

**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL**

**14 September 2022**

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

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE CHAIRMAN'S REPORT 2021/22**

**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 14 July 2022. 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 2021/22.

#### **8. Recommendations**

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.

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**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

**DERBYSHIRE COUNTY COUNCIL  
GOVERNANCE, ETHICS AND STANDARDS COMMITTEE  
ANNUAL REPORT OF THE GOVERNANCE, ETHICS & STANDARDS  
COMMITTEE FOR THE YEAR 2021-2022**

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

Having been appointed as Chairman of the Governance, Ethics and Standards Committee in December 2021, I would like to pay tribute to the work of my predecessor Cllr R Flatley for his hard work and commitment to the role throughout the first half of the year.

During the last year the Committee undertook important work in respect of reviewing and, where required, amending, and updating the Council's standards regime and this is detailed in the report.

The Committee also continued its ongoing work in relation to the authority's constitution, including a significant revision of the Council procedure rules and, again, the report outlines these matters.

The importance of the Committee's role in ensuring that the Council's structures and governance are fit for purpose cannot be underestimated. This, of course, continues to be the main focus of the Committee's efforts going forward.

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

## **1. Membership of the Governance, Ethics and Standards Committee**

### **1.1. Membership from May 2021**

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

From December 2021 Councillor S Swann was appointed as Chairman and Councillor R Flatley as Vice-Chairman.

- 1.2. During the municipal year of 2021-2022 the Committee met on four occasions. All four were held in person after the legislation that permitted the Council to hold virtual meetings during the pandemic expired in May 2021.
- 1.3. Recognition is given to the Independent Persons, Lloyd Newby and Ian Orford for the commitment, contribution and support to the Committee. Particular thanks go to Mr Newby who has supported the Committee since the current standards regime came into place in 2012 and whose term of office expired in December 2021.

## **2. Review of the Standards Regime**

- 2.1. Following the review undertaken by the Committee on Standards in Public Life, the Committee agreed to convene two working groups to review the Council's standards regime. The working groups comprised cross party members together with the independent person. One of the working groups focussed on reviewing the Code of Conduct and dispensations; whilst the other considered the procedure for dealing with code of conduct complaints and the Independent Persons, including remuneration.
- 2.2. The working groups considered these matters in detail and made recommendations to the Governance, Ethics and Standards Committee resulting in the approval of:
  - a) A new procedure for dealing with allegations that a Member has breached the Code of Conduct, taking into account guidance issued by the LGA.
  - b) A new Code of Conduct for Members based on the LGA model code.
  - c) Delegations to the Monitoring Officer to grant certain dispensations.
  - d) A reduction in the number of Independent Persons from 3 to 2.
  - e) An appropriate level of remuneration for the Independent Persons, payable on a fixed fee basis in 12 monthly instalments.

- f) A recruitment process to appoint to the vacant position of Independent Person.

### **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 bi-annual 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 2020/21 and also received the annual letter of the Local Government and Social Care Ombudsman (LGSCO) for the period ending 31 March 2021.
- 4.2. In addition, the Committee considered a report of the Monitoring Officer regarding a finding by the LGSCO of maladministration and injustice in respect of a SEND complaint. The Committee was provided with information about the actions taken by the Council in response to the complaint and more generally to prevent further escalation of complaints and was satisfied that no further revisions to Council's policies and procedures were required.

### **5. Whistleblowing**

- 5.1. The Governance, Ethics and Standards Committee is responsible for the overview of the Council's Whistleblowing Policy and, in this role, considered and provided comment on the proposed revised Whistleblowing Policy prior to its approval by Cabinet.

### **6. Constitution**

- 6.1. Work has continued on reviewing the Constitution to ensure it remains up to date and reflects any changes made to the Council's way of working. During 2021-22 the Committee agreed a number of changes and referred them to full council for formal approval, including the following:
  - a) To reflect the new senior management operating model
  - b) To delegate authority to the monitoring officer to make minor amendments to the constitution
  - c) To reflect the new streamlined process for cabinet member decisions
  - d) To incorporate revised council procedure rules.

### **7. Member Development Working Group**

- 7.1. The Committee has continued to receive regular reports from the Chair of the Member Development Working Group regarding the work of the group,

member development activities and member training and development priorities and plans.

## **8. Independent Remuneration Panel and Members Allowances Scheme**

- 8.1. The Committee considered the recommendations of the Independent Remuneration Panel and advised the Council in connection with the appropriate Members Allowances for 2022-23.
- 8.2. Recommendations were also made to Council in respect of the appropriate level of remuneration payable to the Panel members following review by the Committee.

### **Work Programme for the next municipal year (2022-2023)**

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; specifically the Officer Employment Procedure Rules, Local Choice Functions and Scheme of Delegation.
2. Oversee the guidance and training on the new Members' Code of Conduct.
3. Review the Members' Code of Conduct following review by the LGA of the model code.
4. Conduct a recruitment exercise for the vacant Independent Person position.
5. Conduct a recruitment exercise to fill the vacant positions on the Independent Remuneration Panel.