

PUBLIC

MINUTES of a meeting of the **GOVERNANCE, ETHICS AND STANDARDS COMMITTEE** held on 20 October 2021 at County Hall, Matlock

PRESENT

Councillor R Flatley (in the Chair)

Councillors C Cupit, K Gillott, L Grooby, W Major, D Muller, S Swann, and B Woods.

There were no apologies for absence.

13/21 **MINUTES RESOLVED** that the minutes of the meeting of the Governance, Ethics and Standards Committee held on 01 July 2021 be confirmed as a correct record and signed by the Chairman.

14/21 **WHISTLEBLOWING POLICY** The Council had in place the Confidential Reporting Code which had been approved in November 2016. It had been reviewed to ensure that it was up to date and fit for purpose. When conducting the review, the Guidance for Employers and Code of Practice issued by the Department for Business Innovation & Skills had been taken into account. The guidance made it clear there was no one-size-fits-all whistleblowing policy, however provided some tips about what a policy should include. It recognised policies would vary depending on the size and nature of the organisation, but should be clear, simple and easily understood.

In light of the guidance, the Confidential Reporting Code had been renamed Whistleblowing Policy as it was considered the purpose of the document would be more clearly understood. The document had also been re-drafted so that it was easier to read.

It had been proposed that Governance, Ethics and Standards Committee considered the draft Policy, commented and referred to Cabinet for formal approval. Once the Policy had been approved, the Council would ensure it was publicised via the intranet and the employee newsletter and training was provided. It would also be published on the internet. This would ensure that individuals were aware of the policy and how to make a disclosure.

Once the Policy was approved, it would be necessary to remove references to the Confidential Reporting Code and replace with Whistleblowing Policy in the Constitution, specifically the Code of Conduct for Officers, Financial Regulations and role and function of the Governance, Ethics and Standards Committee. This would be addressed through separate reports to Governance, Ethics and Standards Committee and Council.

RESOLVED that the Committee provided comment on the draft Whistleblowing Policy at Appendix 3 and referred it to Cabinet for formal approval.

15/21 ANNUAL REVIEW LETTER OF THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

The terms of reference for the Governance, Ethics and Standards Committee included “*to receive regular reports on Local Government Ombudsman referrals*”. Therefore, the Committee had been invited to receive the Annual Review Letter from the LGSCO, giving details of the total number of complaints for Derbyshire County Council for the year ending 31 March 2021. The letter had been attached at Appendix 2 for consideration.

All of the Ombudsman’s annual review letters were published on their website (www.lgo.org.uk) and copied to the Audit Commission. The aim of the Annual Review Letter was to provide councils with information which would help them assess their performance in handling complaints.

RESOLVED that the Committee note (1) the Annual Review Letter of the Local Government and Social Care Ombudsman for the year ending 31 March 2021; and (2) that a report on this matter had already been considered by Cabinet on 14 October 2021.

16/21 COMPLAINTS RECEIVED AGAINST COUNCILLORS PURSUANT TO THE CODE OF CONDUCT FOR ELECTED MEMBERS FOR THE PERIOD 1ST JANUARY 2021 - 30TH SEPTEMBER 2021

The Council’s Procedure for considering complaints that Councillors had breached the Code of Conduct which had been attached at Appendix 2, provided that the Monitoring Officer, in consultation as appropriate with one of the Independent persons from the Standards Committee, decided how complaints should be dealt with. Decisions were made as to whether or not complaints should be investigated and whether or not they should be referred on to the Standards Committee for consideration.

In order to support the Monitoring Officer with the management of complaints, the Committee was kept informed of complaints received against Councillors on a bi-annual basis. The last report was presented to the Committee in March 2021.

During the period from 1st January 2021 to 30th September 2021, two complaints had been received, but neither had yet been determined and remained under consideration. Details would be provided in the next report.

Two complaints remained outstanding at the time of the previous report and had now been resolved. Both complaints were from members of the public.

The first complaint related to a failure or significant delay in responding to emails. This was resolved by way of an apology and the provision of a response to the email. It had been determined that it was not sufficiently serious to merit further investigation.

The second was a complaint regarding a post on social media. It was found that the use of social media was appropriate, and other elements were found to fall outside the remit of the code.

RESOLVED that the Committee note the complaints made that Members' had breached the Code of Conduct.

17/21 **REVISIONS TO COUNCIL CONSTITUTION** It was a statutory duty under Section 9P of the Local Government Act 2000 for the Council to maintain and keep its Constitution up to date. A number of amendments were required to the Constitution, the detail of which had been set out in Appendix 2 to the report.

The amendments were required in deal with a number of matters, all outlined within the report.

RESOLVED that the Committee agreed the proposed changes to the Council's Constitution as set out in Appendix 2 to the report and referred them to full Council for approval.

18/21 **CHAIRMAN'S REPORT** The terms of reference for the Governance, Ethics and Standards Committee as outlined at Article 11 of the Constitution required the Chairman to provide an Annual Report to full Council. It had been proposed that the Annual Report would outline the work done by the Committee over the last year and give an indication of the work programme for the next municipal year.

It was proposed that the report be presented to the next Council meeting on 1st December 2021. The draft Annual Report for consideration by the Committee had been attached at Appendix 2.

RESOLVED that the Committee considered the draft annual report of the Chairman to the Committee as attached at Appendix 2 and note that it would be presented to full Council.

19/21 **COMPLAINTS AND COMPLIMENTS 2020/21** The Council was committed to delivering high quality public services and engaged in a very substantial number of transactions with the public each year. A robust compliments and complaints policy, with effective supporting procedures, was a vital way to monitor how well the Council:

- Delivered an equitable service and remedied any injustices;

- Worked constructively and sympathetically with its clients to put things right as quickly as possible; and
- Learned how it can do things better

Complaints and compliments data had been collected through an individual system managed by each department and reported through to the APEX performance management system. Summary and detailed information from this data had been presented within the report and enabled the Council to explore how well the compliments and complaints policy was being implemented and to use the information to improve service delivery.

The complaints and compliments data had been outlined within the report.

RESOLVED that the Committee note (1) the content of the report and the Council's Complaints and Compliments for 2020-21; and (2) the steps that were being taken to improve the Council's approach and the roll out of the Customer Relationship Management System as set out in the report.

20/21 UPDATE REGARDING THE CODE OF CONDUCT AND PROCESS FOR INVESTIGATING ALLEGED BREACHES OF THE CODE OF CONDUCT

At the preceding Governance, Ethics and Standards Committee, it was agreed that two working groups would be set up to review the standards regime introduced in 2012 under the Localism Act 2011.

The focus of the first working group was the Code of Conduct and the process for granting dispensations in accordance with Section 33(2) of the Localism Act 2011. The Local Government Association was tasked with the preparation of the model code of conduct and this was initially published in December 2020 with a revised version published between the two meetings of the working group. This had therefore formed the basis of the proposed code of conduct.

The working group also considered the process for granting Members dispensations from the Code of Conduct. The working group considered potential arrangements for enabling this to happen.

The second working group was tasked with reviewing the process for managing alleged breaches of the Code of Conduct and for reviewing the arrangements in relation to the Independent Person, including remuneration.

The working group met on two occasions and formulated proposals to amend the current process. Immediately following this the Local Government Association issued their model process which was substantially more comprehensive than the current process or the version produced by the working group. It was therefore proposed that the working group would meet on a further occasion to consider the model process proposed by the Local Government Association.

The second working group also considered the arrangements for the Independent Person, including the remuneration of this role. Benchmarking information was obtained from authorities along with confirmation that they involved their Independent Remuneration Panels in the setting of the appropriate remuneration for this role. It was therefore considered appropriate to ascertain if the Derbyshire County Council Panel would be willing to undertake a similar piece of work. Preliminary enquiries had confirmed that the Independent Remuneration Panel would be willing to undertake this piece of work.

RESOLVED that the Committee agreed (1) that all Members were consulted on the proposed amended Code of Conduct as contained at Appendix 2; (2) that the Governance, Ethics and Standards Committee recommended to Council that the constitution be amended to include a delegation to the Monitoring Officer 'to determine written requests from Members for dispensations pursuant to section 33(2) (a), (b) and (d) of the Localism Act 2011; (3) that the working group considering the arrangements regarding the process for addressing alleged breaches of the Code of Conduct meet further to consider the Local Government Association Model Process issued on 7th October 2021; (4) that the Independent Remuneration Panel be invited to consider the remuneration of the Independent Person(s) utilised in the standards regime; and (5) that the working group and Independent Remuneration Panel should report back their findings to the Governance, Ethics and Standards Committee.