and reviewed on an ongoing basis to ensure they remain relevant and up to date to ensure the Council meets its commitments outlined in the Council Plan. Work has been undertaken to review and revise the current Code of Conduct for Officers to ensure that it remains relevant and fit for purpose.
- 2.2 On 27th June 2023, the Appointments and Conditions of Service Committee (ACOS) agreed a revised Code of Conduct for Employees. ACOS also supported the proposal that the Ethics Statement, which

is currently a separate document at Appendix 10 of the Constitution should be incorporated into the Code and no longer remain separate. A copy of the report to the Appointments and Conditions of Service Committee setting out the proposed amendments at paragraph 2.7 and the reasons for the amendments is attached at Appendix 2.

- 2.3 Currently, the Code of Conduct for Officers is included at Appendix 12 to the Constitution and any amendments must therefore be considered by the Governance, Ethics and Standards Committee (GES) and approved by full Council.
- 2.4 In addition to the amendments detailed in the attached report, the ACOS Committee recommended at its meeting on 27 June 2023 to remove the Code of Conduct from the Constitution and proposed that the role of the ACOS Committee be amended so that the ACOS Committee has delegated authority to approve future changes to the Employee Code of Conduct.
- 2.5 Whilst the inclusion of the Employee Code of Conduct within the Constitution may raise the profile of the Code and ensure Member support for the Code, no other employment policy forms part of the Constitution. Furthermore, as an employment document, it is appropriate for it to be regularly updated and reflect employment conditions at any given time. Removing the code from the Constitution will result in the Code being considered in line with other employment policies and enable amendments to be made and implemented more quickly and efficiently. It is therefore proposed that the role and function of the Appointments and Conditions of Service Committee in Article 13 of the Constitution is amended to include “To approve the Code of Conduct for Employees”.
- 2.6 Removal of these two documents will also require further amendments to be made to the Constitution to re-number the appendices.
- 2.7 At its meeting on 13th July, GES supported those recommendations made by ACOS. A copy of the report to GES is attached at Appendix 3. In addition to the written report, GES considered a verbal report of a proposed change which arose following a meeting with the trade unions on 20th June which occurred after the papers has been published for the ACOS Committee on 27th June.
- 2.8 The trade unions requested that a further statement be included about how behaviour in an employee’s personal life may affect them at work. It is proposed that the following wording be added within the section relating to personal behaviours at page 7 of the Code:

“Employees should be aware that there are some circumstances where behaviour outside of work can impact on the employment relationship. If your conduct outside of work affects your ability to carry out your role, or could cause damage to the Council’s reputation, you could be investigated under the disciplinary procedure”.

- 2.9 A copy of the proposed Code of Conduct for Employees is attached at Appendix 4 including the additional wording requested by the trade unions supported by ACOS and GES. The Code is now presented to Council for consideration, together with the proposal to remove the Code and Ethics Statement from the Constitution.

3. Consultation

- 3.1 Consultation for the amendments to the Code of Conduct with recognised trade unions has been undertaken initially through the CJC HR Operation Workstream and latterly through the Policy Forum. Where appropriate these have been incorporated into the Code of Conduct. The final documents have been shared with trade unions and Agreement with the trade unions on the final version of the Code which is attached at Appendix 3 has been reached regarding the changes.
- 3.2 Consultation has not been undertaken in relation to whether or not the code should be included within the Constitution as this is an administrative decision.

4. Alternative Options Considered

- 4.1 An alternative option would be to retain the Code of Conduct and the Ethics Statement as part of the constitution. Whilst this might raise the profile of the code and ensure Member support, it would entail any future amendments, however minor, being referred to the ACOS Committee and then to GES Committee and full Council for approval.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None.

7. Appendices

- 7.1 Appendix 1 – Implications
- 7.2 Appendix 2 – ACOS report 27 June 2023 – Code of Conduct for Employees. The Code is not appended to that report as further changes have been made to it (set out in paragraph 2.8 above).
- 7.3 Appendix 3 – Report to the GES Committee 13th July 2023 – Code of Conduct for Employees
- 7.4 Appendix 4 – Proposed new Code of Conduct for Employees
- 7.5 Appendix 5 - EIA

8. Recommendation(s)

That Council:

- a) approves the amendments to the Employee Code of Conduct as outlined in the report at paragraph 2.8 and as recommended by ACOS and GES;
- b) determines that the revised Code of Conduct for Employees at Appendix 4 should be adopted by the Council;
- c) agrees that the Employee Code of Conduct and Ethics Statement currently included within the Constitution at Appendices 12 and 10 are removed from the Constitution and that the Monitoring Officer be authorised to make any consequential amendments resulting from the removal of these two appendices to the Constitution; and
- d) agrees that responsibility for the consideration and approval of the Code of Conduct for Employees be delegated to ACOS Committee as a corporate employment policy and that the Monitoring Officer be authorised to amend Article 13 of the Constitution as set out in paragraph 2.5 of the report.

9. Reasons for Recommendation(s)

- 9.1 The proposed revisions to the Employee Code of Conduct will provide more clarity for employees and managers and reflect best practice when dealing with conduct issues.
- 9.2 The removal of the Code of Conduct for Employees and the Ethics Statement from the constitution will enable future amendments to be implemented more expeditiously as it will only require consideration by one Committee. As the Code of Conduct for Employees is the only

employment policy included in the Constitution, removal of it and delegations of responsibility to the ACOS Committee would align it with the other council employment policies and ensure that all such policies are considered by the same Committee under the same procedure.

Report Tracey Wall
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Appendix 1

Implications

Financial

- 1.1 None

Legal

- 2.1 Section 9P of the Local Government Act 2000 requires a local authority to prepare and keep up to date a constitution which must contain a copy of the authority's standing orders and a copy of the authority's code of conduct and such information as the Secretary of State may direct.
- 2.2 In 2000, the Secretary of State issued the Local Government Act 2000 (Constitutions) (England) Direction 2000 which set out the information that the constitution of a local authority should contain. This includes "A description of the roles of officers of the local authority including ... the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Local Government Act 2000." Since the issue of the Direction, section 82 has been repealed for England by the Localism Act 2011 and no longer applies. The Council could, therefore, agree to remove the Code of Conduct for Employees from the Constitution and delegate responsibility for its approval to the Appointments and Conditions of Service Committee. This is a non-executive function and can therefore be delegated to the Committee.
- 2.3 Article 22 of the Constitution makes it clear that changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance Ethics & Standards Committee.

Human Resources

- 3.1 It is proposed to include a statement within the employment contract which outlines that in signing the contract the employee accepts receipt of the Code of Conduct for Employees. This is in response to feedback from disciplinary cases whereby an employee has breached the Code of Conduct for Employees, but individual's state they were not aware of it. Work will be undertaken with HR Services to facilitate this.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 An Equalities Impact Assessment has been completed and shared for comment with the Equalities, Diversity and Inclusion Manager. A copy of this document is attached as Appendix 5. However, the assessment does not identify any issues for concern.

Corporate objectives and priorities for change

- 6.1 To enable organisational transformation and effective employee relations.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

TUESDAY, 27 JUNE 2023

Report of the Executive Director - Corporate Services and Transformation

Code of Conduct for Employees

1. Purpose

1.1 To agree the updates and amendments to the Code of Conduct for Employees following the scheduled review and refer them to Governance, Ethics and Standards Committee and full Council for approval and inclusion in the Constitution.

2. Information and Analysis

2.1 The Council's employment procedures are updated and reviewed on an ongoing basis to ensure they remain relevant and up to date to ensure the Council meets its commitments outlined in the Council Plan. Work has been undertaken to review and revise the current Code of Conduct for Officers to ensure it remains relevant and fit for purpose.

2.2 The last major review of the Code of Conduct was in April 2015. Minor updates were undertaken in June 2015 to reflect the replacement of the General Social Care Council by the Health and Care Professional Council and in July 2020 to reflect changes to terminology aligned to the current HR model.

2.3 The updated Code of Conduct is aligned to reflect the Council's values and People Strategy and to reflect the recently implemented Working Arrangements Policy.

2.4 Benchmarking has been carried out against other similar organisations with the aim of achieving best practice.

2.5 Prior to any amendments being undertaken, the current document was shared with both Legal and Audit Services to obtain advice and suggestions on any necessary revisions. It has also been shared with Trade Unions for

comments.

2.6 Additionally, Adult Social Care and Health currently have in place a separate Code of Conduct which mirrors the Council Code, but with additional information relating mostly to gifts, hospitality and legacies. Following a suggestion by Adult Social Care and Health, the two documents have been incorporated into one single document and work has been undertaken with the department to facilitate this.

2.7 The amendments to the Code are detailed below:

- To rename it Code of Conduct for Employees
- Technical changes and terminology to ensure links and dependencies and any references to current procedures are accurate and up to date.
- Additional wording has been included to reflect alignment to the Council Plan.
- The scope has been widened to encompass relief workers and apprentices and to suggest that other relevant individuals should adhere to its principles and ethos in line with current legal advice. This includes contractors, agency workers, consultants and those on student / work experience placements.
- A new section is included regarding roles and responsibilities to ensure all those affected are fully aware of their individual responsibilities.
- The section on personal behaviours has been strengthened in order to clarify possible repercussions in regard to attending work when under the effect of alcohol or non-prescription drugs and clarification provided on what might be considered as inappropriate dress.
- The relevant legislation in relation to political neutrality has been referenced as a matter of good practice.
- The section on personal relationships has been updated in order to clarify an individual's personal responsibilities with regard to when it may be necessary to declare a personal relationship, and also to link to other policies, specifically Recruitment and Selection.
- The section on additional employment has been updated. This has enabled additional information contained in the Adult Social Care and Health Code to be incorporated, which includes the requirement of not undertaking private work for clients. This section has also been updated to reference additional requirements of the Officer's Interests Policy.
- The section relating to use of council property has been updated to incorporate additional information from the Adult Social Care and Health document.
- The section on gifts, hospitality and legacies has been updated to incorporate the information in the Adult Social Care and Health document. Legal advice has been sought and incorporated, specifically in relation to

legacies to ensure employees are aware that are required to sign an official disclaimer should they benefit from a client's will.

- An additional section has been included, incorporated from the Adult Social Care and Health document, concerning transactions, correspondence, legal and financial business. This is to ensure employees understand the boundaries to which they must work when undertaking roles in relation to clients.
- It has been suggested by Legal Services that employees be required to sign to confirm that they have received a copy of the Code of Conduct and this will be incorporated into employment contracts.
- Additional wording acknowledging employee's right to a private life.

2.8 Currently the Code of Conduct for Officers is included at Appendix 12 and the Ethics Statement at Appendix 10 of the Constitution. The Ethics Statement is based on the Nolan principles which apply to all those appointed to work in local government and is focused on expected behaviours and are referenced in the revised Code of Conduct. Any amendments to the Constitution must therefore be considered by the Governance, Ethics and Standards (GES) Committee and approved by full Council. In addition to the amendments outlined above, it is proposed that the Appointments and Condition of Service (ACOS) Committee recommend to the (GES) Committee at its meeting on 13 July 2023, to remove the Code of Conduct from the Constitution, and amend the role of the ACOS Committee to delegate authority to approve future changes to the Employee Code of Conduct. In addition, it is proposed that, the Ethics Statement is also removed from the Constitution and incorporated into the revised Employee Code of Conduct as a separate Appendix. Should the GES Committee support the recommendation this would then be presented to Full Council for approval at its meeting on 13 September 2023.

3. Consultation

3.1 Consultation with recognised trade unions has been undertaken initially through the CJC HR Operations Workstream and latterly through the Policy Forum. Initial suggestions have been discussed and wording strengthened on the areas where the trade unions have expressed concerns. Further minor comments were received at the Policy Forum on 16 May 2023. Where appropriate these have been incorporated into the Code of Conduct and the final document has been shared with trade unions. The Code of Conduct for Employees has been developed in consultation with the trade unions however, they have not yet confirmed final agreement.

4. Alternative Options Considered

4.1 An alternative option could be not to update the Code of Conduct however; it is accepted good practice to regularly review current employment procedures to ensure they remain relevant and up to date with current legal advice. By not reviewing the Code of Conduct it could become out of date and out with best practice.

4.2 In addition, it has been considered that the council chooses not to have a code of conduct in place, however this is not the recommended approach. The benefits of having a code of conduct enables the council's mission, values, and principles to be assembled in one document and links them with standards of professional conduct expected and articulates the desired behaviours of employees.

4.3 Finally, an alternative option could be to leave the Code of Conduct in the Constitution. However, this is not recommended as the Constitution does not include any other employment policies, with other employment policies being approved at ACOS. Therefore, amending the delegations to enable the ACOS Committee to approve changes to the Employee Code of Conduct aligns our approach consistently to the approval of the Council's other employment policies.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None

7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Revised Employee Code of Conduct

7.3 Equality Impact Assessment

8. Recommendation(s)

That Committee:

- a) Notes and supports the updates and amendments to the Employee Code of Conduct following the scheduled review and refers them to Governance, Ethics and Standards Committee for consideration and referral to Council for approval.
- b) Recommends to Governance, Ethics and Standards Committee and Council that the Code of Conduct for Officers is removed from the Constitution and Council delegates responsibility for the consideration and approval of the Code of Conduct to the Appointments and Conditions of Service Committee.
- c) Recommends to Governance, Ethics and Standards Committee and Council that the Ethics Statement is removed from the Constitution and incorporated into the Employee Code of Conduct as a separate appendix.

9. Reasons for Recommendation(s)

9.1 It is considered that the proposed revisions will provide more clarity for employees and managers and reflect best practice when dealing with conduct issues.

9.2 The removal of the Code of Conduct for Officers and the Ethics Statement from the Constitution will enable future amendments to be implemented in an expedient manner and avoid the need to make future changes and updates to the Constitution as well as aligning the Code of Conduct with other employment policies.

Report Author: Tracey Wall

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Implications

Financial

1.1 There are no financial implications connected with this report.

Legal

2.1 Legal advice has been sought and implemented into the revised Code of Conduct.

2.2 Section 9P of the Local Government Act 2000 requires a local authority to prepare and keep up to date a constitution, which must contain a copy of the authority's standing orders and a copy of the authority's code of conduct and such information as the Secretary of State may direct.

2.3 In 2000, the Secretary of State issued the Local Government Act 2000 (Constitutions) (England) Direction 2000 which set out the information that the constitution of a local authority should contain. This includes "A description of the roles of officers of the local authority including...the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Local Government Act 2000." Since the issue of the direction, section 82 has been repealed for England by the Localism Act 2011 and no longer applies. The Council could, therefore, agree to remove the Code of Conduct for Officers from the Constitution and delegate responsibility for its approval to the Appointments and Conditions of Service Committee. This is a non-executive function and can therefore be delegated to the Committee.

2.4 Article 22 of the Constitution makes it clear that changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance, Ethics and Standards Committee.

Human Resources

3.1 Legal comments have been sought and incorporated. Legal Services have suggested it would be advisable to ensure employees be required to sign to confirm receipt of the Code of Conduct. It is proposed to include a statement within the employment contract which outlines that in signing the contract the employee accepts receipt of the Code of Conduct. This is in response to feedback from disciplinary cases whereby an employee has breached the Code of Conduct, but individual's state they were not aware of

it. Work will be undertaken with HR Services to facilitate this.

Information Technology

4.1 There are no IT implications connected with this report.

Equalities Impact

5.1 An Equalities Impact Assessment has been completed and shared for comment with the Equalities, Diversity and Inclusion Manager. A copy of this document is attached as Appendix 3.

Corporate objectives and priorities for change

6.1 To enable organisational transformation and effective employee relations.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

GOVERNANCE, ETHICS AND STANDARDS COMMITTEE

THURSDAY, 13 JULY 2023

**Report of the Director - Legal and Democratic Services and the Interim
Director of Organisation Resilience, People and Communications**

Code of Conduct for Employees

1. Purpose

- 1.1 To agree the updates and amendments to the Code of Conduct for Employees following the scheduled review, and recommendations by the Appointments and Conditions of Service Committee; and
- 1.2 To consider an amendment to the Constitution to remove the Code of Conduct for Employees and the Ethics Statement from the Constitution and delegate decision-making regarding future amendments to the Appointments and Conditions of Service Committee

2. Information and Analysis

- 2.1 The Council's employment procedures are updated and reviewed on an ongoing basis to ensure they remain relevant and up to date to ensure the Council meets its commitments outlined in the Council Plan. Work has been undertaken to review and revise the current Code of Conduct for Officers to ensure it remains relevant and fit for purpose.
- 2.2 On 27th June 2023, the Appointments and Conditions of Service Committee (ACOS) agreed a revised Code of Conduct for Employees.

ACOS also supported the proposal that that the Ethics Statement, which is currently a separate document at Appendix 10 of the Constitution should be incorporated into the Code and no longer remain separate. A copy of the report to the Appointments and Conditions of Service Committee setting out the proposed amendments and the reasons for those amendments is attached at Appendix 2.

- 2.3 Currently the Code of Conduct for Officers is included at Appendix 12 to the Constitution and any amendments must therefore be considered by the Governance, Ethics and Standards (GES) Committee and approved by full Council.
- 2.4 In addition to the amendments detailed in the attached report, ACOS Committee recommended at its meeting on 27 June 2023 to remove the Code of Conduct from the Constitution and propose that the role of the ACOS Committee be amended so that ACOS Committee has delegated authority to approve future changes to the Employee Code of Conduct.
- 2.5 Whilst the inclusion of the Employee Code of Conduct within the Constitution may raise the profile of the Code and ensure Member support for the Code, no other employment policy forms part of the Constitution. Furthermore, as an employment document, it is appropriate for it to be regularly updated and reflect employment conditions at any given time. Removing the Code from the Constitution will result in the Code being considered in line with other employment policies and enable amendments to be made and implemented more quickly and efficiently.
- 2.6 Removal of these two documents will also require further amendments to be made to the Constitution to re-number the appendices.
- 2.7 Should GES Committee support the recommendations then these will be presented to full Council for approval at its meeting on 13th September 2023.

3. Consultation

- 3.1 Consultation for the amendments to the Code of Conduct with recognised trade unions has been undertaken initially through the CJC HR Operation Workstream and latterly through the Policy Forum. Initial suggestions have been discussed and wording strengthened on the areas where the trade unions have expressed concerns. Further minor comments were received at the Policy Forum on 16th May and

20th June 2023. Where appropriate these have been incorporated into the Code of Conduct. The final document has been shared with trade unions and it is anticipated that we will reach agreement to the changes made to the Code of Conduct.

- 3.2 Consultation has not been undertaken in relation to whether or not the Code should be included within the Constitution as this is an administrative decision.

4. Alternative Options Considered

- 4.1 An alternative option would be to retain the Code of Conduct and the Ethics Statement as part of the Constitution. Whilst this might raise the profile of the Code and ensure Member support, it would entail any future amendments, however minor, being referred to both GES Committee and full Council for approval.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None.

7. Appendices

- 7.1 Appendix 1 – Implications
7.2 Appendix 2 – ACOS Report 27 June 2023 – Code of Conduct for Employees
7.3 Appendix 3 – EIA

8. Recommendation(s)

That Committee:

- a) Supports the amendments to the Employee Code of Conduct as outlined in the report and as recommended by ACOS and recommends them to full Council for approval.
- b) Supports the proposal and recommends to full Council that the Code of Conduct currently included within the Constitution at Appendix 12 and the Ethics Statement at Appendix 10 are removed from the Constitution and supports and recommends to full Council the proposal that

responsibility for the consideration and approval of the Code of Conduct is delegated to the ACOS committee as a corporate employment policy

- c) Recommends to full Council that should Council approve the recommendation, any consequential amendments resulting from the removal of these two appendices should be made to the Constitution.

9. Reasons for Recommendation(s)

- 9.1 It is considered that the proposed revisions will provide more clarity for employees and managers and reflect best practice when dealing with conduct issues.
- 9.2 The removal of the Code of Conduct for Officers and the Ethics Statement from the Constitution will enable future amendments to be implemented more expeditiously as it will only require consideration by one Committee. As the Code of Conduct is the only employment policy included in the Constitution, removal of it and delegation of responsibility to the ACOS Committee would align it with the other Council employment policies and ensure that all such policies are considered by the same Committee under the same procedure.

Report Author: Tracey Wall and Elizabeth Wild **Contact details:** tracey.wall@derbyshire.gov.uk and Elizabeth.wild@Derbyshire.gov.uk

Implications

Financial

- 1.1 None

Legal

- 2.1 Section 9P of the Local Government Act 2000 requires a local authority to prepare and keep up to date a constitution, which must contain a copy of the authority's standing orders and a copy of the authority's code of conduct and such information as the Secretary of State may direct.
- 2.2 In 2000, the Secretary of State issued the Local Government Act 2000 (Constitutions) (England) Direction 2000 which set out the information that the constitution of a local authority should contain. This includes, "A description of the roles of officers of the local authority including...the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Local Government Act 2000." Since the issue of the Direction, section 82 has been repealed for England by the Localism Act 2011 and no longer applies. The Council could, therefore, agree to remove the Code of Conduct for Officers from the Constitution and delegate responsibility for its approval to the Appointments and Conditions of Service Committee. This is a non-executive function and can therefore be delegated to the Committee.
- 2.3 Under its terms of reference, the Governance Ethics and Standards Committee is required to advise the Council on the monitoring, amendments to and overall operation of the Constitution. Article 22 of the Constitution also makes it clear that changes to the Constitution will only be approved by full Council after consideration of the proposal by the Governance, Ethics and Standards Committee. Therefore, GES Committee is required to consider the amendments to the Code of Conduct and the proposal to remove it from the Constitution.

Human Resources

- 3.1 Legal comments have been sought and incorporated. Legal Services have suggested it would be advisable to ensure employees be required to sign to confirm receipt of the Code of Conduct. It is proposed to include a statement within the employment contract which outlines that in signing the contract the employee accepts receipt of the Code of Conduct. This is in response to feedback from disciplinary cases whereby an employee has breached the Code of Conduct, but

individual's state they were not aware of it. Work will be undertaken with HR Services to facilitate this.

Information Technology

4.1 None

Equalities Impact

5.1 An Equalities Impact Assessment has been completed and shared for comment with the Equalities, Diversity and Inclusion Manager. A copy of this document is attached as Appendix 3.

Corporate objectives and priorities for change

6.1 None

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 To enable organisational transformation and effective employee relations.

Code of Conduct for Employees



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Business

Version	Date	Detail	Author
1.00	30/4/2015	Revised Code of Conduct – Scheduled review date.	Tracey Wall
1.01	8/5/2015	Amendment of GSCG to HCPC	Tracey Wall
1.02	14/7/2020	Amendment to terminology following HR Review	Roxanne Hardman
2.00	2/12/2021	Scheduled review date	Tracey Wall
2.01	20/5/2022	HR Initial comments	Tracey Wall
2.02	31/10/22	Legal comments	Tracey Wall
2.03	17/05/2023	Trade Union Consultation	Tracey Wall
2.04	21/06/2023	Following Policy Forum 20 June 2023.	Tracey Wall

Links and Dependencies

Council Website:

Customer Charter
Whistleblowing Policy
Anti-fraud and Anti-corruption Strategy
Information Security
Financial Regulations
Equalities
Anti-Money Laundering Policy
Disciplinary Procedure

Employee Website ‘Our Derbyshire’:

Internet and email staff guide
Internet, email and social media- acceptable use policy
Working Here – Employment Policies
Conditions of Service and terms and Conditions
Recruitment and Selection procedure
Dealing with the Media
Health and Safety
Employee Value Proposition
Working Arrangements Policy
Officer’s Interests Policy

National Standards:

Minimum practice standards established by service regulators (e.g. Care Quality Commission)

Introduction

Everyone who uses Council services is entitled to expect the highest standards of conduct from Council employees and we are all responsible for delivering efficient and effective, high quality services in line with the Council Plan and to be an enterprising council, delivering value for money and enabling local people and places to thrive whilst respecting that individuals have the right to a private life

This code has been written to take account of the 'Nolan principles' also referred to as the seven principles of public life, which are the basis of the ethical standards expected of public office holders. They are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

To achieve this you must, whilst at work:

- Act fairly, honestly, objectively and to the best of your ability;
- Not allow personal or private interests to influence your work;
- Not do anything as an employee that may discredit the Council;

For further detail please see Appendix D to this document.

As part of our ongoing employee engagement programme, the Council has developed a People Strategy which sets out how the Council will enable and support employees through our people priorities and our employee values and behaviours. This can be found on Our Derbyshire – News and Engagement – People Strategy

If you don't act in accordance with this Code of Conduct, whether intentionally or not, you may be in breach of your terms of employment and your actions may be investigated under the disciplinary procedure and could result in disciplinary action being taken.

All employees are required to comply with this document and acceptance of a contract of employment signifies you have received and agreed to these terms. If you have any uncertainties or are unsure how this document may affect you, please discuss these with your line manager.

Scope

The Code applies to all employees of the Council together with those working on behalf of the Council such as relief workers and apprentices. The principles and ethos set out in the Code should be adhered to by contractors, agency workers, volunteers, consultants and those on student / work experience placements. Those employed in schools where the governing body performs the function of the employer are subject to a separate school's Code of Conduct. The Code also applies to work related functions that take place outside of normal working hours.

Roles and Responsibilities

Managers

- Have a duty to implement this Code of Conduct in a fair and equitable way and to ensure that the employees they are responsible for understand and adhere to it.
- Have a duty to ensure that any complaints raised in relation to this Code are investigated appropriately, and that complainants are not penalised as a result of making a complaint.
- Must be aware of their own conduct and behaviour and how this can impact on other employees.
- Should demonstrate behaviours in line with the Council's People Priorities, including promoting diversity and inclusion, commitment to the engagement, nurturing and development of their teams, and supporting the wellbeing of their staff and be committed to any Council strategies designed to support this.
- Support their staff to deliver their roles in the most effective way.

Employees

- Have a responsibility to treat colleagues and service users with dignity and respect

- Must be aware of their own conduct and how it can impact on others within the workplace including being committed and motivated to carry out their role
- Should notify their manager of unfair treatment should they become aware of it or if they believe there has been a breach of this Code of Conduct and cooperate with any investigation regarding allegations made in relation to this Code of Conduct
- Must not make false or malicious allegations in relation to this Code of Conduct and be aware that such actions may be investigated under the Disciplinary procedure.
- Should ask for clarification on any aspect of the Code if they are unsure.

HR Advice and Support

- Will provide guidance to managers on the investigation of any complaints in relation to this Code of Conduct

Personal Behaviours

The Council expects certain standards of behaviour from its employees. You should ensure that:

- You treat colleagues, service users, and members of the public with dignity and respect
- You are committed to delivering quality services at all times working within the Council's Policies and Procedures
- You communicate openly and honestly with colleagues
- You carry out your duties in the best interests of our customers
- Your conduct is not discriminatory to others
- You do not use offensive or abusive language or behaviour or display offensive material
- You arrive for work punctually and fit to carry out your duties (this includes wearing your County Council ID badge and items of mandatory uniform or personal protective clothing that are supplied to you). You must not wear items of clothing displaying logos/images/messages/symbols that are likely to cause offence
- You take reasonable care of your own health and safety and others that may be affected by your work activities.
- You must not present for work whilst under the influence of drugs or alcohol.
- Where the behaviour or performance of employees falls below expected standards due to drugs, alcohol, or other substance misuse, this may be investigated under the Council's Disciplinary procedure.
- The Council expects the same standards of behaviour at work related social events and that you continue to treat colleagues with respect on such occasions

Employees should be aware that there are some circumstances where behaviour outside of work can impact on the employment relationship. If your conduct outside of work affects your ability to carry out your role, or could cause damage to the Council's reputation, you could be investigated under the disciplinary procedure.

Accountability

As an employee you are required to serve the whole of the Council and Elected Members equally. You are accountable for your actions and owe a duty to the Council and are expected, where it is part of your duties, to provide appropriate advice to Elected Members and employees with impartiality.

You must act in accordance with the principles set out in this Code and recognise the duty of all public sector employees to discharge public functions reasonably and according to the law.

Maintenance of Standards

The Council's Customer Charter tells the public what they should expect from us and explains what the Council expects from you in helping to deliver the Council's objectives.

If you are concerned about any practices you see at work and feel they may conflict with this Code, you should discuss it with your manager, or a senior staff member. You can also use the Council's Whistleblowing Policy, which enables such matters to be investigated whilst protecting your identity and confidentiality. For further information please see the Council website for:

- Customer Charter (Your council: Policies, plans and procedures: Customer Charter).
 - Whistleblowing Policy (Your council: Policies, plans and procedures: Whistleblowing policy).
-

Disclosure of Information

You may have access to restricted, controlled, or confidential information in the course of your work. You must protect that information in accordance with the Council's policies and procedures and you must not disclose that information or use that information for your own purposes, benefit, or gain, or to discredit the Council, or pass information to others who may use it in such a way.

For further information please see the Council Website for Information Security - Our Derbyshire; Information Security

Political Neutrality

Some Council posts are designated 'politically restricted'. If you hold such a post, you will have been notified of this in your contract of employment. It means that you are required by law to observe certain restrictions regarding your out of work activities in relation to political activity.

Whether politically restricted or not, you must follow Council policies, and not allow your own personal or political opinions to affect or interfere with your work. The Local Government Act 1972 precludes employees of Derbyshire County Council from standing for office as a County Councillor for this authority.

If you are required to provide information or advice to an Elected Member, you should ensure that you remain politically neutral.

See Appendix A for more information.

Relationships

Personal Relationships

Information in this section should be read in conjunction with the officer's interests' policy

You must discuss with your manager any personal relationship with another employee if it is likely to cause a conflict of interest. You must not be involved in making decisions that directly affect your family, friends, or anyone with whom you have a close personal relationship; for example, recruitment and selection processes, disciplinary processes, decisions relating to pay, or tender procedures.

Mutual respect between employees and Elected Members is essential to the effective operation of good local government and working relationships should be kept on a professional basis. Close personal familiarity between individual Elected Members and employees can damage professional relationships and make working relationships difficult for other Elected Members and employees. Situations should be avoided that could give rise to improper conduct or the appearance of such.

Any close personal relationship with an Elected Member must be declared to your Executive Director and consideration will be given to adjustments in working arrangements to avoid any conflict of interest or perceptions of such.

If you have an official relationship with a contractor with whom you have previously had or currently have a close personal relationship, you should declare that relationship in line with the Officers Interests Policy.

Failure to declare close personal relationships, as detailed above, is a breach of the code of conduct and may be investigated under the Council's Disciplinary Procedure.

All orders and contracts must be awarded on merit.

For further information please see the Council Website for Financial Regulations.

Your council: Budgets and spending; Financial regulations

Personal Interests

You must declare in writing to your Executive Director any:

- Financial or non-financial interest which could conflict with the Council's interests.
- Interest in an existing or proposed contract with the Council.
- Membership of any organisation that could conflict with the Council's interests.

For further information please see the Council Website for the Officers Interests Policy

Equalities

The Council is committed to preventing discrimination and advancing equality of opportunity and providing fair access and treatment in employment and when delivering services.

You are expected to comply with and support the Council's Equality and Diversity Policy and promote its objectives and you must familiarise yourself with this document and understand your responsibility in implementing it.

For further information please see the Council Website for Equalities.

Our Derbyshire; Equalities

Additional Employment

The Council accepts that all employees have a right to a private life and recognises that employees may take secondary employment, either within or outside of the Council. You should ensure that any secondary employment you undertake does not conflict with your role within the Council.

If considering taking secondary employment you should read the specific guidance given at Appendix B to ensure you understand the implications of this.

In relation to the provision of private care, employees must never influence, or seek to influence, a client or carer to agree to the provision of private care work from a particular private care provider. Likewise, if an individual or carer approaches you seeking such a service, or advice about such a service, then you must immediately report it to your line manager.

You must not use your position to develop or promote your own business whilst in the employment of Derbyshire County Council.

Use of Council Property

You must not use Council facilities, equipment, or vehicles for your own personal use unless you have been given advance approval by your line manager.

Council telephones and mobile phones should not be used for personal calls and use of personal mobile phones should be in your own time. If you cannot avoid making or receiving a personal call whilst at work, you should keep it as short as possible.

If you work directly with clients, you must not use your mobile phone during the provision of the service. Landlines, if available, must only be used for emergency calls with mobile phones switched off unless agreed with your line manager.

Internet & Email & social media should only be used in accordance with the agreed policies. In particular employees should be aware they must not make confidential information accessible, including information about clients, carers or colleagues, or publish comments that could be perceived as derogatory, abusive or damaging to the Council or other employees.

For further information please see the Council Website for use of Internet and Email.

Safekeeping of Equipment and Information

You are responsible for the safekeeping and proper use of any equipment issued to you and must take reasonable steps to protect it from theft or damage for example do not leave equipment visible in an unattended car.

You are also responsible for ensuring that you process all information in accordance with the Council's policies and that all confidential information is kept secure.

For further information please see the Council Website for Data Security which includes the corporate data protection policy and GDPR advice for employees and the Councils working arrangements policy and can be found on; Our Derbyshire; Working Here; Working Arrangements Policy

Intellectual Property

Intellectual Property, for example, computer programmes or written documents, is property which enjoys legal protection and therefore belongs to the Council not to you personally, even if you have created it at work.

You must not make use of the Council's intellectual property to conduct private work.

Any copies of material taken for use within the Council must only be for use in connection with your role in the Council.

Corruption

It is a serious criminal offence for you to offer, provide or receive something of value – such as cash, gifts, loans, as an inducement or reward for doing or not doing something, or for showing favour or disfavour as part of your job.

For further information please see the Council Website for:

- Anti-Fraud and Anti-Corruption Strategy
- Anti-Money Laundering Policy
- Officers Interests Policy

Your council; Policies, plans and procedures; Corporate Governance

Gifts, Hospitality & Legacies

You should not accept gifts or hospitality from customers, contractors, or service users, if this could place you under an obligation.

Token items up to a value of £50 may be accepted but should be reported to your manager. Typically, this might include chocolates / calendars / pens. Items over £50 should be refused. You must not accept cash, or gift vouchers in any circumstances.

You should only accept hospitality (meals / refreshments) if you are representing the Council. See Appendix C for more detail.

People wishing to make a monetary gift should be advised to donate to charity or an establishment's amenity fund which is the recognised alternative to a monetary gift.

Legacies

Monies or gifts left by a client or service user in a will should never be accepted. If you believe you may become a beneficiary of a service user's will or the will of an individual you have had a professional relationship with as a result of your employment, (this included family members of a service user), you must be report it to your line manager, who will be advised by Legal Services on how to proceed

You must not in any circumstances become involved in any matters relating to a will. You are prohibited from the following:

1. Soliciting any form of bequest or legacy from a service user
2. Offering advice or an opinion
3. Advising an individual on the contents of a will or in connection with any other personal financial matters. (Appendix D)
4. Acting as a certificate provider for a Lasting Power of Attorney
5. Acting as a witness or executor or trustee
6. Any involvement with any other legal document
7. Provide any personal recommendations of legal or professional advisors.

If you were not aware of being named in a will and the person has died, you must refuse the bequest. The fact, if known, of being a named beneficiary must be reported to your line manager immediately. The refusal should be made by a disclaimer and legal services will provide further advice.

If you do not refuse an offer of gifts of over £50 or you do not refuse a bequest in a will, this will be considered a breach of your terms and conditions of employment, and code of conduct, and will be considered a reputational risk to the business. Consequently, you

could be subject to investigation under the disciplinary procedure, one result of which may be dismissal.

Legacies made for the benefit of Adult Social Care clients, in either residential or community settings, can be accepted. Where the value of the legacy is under £2,000 the money can be held within the Amenity Fund of the relevant establishment.

For legacies over £2,000 the money should be held in a Trust Fund where it will attract interest. To create a trust fund for a new legacy contact Finance Management (ASCH) team in Corporate Services and Transformation.

Sponsorship

Before agreeing any sponsorship deal on behalf of the council, you will need the approval of your Executive Director. You should also talk to them if you think you may have a conflict of interest with a potential sponsor. If an outside organisation is seeking to sponsor the Council, you must bear in mind the Code's provisions in relation to gifts and hospitality

If you are in a position to influence the provision of grant aid to an organisation, you must not be involved in the decision making process if you have a close association with the organisation concerned or anyone involved in the organisation.

Contact with the Media

Any enquiries from the media should be referred to the Publicity team within Organisational Resilience, People and Communications division. You should not speak to the media on the Council's behalf unless you have prior approval. You should also familiarise yourself with the guidance on dealing with the media on Our Derbyshire.

Our Derbyshire; Working here; Marketing guidance and corporate style; Dealing with the media.

If you wish to publish books, articles, or letters you have written in connection with your duties, you must first consult your Executive Director. Only with their consent may items be published.

A number of additional sources of guidance are listed here. However, this list is not exhaustive, and you should ensure that you familiarise yourself with any professional

standards and relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your manager or the Advice and Support Team. For further information please see the Council website for:

- Employment Policies
- General Conditions
- Disciplinary Procedure
- Minimum Practice Standards Established by Service Regulators (e.g., Care Quality Commission)
- Codes of Practice Established by Professional Bodies (e.g., Health and Care Professions Council)

All related documents are available on Our Derbyshire and can be downloaded. Alternatively, hard copies of all related documents are available from HR Services.

Transactions, Correspondence, Legal and Financial Business

Cash of any amount, or the offer of a personal loan must always be refused.

Sometimes residential day care legacies or donations are made to amenity funds by way of a gift. This must be officially receipted and signed by the manager and donor, or other counter signatory and dealt with in accordance with the council's financial regulations.

The guidelines below must always be followed:

Day to day transactions

When dealing with day to day transactions as part of a care package, you must ensure you identify and protect yourself from situations where your integrity might subsequently be called into question. If a client requests a transactional service that is not in the support plan, you must explain that you cannot comply with the request and report the incident immediately to your line manager.

On all occasions when a service is provided for day to day support, you must:

- Ensure you are familiar with the Council's Financial regulations, particularly in respect of cash handling;
- Always obtain receipts;
- Keep written records of transactions including amount taken, cost of transaction and amount returned to the client (client / carer to countersign where appropriate), and you also need to sign (dependent upon residential or community);
- Always vary routine when collecting cash amounts to avoid risk of personal injury and theft;

- Avoid handling substantial amounts of cash at any one time;
- Never obtain a client PIN number unless prior agreement with the assessor / line manager has been reached and adequate security measures to protect the PIN are in place;
- Never gainfully utilise personal store cards or reward cards whilst undertaking activities for a client;
- Never use a client's credit card.

Before agreeing to handle clients' personal cash you must satisfy yourself that an appropriate assessment, including risk assessment, has been carried out particularly where clients are unable to advocate for themselves. Any legal agreements must be recorded, such as power of attorney and any best interest decisions.

Any concerns about dealing with clients' finances must be reported to your line manager immediately.

You must never use your own bank account to clear client cheques or offer any other personal support with their finances.

Political Restriction on Council Employees

Standing for office as an Elected Member

No employee of Derbyshire County Council may stand for office as a County Councillor for this authority. This is a restriction under the Local Government Act 1972.

You may stand for office in other elections, providing any conflict of interest is declared.

Politically restricted posts

Certain posts within the Council are designated 'politically restricted'.

If you hold such a post, you will have been notified of this in your contract of employment. It means that you are required by law to observe certain restrictions regarding your out of work activities. For example, you may not:

- Stand for election to local authorities (except Town or Parish councils);
- Stand for election to the House of Commons or the European Parliament;
- Hold office in a political party;
- Canvass at elections;
- Speak or write publicly on matters on party political lines.

If your role is politically restricted because it is a 'specified' post – i.e., a particular named post then there is no right of appeal against political restriction.

If your role is politically restricted because it is a 'sensitive' post – i.e., giving advice to or speaking on behalf of the authority, there is a right of appeal.

For more advice speak to your Advice & Support Team.

All employees

All employees, regardless of political restriction, if required to advise political groups, must do without compromising their political neutrality, i.e., you must not allow your own personal or political opinions to interfere with your work.

Appendix B

Employees Taking Secondary Employment

The Council recognises that employees may undertake secondary employment (either within or outside of the council).

A second job for the purpose of this advice is any job, paid or unpaid, with any employer and or any type of self-employment. The carrying out of public duties does not count as a second job.

Any secondary employment you undertake must not, nor have the potential to:

- Create a conflict of interest, for example, working for a company that either supplies or buys from the Council, or is in competition with the Council;
- Overlap with official duties;
- Make use of Council resources (including knowledge, property or equipment);
- Weaken public confidence in the Council;
- Bring the council into disrepute, for example by undertaking an activity that could be deemed to be incompatible with your role;
- Affect your performance or duties whilst at work.

Any secondary employment you undertake must:

- Be undertaken outside of your working hours with the Council;
- Be undertaken away from your place of work.

If undertaking secondary employment outside the Council, you must declare this to your Executive Director and agree that it be recorded on any register of secondary employment maintained by your department.

You will be expected to inform your manager of:

- The name of your second employer;
- The type of business in which the second employer is involved;
- The type of work involved;
- The proposed hours of work.

When considering accepting secondary employment, either within or external to the County Council, you must consider the implications of the working time directive which stipulates the maximum hours you should work in a week and required rest breaks. In particular, if you will be working over 48 hours per week in your combined roles, you must inform your manager, as this is in contravention of the Working Time Regulations, and you may be required to sign an opt out agreement.

If any conflict between your roles is identified, you must resolve the conflict in favour of your role and duties with the Council.

This appendix should be read in conjunction with the Officers Interests Policy.

Appendix C

Gifts

You may accept 'token' gifts from customers, contractors, or service users up to the value of £50. Acceptable examples are calendars, diaries, pens, or chocolates. All gifts should be reported to your manager.

You must not accept gifts worth more than £50 and you must report such offers to your Executive Director.

You must refuse any offer of a gift where you suspect that an improper motive may exist – i.e. the giver is seeking to influence your decisions or actions and you must report such offers to your Executive Director. This is the case regardless of the monetary value of the offer.

In no circumstances should you accept a monetary gift, (including gift vouchers) and again, you must report such offers to your Executive Director.

Hospitality

You should only accept hospitality (meals / refreshments) if there is a genuine need to impart information or to represent the Council. You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the Council.

You should report the offer of hospitality, whether accepted or not, to your line manager, and should ensure that all such offers are recorded in the appropriate hospitality register.

Appendix D

Ethics Statement

Derbyshire County Council works with private, public and non-profit sectors to provide a range of services to the community. Accordingly, organisations, service providers, small businesses and individuals can expect high standards of ethical behaviour from Officers. Underpinning these expectations are our organisational values. They drive our behaviour and reflect how we conduct ourselves in our business.

This Statement provides guidance regarding the standards of ethical behaviour that organisations, service providers, small businesses and individuals can expect from Officers and that are expected of them, in their dealings with Council. Our values guide our actions in conducting business in a socially responsible and ethical manner. As an organisation, and as individuals, we respect, apply and comply with the law, support human rights and equal opportunity, protect the environment, achieve operational excellence and work for the benefit of our communities. Officers will, at all times, act with honesty and integrity in an open and transparent manner, performing their roles efficiently, effectively and fairly, thereby attracting the highest level of confidence from our community.

The Council's Code of Conduct for Employees sets the requirements of conduct in carrying out their functions. The Code of Conduct has been developed to assist Officers to:

- (i) Understand the standards of conduct that are expected of them;
- (ii) Enable them to fulfil their duty to act honestly and exercise a reasonable degree of care and diligence; and,
- (iii) Act in a way that enhances public confidence in the integrity of local government.

Key Principles

This statement is based on a number of key principles and sets out standards of conduct that meet these principles and statutory provisions applicable to local government activities. The key principles are:

- (a) Integrity

We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

(b) Leadership

We have a duty to promote and support the leadership of the Council in order to maintain and strengthen the public's trust and confidence in the integrity of the Council. By doing so we promote public duty to others in the Council and outside, by our own ethical behaviour.

(c) Selflessness

We have a duty to make decisions in the public interest and not act in order to gain financial or other benefits for ourselves, our family, friends, or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker, or someone associated with the decision maker.

(d) Impartiality

We should make decisions on merit and in accordance with our statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all, impartial assessment, merit selection in recruitment and in purchase and sale of Council's resources, considering only relevant matters.

(e) Accountability

We are accountable to the public for our decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions, submitting to scrutiny, keeping proper records, establishing audit trails and conducting audits.

(f) Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions, revealing other avenues available to the client or business, when authorised, offering all information, communicating clearly.

(g) Honesty

We have a duty to act honestly. We must declare any private interests relating to our duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law, following the letter and spirit of policies and procedures, observing the Council's Code of Conduct for Employees

and exercising any delegated authority strictly for which the authority was delegated.

(h) Respect

We must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy, and recognising the different roles others play in local government decision-making.

In making our business decisions, we strive to obtain the best value for money. Depending on the circumstances, our decision-making takes into account many things including upfront costs, on-going costs, suitability, quality, reliability, availability, experience, reputation, safety, legal compliance, social value and environmental sustainability. While we strive to obtain the best price for goods and services, we do not necessarily buy at the cheapest price, nor sell at the highest price. The Council is required to balance all relevant factors, including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.

Although Council business dealings must be transparent and open to public scrutiny, there will be times when information on the Council's relationships with private sector suppliers of goods and services, cannot be made publicly available. However we will always act fairly in our decision-making. That means we are objective, reasonable and even-handed. It does not mean that we can satisfy everyone all of the time. We will publicly support our decisions unless we have to maintain confidentiality or protect privacy.

Equality Impact Analysis Record Form 2023 – Derbyshire County Council

Introduction and context

Policy/ Service under development/ review		Employee Code of Conduct			
Department/ Corporate		CST HR Operations			
Lead officer		Lorraine Booth			
EIA Team:		Lorraine Booth, Jayne Mason, Tracey Wall			
Date analysis commenced:	28 March 2023	Date completed:	26 April 2023	Date approved:	27 June 2023

About the service/ policy or function and the reason for the EIA

<p>What is the purpose of the service, policy or function?</p> <p>The code of conduct has been reviewed and updated to:</p> <ul style="list-style-type: none"> - Ensure it remains relevant and up to date with latest guidance and legal advice; - Ensure the council meets its commitments outlined in the Council Plan - Rationalise procedures by combining the corporate code of conduct with the currently separate Adult Social Care and Health code of conduct. <p>This code applies to all employees (and other workers) of the Council except those employed by schools where the Governing Board is the employer.</p>

Anticipated outcomes of the code include a fair and consistent approach for all employees who may find themselves under investigation for a breach of the code of conduct.

Are there any proposals to change these?

No - This is an update of the current code of conduct.

Supporting evidence about impact

What is presently known about how the current service or policy impacts upon people with a protected characteristic, people from disadvantaged communities, armed forces personnel and other groups outlined in the Council's guidance for EIAs?

The code of conduct is not an employment procedure in itself, it is a set of guidelines and expected behaviours for employees to follow. Not acting in accordance with the code of conduct may mean that an employee is in breach of their terms and conditions and as a result may be investigated under the disciplinary procedure.

Information relating to any protected characteristic is not collected in relation to use of the code of conduct. It is currently issued to all employees with their contract of employment. There is no specific procedure related to breach of the code of conduct. Any perceived breaches of the code may be investigated under the Council's separate disciplinary procedure.

Care has been taken in revising the procedure to take account of cases which have arisen since the last review, and to incorporate lessons learned.

Recent Equalities Profile for Derbyshire County Council employees indicates the following (January 2023) based on 11,194 appointments:

- Age: 17-25 – 4.7%; 26-35 – 14.3%; 36-45 – 18.98%; 46-55 – 29.4%; 56-65 – 28.9%; 66+ - 3.72%
- Gender: female 79.4% and male 20.6%
- Ethnicity: White British 93.9%, ethnic minority background 3.6%, undisclosed 2.49%
- Sexual orientation: LGB* 2.8, Heterosexual 72.49%), undisclosed 24.71%
- Disability: yes 4.7%, no 91.8%, undisclosed 3.45%
- Religion: Christian 42.2%, any other 1.1%, no religion 31.1%, undisclosed 25.6%

By contract type the Council has 40% (4,519) part time appointments, 40% (4,433) full time appointments and 20% (2,242) relief appointments.

Please detail the sources for the above information

Information taken from SAP.

Is consultation planned/ has consultation take place? If Yes, what is this telling us about the likely impact on the protected characteristic and other communities/ groups etc.?

Joint Trade Unions

The Joint Trade Unions have been consulted on the Disciplinary Procedures through the HR Operations Workstream meetings as follows:

March 2022 – Current version circulated for initial comments

June 2022 - Workstream meeting – initial comments discussed

September 2022 - Workstream meeting – discussion on feedback

October 2022 – Written summary of changes / amendments distributed to workstream reps

January 2023 – Workstream meeting to discuss final comments including impact of the Officer's Interests Policy

3 February 2023 – Final draft issued to trade unions for comments (no comments received)

8 March 2023 – Reminder issued – no comments received

22 March 2023 – Workstream meeting to finalise draft – no TU attendance

Input has also been requested from legal services and audit and comments incorporated as appropriate.

If there is insufficient information to determine likely impact, what information is needed and how will it be obtained in the future?

Any information required would be gathered in relation to the use of the disciplinary procedure as there is no specific procedure to follow for breach of the code of conduct. Any investigation would be carried out under the council's disciplinary procedure.

Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/ service and any proposed changes will impact upon and how, highlighting where these have a negative, positive or no impact, including where this could constitute unfair treatment, limit access, or result in additional inequality or disadvantage, hardship, or exclusion.

For any identified negative potential impact, you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan towards the rear of this document to record the action and the monitoring that will take place to deliver or identify appropriate mitigation.

<i>Protected Characteristic or Group</i>	<i>Positive impact</i>	<i>Negative impact</i>	<i>No impact</i>
All protected characteristics			Considered – no impact
(Please describe)	N/A		
Age			Considered – no impact
(Please describe)	N/A		
Disability			Considered – no impact

Protected Characteristic or Group	Positive impact	Negative impact	No impact
(Please describe)	N/A		
Gender re-assignment			Considered – no impact
(Please describe)	N/A		
Marriage & civil partnership¹			Considered – no impact
(Please describe)	N/A		
Pregnancy & maternity			Considered – no impact
(Please describe)	N/A		

¹ Under EA 2010 – someone in a CP must not be treated less favourably than a married person

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Race & ethnicity			Considered – no impact
(Please describe)	N/A		
Religion/ belief²			Considered – no impact
(Please describe)	N/A		
Sex or gender³			Considered – no impact
(Please describe)	N/A		

² Under EA 2010 – must also consider non-religious belief

³ Sex and gender can be used at different times depending upon whether you are referring to the EA 2010 and the different duties which exist

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Sexual orientation			Considered – no impact
(Please describe)	N/A		
Human Rights			Considered – no impact
(Please describe)	N/A		
Armed Forces personnel/ households			Considered – no impact
(Please describe)	N/A		
Users of British Sign Languages			Considered – no impact
(Please describe)	N/A		
DCC Employees			Considered – no impact
(Please describe)	N/A		

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Community and Voluntary sector organisations working with protected characteristic groups			Considered – no impact
(Please describe)	N/A		
Other not listed above			Considered – no impact
(Please describe)	N/A		

Part 4. Summary of main findings

Introduction of the revised code of conduct gives the Council an opportunity to ensure that employees are treated fairly and equitably.

It may be useful to better understand any relationship between actions taken as a result of a breach of the code of conduct and implementation of the code and the employees affected. This could take place by monitoring implementation of the disciplinary procedure.

This would identify whether any group of employees with protected characteristics are adversely affected. This would allow identification of any potential positive and/or negative impacts and allow specific actions to be taken.

Are there any recommendations for changes to proposals?

Proposed Equality Action Plan

Please complete this Action Plan to outline any mitigation you intend to take.

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
No monitoring of the implementation of the code of conduct in relation to protected characteristics is currently carried out.	Additional personal information would need to be recorded on case files, or an ongoing programme of analysis would need to be implemented based on relevant categories, including protected characteristics. This may be able to be facilitated within the case management system currently being developed but would only be in relation to those disciplinary cases which are a result of a breach of the code of conduct.	In line with case management system development. Tracey Wall	12 months following implementation

Date and outcome of any Cabinet/ Cabinet Member or Council Report to which this was attached and their decision:

Appointments and Conditions of Service Committee – 27th June 2023.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 13 SEPTEMBER 2023

Report of the Director - Legal and Democratic Services and Monitoring Officer

Governance, Ethics and Standards Committee Chairman's Report 2022/23

1. Purpose

- 1.1 To receive the annual report of the Chairman of the Governance, Ethics and Standards Committee.

2. Information and Analysis

- 2.1 The terms of reference for the Governance, Ethics and Standards Committee as outlined at Article 11 of the Constitution require the Chairman to provide an Annual Report to full Council.
- 2.2 The Annual report attached at Appendix 2 was considered and endorsed by the Governance, Ethics and Standards Committee on 13th July 2023. The Annual Report outlines the work of the Committee over the last year and provides an indication of the work programme for the next municipal year. It is proposed that the council receives and notes the report.

3. Consultation

- 3.1 As this is with regard to an administrative function, consultation is not required.

4. Alternative Options Considered

- 4.1 The Chairman could determine not to provide an annual report. However, this would not be in accordance with the Terms of Reference for the Governance, Ethics and Standards Committee which do require such a report to be prepared.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None identified

7. Appendices

- 7.1 Appendix 1 – Implications
7.2 Appendix 2 – Annual Report of the Chair of the Governance, Ethics and Standards Committee,

8. Recommendation(s)

That Council receives and notes the annual report of the Chairman of the Governance, Ethics and Standards Committee attached at Appendix 2.

9. Reasons for Recommendation(s)

- 9.1 The Council's Constitution requires an annual report to be prepared by the Chairman of the Governance, Ethics and Standards Committee to be presented to full Council.

Report Author: Elizabeth Wild

Contact details: Elizabeth.Wild@derbyshire.gov.uk

Implications

Financial

1.1 None directly arising

Legal

2.1 The terms of reference of the Governance, Ethics and Standards Committee as set out in Article 11 of the Constitution require the Chairman of the Governance, Ethics and Standards Committee to present an annual report to full Council

Human Resources

3.1 None directly arising

Information Technology

4.1 None directly arising

Equalities Impact

5.1 None directly arising

Corporate objectives and priorities for change

6.1 None directly arising

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising

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DERBYSHIRE COUNTY COUNCIL
GOVERNANCE, ETHICS AND STANDARDS COMMITTEE
ANNUAL REPORT OF THE GOVERNANCE, ETHICS AND STANDARDS COMMITTEE FOR THE
YEAR 2022-2023

Introduction from Councillor S Swann, Chairman of the Governance, Ethics and Standards Committee

I have been Chairman of the Governance, Ethics and Standards Committee since December 2021 and during that time I am pleased that its members have engaged in a collaborative manner to facilitate the effective working of the Committee.

I would like to thank Councillor Flatley for his dedication in the role of Vice-Chairman of the Committee during the last year while acknowledging the contributions of all Members, as well as the professional support provided by the officers.

During the last year, the Committee has continued its work of keeping the Council's Constitution, structures, and governance under review to ensure that they remain fit for purpose. These matters, along with other work undertaken by the Committee, are outlined further in the report below.

1. Membership of the Governance, Ethics and Standards Committee

1.1 Membership from May 2022 to May 2023 was:

Councillor S Swann (Chairman)
Councillor R Flatley (Vice-Chairman)
Councillor C Cupit
Councillor K Gillott
Councillor L Grooby
Councillor D Muller
Councillor W Major
Councillor B Woods

1.2 During the municipal year of 2022-2023 the Committee met in person on 4 occasions.

1.3 Recognition is given to the Independent Person, Ian Orford for his contribution, commitment and support to the Committee. Approval has been given by Council for there to be two independent persons to support the Committee. The second position remains vacant although it is proposed that a recruitment exercise will be undertaken during this next municipal year.

2. Review of the Standards Regime

2.1 The Committee undertook considerable work to develop a new Code of Conduct for Elected Members and a procedure for dealing with complaints made under the Code of Conduct. The new Code was adopted by the Council on 1st April 2022 together with the new procedure for dealing with complaints.

2.2 Following the adoption of the Code, the Committee also oversaw training which was delivered to all Elected Members to ensure awareness of obligations under the new Code, particularly with regard to changes in the regime for registering interests.

3. Complaints received that Members have breached the Code of Conduct

3.1 The Committee continues to support the Monitoring Officer in the consideration and determination of any such complaints and receives biannual reports from the Monitoring Officer in respect of complaints received. The Committee is also grateful for the support received from the Independent Person in determination of these complaints.

4. Corporate Complaints and referrals to the Local Government to Social Care Ombudsman

4.1. The Committee considered the annual report on Complaints and Compliments dealt with by the Council in 2021/22, together with a trend analysis for the last six years. The Committee also received the annual letter of the Local Government and Social Care Ombudsman (LGSCO) for the period ending 31 March 2022.

5. Constitution

5.1. Work has continued in respect of reviewing the Constitution to ensure it remains up to date and reflects any changes made to the Council's way of working. During 2022-23 the Committee agreed a number of changes to the Constitution and referred them to full council for formal approval. The updates have included the review of terms of references to the Appointments and Conditions of Service Committee and the Health and Wellbeing Board (HWB) to ensure that they remain effective in reflecting the purpose and objectives of the forum in question; the inclusion of terms of reference for the new Integrated Care Board (ICB) to support the partnership working between the ICB and the HWB; delegations to officers in the areas of public health and trading standards to ensure prompt and efficient decision-making; and a review of the Officer Employment Procedure Rules.

5.2 The Committee has noted evidence of the success of the new streamlined process for decision making in ensuring that the Constitution remains up to date as a result of

receiving a number of reports from the Monitoring Officer to make minor amendments to the Constitution.

6. Member Development Working Group

6.1. The Committee received an update on the completion of the Member Induction Programme and the progress of the Member Development Working Group in increasing participation to enable Members of the council to be motivated, well-equipped and confident to be able to carry out their roles effectively.

7. Independent Remuneration Panel and Members Allowances Scheme

7.1 The Committee considered the recommendations of the Independent Remuneration Panel and advised the Council in connection with the appropriate Members Allowances for 2022-24.

7.2 The Committee also oversaw a successful recruitment process whereby Matthew Holden, Gemma Shepherd-Etchells and Robin Morrison were appointed to the Panel to join existing members Peter Clifford and Peter Clay. The Panel now has a full complement of five members.

Work Programme for the next municipal year (2023-2024)

It is proposed that the work programme for the Committee for the next municipal year will include the following projects in addition to the business set out in the Terms of Reference:

1. Further review of the Constitution as necessary, including further work on the Scheme of Delegations and the Budget and Policy Framework documents;
2. Further review of the Code of Conduct and the procedure to deal with complaints in relation to members who have breached the Code as necessary.
3. Continue to have oversight of the performance of the Corporate Complaints process and Local Government Ombudsman referrals.
4. Oversight of a review of the call-in procedures, including the associated amendments to the Constitution.
5. Conduct a recruitment exercise for the vacant Independent Person position.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

13 SEPTEMBER 2023

Report of the Managing Director

**Appointment of the Executive Director of Adult Social Care and Health
(DASS)**

1. Purpose

- 1.1 To note the appointment of Simon Stevens to the role of Executive Director of Adult Social Care and Health and the officer having statutory responsibility for the director of adult social services (DASS) under section 6(A1) of the Local Authority Social Services Act 1970.

2. Information and Analysis

- 2.1 The requirement for recruitment arose following the resignation of Council's former Executive Director for Adult Social Care and Health (DASS), Helen Jones.
- 2.2 In accordance with the Council's constitution, a panel consisting of Cllr Hoy, Cllr Hart and Cllr George was formed. Following a competitive recruitment process, the Panel agreed the appointment of Simon Stevens with effect from 26th July 2023.
- 2.3 Simon brings a wealth of experience to the role, commencing his career with the Council in 2008 as an Area Manager, becoming Assistant Director of Adult Social Care in 2014 and then Director in 2018.

3. Consultation

- 3.1 In accordance with the Officer Employment Procedure Rules, the Director of Organisation Resilience, People and Communications (or a

nominated deputy) has notified all members of Cabinet of the proposed appointment to the role of Executive Director Adult Social Care and Health and has received no objections.

4. Alternative Options Considered

- 4.1 The role of Executive Director for Adult Social Care and Health (DASS) is an established position within the Council's senior leadership structure. The Council is required to designate one of its officers with responsibility for the director of adult social services (DASS) under section 6(A1) of the Local Authority Social Services Act 1970.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None identified.

7. Appendices

- 7.1 Appendix 1 – Implications.

8. Recommendation(s)

That Council:

- a) notes the appointment of Simon Stevens to the role of Executive Director of Adult Social Care and Health and the officer having statutory responsibility for the director of adult social services (DASS) under section 6(A1) of the Local Authority Social Services Act 1970

9. Reasons for Recommendation(s)

- 9.1 To ensure that all Elected Members are notified of the successful candidate to a senior post within the Council.
- 9.2 To comply with the necessary legislative, statutory guidance and Constitutional requirements.

Report Author: Jen Skila

Contact details: jen.skila@derbyshire.gov.uk

Appendix 1

Implications

Financial

- 1.1 The grading and salary for the role of Executive Director of Adult Social Care and Health is determined by the Council's job evaluation scheme and has been determined as Grade 20. The pay scale for this role is £121,562 to £133,525 per annum (excluding oncosts). The funding for this role will continue to be met from within the Adult Social Care and Health departmental budget.

Legal

- 2.1 Under section 6(A1) of the Local Authority Social Services Act 1970 the Council is required to nominate an officer to have statutory responsibility for the director of adult social services (DASS).
- 2.2 The Local Authorities (Standing Orders) (England) Regulations 2001 and the Officer Employment Procedure Rules in the Council's Constitution set out the procedure for the appointment of chief officers and officers reporting directly to chief officers. The recruitment process has observed the requirements of the Regulations and Council's Constitution.
- 2.2 In accordance with the Officer Employment Procedure Rules, the Director of Organisation Resilience, People and Communications (or a nominated deputy) has notified all members of Cabinet of the proposed appointment to the role of Executive Director Adult Social Care and Health and has received no objections.
- 2.3 The Officer Employment Procedure Rules require that any appointment of a Statutory Chief Officer will be reported to the next meeting of Council for information.

Human Resources

- 3.1 As set out in the report.

Information Technology

- 4.1 None directly arising from the report.

Equalities Impact

- 5.1 It should be noted that the Council has put in place a number of measures in its recruitment process in order to promote equality. Diversity statistics have been monitored throughout the recruitment process.

Corporate objectives and priorities for change

- 6.1 This report supports the Council priorities, and the recommendations note the appointment to a key established senior leadership position.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None directly arising from the report.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

13 September 2023

Report of the Director of Legal & Democratic Services and Monitoring Officer

Decisions taken as a matter of Urgency and Key Decisions and Special Urgency

1. Purpose

- 1.1 In accordance with the provisions of the Constitution, to report to Council those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived.

2. Information and Analysis

- 2.1 Members of Council will be aware that on occasion there is a necessity for decisions to be taken urgently, most recently predominantly as a result of the covid-19 pandemic and the need to respond to changing government guidance in a timely fashion.

Key decisions – Cases of special urgency

- 2.2 Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, before the Council makes a key decision certain information needs to be published 28 clear days in advance. This is usually known as the 'Forward Plan'. The Regulations recognise that in the case of urgent decisions, this is not possible. As a result:

- a) where a key decision needs to be taken and publication of the information is impracticable, the decision can be made as long as five clear days' notice of the decision is given to the relevant Improvement and Scrutiny Committee Chairman; and
 - b) in cases of special urgency, a key decision can be taken with less than five clear days' notice if agreement is obtained from the Improvement and Scrutiny Committee Chairman that the making of the decision is urgent and cannot reasonably be deferred.
- 2.3 The Regulations require a report to Council at least once a year detailing each key decision taken where it was agreed that the special urgency provisions apply. The Access to Information Procedure Rules included in Appendix 6 to the Constitution requires this report to be submitted on a quarterly basis to full Council.
- 2.4 In accordance with the above requirement, Appendix 2 sets out the key decisions taken where special urgency provisions were agreed since the last report to Council.

Waiver of Call-in provisions

- 2.5 Members will be familiar with the Council's Improvement and Scrutiny Procedure Rules included at Appendix 5 to the Constitution which sets out the call-in procedure. The call-in procedure does not apply where the executive decision being taken is urgent: that is where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. In such cases call-in can be waived if the Chairman of the appropriate Improvement and Scrutiny Committee agrees both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 2.6 The Improvement and Scrutiny Procedure Rules require such urgency decisions to be reported to the next available meeting of the Council, together with the reasons for urgency.
- 2.7 In accordance with the above requirements, details of urgent decisions where the call-in process was waived since the last report to Council and the reasons for urgency are set out in Appendix 3.

3. Alternative Options Considered

- 3.1 Not to consider those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived; however, this is not recommended as this would not be in accordance with the Council's Constitution.

4. Implications

4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Consultation

5.1 Not applicable.

6. Background Papers

6.1 None.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Key decisions taken where special urgency provisions were agreed.

7.3 Appendix 3 - Details of urgent decisions where call in procedure was waived and the reasons for urgency.

8. Recommendations

That Council notes:

- a) the key decisions taken where special urgency provisions were agreed as detailed in Appendix 2; and
- b) the urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3.

9. Reasons for Recommendations

9.1 In order to comply with the provisions in the Council's Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Report Author: Alec Dubberley

Contact details: alec.dubberley@derbyshire.gov.uk

Implications

Financial

1.1 None.

Legal

2.1 As set out in the report.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 None.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

Appendix 2
Key decisions taken where special urgency provisions were agreed
16 May 2023 to 1 September 2023

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Long Term Waste Management Update	Cabinet 10 July 2023	To agree to a settlement in respect of the contract for the waste treatment facility at Sinfin.	For Cabinet to agree to the settlement as it meets the key decision threshold	To progress the settlement according to the agreed timetable
Approval to Upgrade the Electronic Document Records Management System	Cabinet 27 July 2023	To approve the upgrade of the Council's Electronic Document Records Management System	To ensure continuity of service and move to a cloud-based solution	To ensure a new contract can be implemented before the expiration of the current one.
Award of Contracts for Tendered Local Bus Services (PTU 229) and a Cross-boundary Service Agreement	Cabinet Member for Highways, Assets and Transport. 25 August 2023	To award four local bus service contracts	To ensure the continued provision of bus services	To ensure that the services can continue to operate.
Award of Contracts and Bus Service Enhancements via the Bus Service Improvement Plan	Cabinet Member for Highways, Assets and Transport. 25 August 2023	Approval of various proposals to improve bus services	To improve bus services for residents of Derbyshire	To give the necessary time for operators to put the improvements into practice.
Derbyshire Makes - The Derbyshire Festival of Making – Update and Acceptance of Grant	Cabinet Member for Corporate Services and Budget 1 September 2023	To accept the grant offer from Arts Council England of a grant award of £780,000 from Arts Council England towards	Derbyshire Makes is the core project of the Derbyshire Cultural Framework and will help secure a more	There was a requirement for the grant to be accept within one month from the offer.

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
		the delivery of Derbyshire Makes –The Derbyshire Festival of Making	connected, resilient creative and cultural sector to the benefit of the wider Derbyshire economy.	

Appendix 3
Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived
16 May 2023 to 1 September 2023

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Long Term Waste Management Update	Cabinet 10 July 2023	To agree an out of court settlement in respect of the contract for the waste treatment facility at Sinfin.	For Cabinet to agree the settlement s it meets the key decision threshold	To progress the settlement according to the agreed timetable
Approval to Upgrade the Electronic Document Records Management System	Cabinet 27 July 2023	To approve the upgrade of the Council's Electronic Document Records Management System	To ensure continuity of service and move to a cloud-based solution	To ensure a new contract can be implemented before the expiration of the current one.
Award of Contracts for Tendered Local Bus Services (PTU 229) and a Cross-boundary Service Agreement	Cabinet Member for Highways, Assets and Transport. 25 August 2023	To award four local bus service contracts	To ensure the continued provision of bus services	To ensure that the services can continue to operate.

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Award of Contracts and Bus Service Enhancements via the Bus Service Improvement Plan	Cabinet Member for Highways, Assets and Transport. 25 August 2023	Approval of various proposals to improve bus services	To improve bus services for residents of Derbyshire	To give the necessary time for operators to put the improvements into practice.
Derbyshire Makes - The Derbyshire Festival of Making – Update and Acceptance of Grant	Cabinet Member for Corporate Services and Budget 1 September 2023	To accept the grant offer from Arts Council England of a grant award of £780,000 from Arts Council England towards the delivery of Derbyshire Makes –The Derbyshire Festival of Making	Derbyshire Makes is the core project of the Derbyshire Cultural Framework and will help secure a more connected, resilient creative and cultural sector to the benefit of the wider Derbyshire economy.	There was a requirement for the grant to be accept within one month from the offer.

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ELECTED MEMBER QUESTIONS TO COUNCIL – 13 September 2023

1) Question from Councillor J Barron to Councillor A Dale, Cabinet Member for Education

“Could the Cabinet Member please provide an update on the campaign for a sixth form in Bolsover?”

2) Question from Councillor G Kinsella to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“In October 2021, Cabinet approved the Single Use Plastic (SUP) Policy – the aim of which is to remove as much SUP as possible from DCC’s operations. Nearly two years on there is still no 2021 baseline quantifying the use of SUP nor any idea of how much SUP is currently being used. How therefore does the Council know if the policy is having any impact on reducing the use of SUP?”

3) Question from Councillor G Kinsella to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“According to the National Highways and Transportation Survey (2022/23) nearly 50% of residents expressed dissatisfaction with the Highways Service, an increase on the previous year. The fact that nearly one in four defects were not completed within target timescales explains some of this dissatisfaction.

A recent cabinet report shows that Highways has failed to meet its projected savings for the last two years and has an overspend of £4 million pounds (10% of the total budget). At a Full Council meeting last year we were assured there was a plan to address these issues. Where is the evidence that this plan is working?”

4) Question from Councillor G Kinsella to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“I welcome the recently published Net Zero Energy Strategy and Spatial Energy Strategy. However, there is little reference in these documents to the role of community energy groups.

There are 17 community energy groups across Derbyshire. We can be proud that this number is amongst the highest of any county in the UK. These

groups offer the potential to generate significant levels of renewable energy and reduce carbon emissions in the process.

What more can the Council do to engage and support these groups in delivering shared net zero ambition, increased energy security and reduced energy costs?”

5) Question from Councillor K Gillott to Councillor T Ainsworth, Chair of Derbyshire Fire and Rescue Authority

Does the Chair of the Fire and Rescue Authority believe that it is the interests of Derbyshire residents to see:

- a) The scrapping of the Derbyshire Fire and Rescue Authority and the handing of its powers of governance to an elected Mayor for the East Midlands, or
- b) The merging of the Derbyshire Fire and Rescue Service with the Nottinghamshire Fire and Rescue Service?

6) Question from Councillor R George to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“What is the timescale for repairing the drains on Whitehough Head Road in Chinley?”

NOTICE OF MOTION	
Title:	A motion opposing the potential merger of the Derbyshire Police and Fire services with those of Nottinghamshire
Proposer of motion:	Councillor Joan Dixon
Background/supporting information:	
<p>Council notes the comments of the Leader of the Council when launching his campaign to become the Mayor of the proposed East Midland’s Region where he said:</p> <p>“the Government intends to scrap police and crime commissioner roles and merge them into the new East Midlands mayor position, along with fire authorities, and that this would also include the merging of Derbyshire and Nottinghamshire police forces.”</p> <p>Council believes that the merger of either the Derbyshire police or fire services with the Nottinghamshire police and fire services would not be in the best interests of Derbyshire residents, that it would not improve community safety or provide financial efficiencies, and would negatively affect the performance of both Derbyshire services.</p>	
Motion to be proposed:	
<p>That this council opposes any proposal to merge:</p> <ul style="list-style-type: none"> (1) Derbyshire Constabulary with the Nottinghamshire Police (2) Derbyshire Fire and Rescue Service with the Nottinghamshire Fire and Rescue Service 	
Date and time received: <i>(for completion by Democratic Services)</i>	29/08 19:20

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