

PUBLIC

MINUTES of a meeting of the **GOVERNANCE, ETHICS AND STANDARDS COMMITTEE** held on 04 March 2021 at County Hall, Matlock

PRESENT

Councillor C Short (in the Chair)

Councillors N Atkin, K Buttery, C Dale, L Grooby, W Major, and C Moesby.

Apologies for absence were received from Councillor J Coyle, K Gillott, L Newby MBE and I Orford (Independent Persons).

06/21 **MINUTES RESOLVED** that the minutes of the meeting of the Governance, Ethics and Standards Committee held on 19 January 2021 be confirmed as a correct record and signed by the Chairman.

07/21 **AMENDMENTS TO THE CONSTITUTION** Amendments to Appendix 9 – Officer Employment Procedure Rules had been proposed with regard to the arrangements for the appointment of Senior Officers. The Rules required a Panel to be formed from members of the ACOS Committee. However, it had been proposed that the members best placed to consider appointments were those holding the relevant portfolio.

In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, an appointment panel must include at least one member of the Cabinet. An appointment panel was also required to be politically balanced.

Therefore, in order to meet legislative requirements and to ensure that those members best placed to consider appointments were on the panel, it was proposed that the panel should comprise at least three members, including the Cabinet Member or Cabinet Members holding the relevant portfolio(s), the Shadow Cabinet Members and an additional Member from the Appointments and Conditions of Service Committee.

It was proposed that paragraphs 3(d) and 3(f) of Appendix 9 – Officer Employment Procedure Rules be amended to read as follows:

Paragraph 3(d)

The full Council will approve the appointment of the Head of Paid Service and Executive Directors following the recommendation of such an appointment by a politically balanced Panel of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Members and an additional Members from the Appointments and Conditions of Service Committee as necessary to balance the Panel. Where the

Cabinet Member holding one of the relevant portfolios or one of the Shadow Cabinet Members was unable to attend, they may be substituted for a Member of the Appointments and Conditions of Service Committee, provided that the Panel included at least one member of the Cabinet and remained politically balanced. Arrangements for forming the Panel would be undertaken by the Director of Organisation Development and Policy.

Paragraph 3(f)

A politically balanced Panel of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the relevant Shadow Cabinet Members and additional Members from the Appointments and Conditions of Service Committee as necessary to balance the Panel, would appoint the Council's Monitoring Officer and other officers falling within paragraph (c) above, except the Director of Public Health. The Panel must include at least one member of the Cabinet. Where the Cabinet Member holding one of the relevant portfolios or one of the Shadow Cabinet Members was unable to attend, they be substituted for a Member of the Appointments and Conditions of Service Committee, provided that the Panel included at least one member of the Cabinet and remained politically balanced. Arrangements for forming the Panel would be undertaken by the Director of Organisational Development and Policy in conjunction with the Head of Paid Service; or by the Head of Paid Service if the appointment was of the Director of Organisation Development and Policy.

A further correction needed to be made at paragraph 7, where the reference should be to paragraph 3(c), namely the list of officers who were not the responsibility of the Head of Paid Service and the specific reference to assistants of political groups should be removed as follows:

Any action against these officers was the responsibility of the Head of Paid Service as delegated to Executive Directors for their service area under the Officer Scheme of Delegations, and decisions regarding action against these officers may not be made by Councillors.

RESOLVED that the Committee considered the proposed amendments to the Constitution as detailed in the report and recommended them to the Council.

08/21 COMPLAINTS RECEIVED AGAINST COUNCILLORS PURSUANT TO THE CODE OF CONDUCT FOR ELECTED MEMBERS FOR THE PERIOD 01 JULY 2020 TO 31 DECEMBER 2020

The Council's Procedure for considering complaints that Councillors had breached the Code of Conduct, 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 an annual basis. The last report had been presented to the Committee in October 2020.

During the period from 1st July 2020 to 31st December 2020, one complaint had been received and determined. The complaint was from a member of the public that the Councillor had spoken in an inappropriate and disrespectful manner. The complaint was not upheld and did not fall within the remit of the Code.

Two complaints submitted during this time period remained under consideration and details would be provided within the next report.

One complaint remained outstanding at the time of the last report. That complaint had now been resolved. It had been found that complaints regarding the failure to champion the needs of residents and a failure to treat others with respect were not upheld. However, a third complaint regarding dealing with representations fairly, appropriately and impartially was potentially upheld, but found not to be sufficiently serious to warrant investigation.

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

09/21 **ANNUAL REPORT OF THE INDEPENDENT RENUMERATION**
PANEL The Council was required to adopt and publish a Members' Allowances Scheme and to consider recommendations from the Independent Remuneration Panel.

The Panel recommended that all allowances should remain the same for 2021/2022 as in the current scheme and also set out its intended work programme for 2021/2022. The Panel also sought to recruit two further members to the Panel in light of one member having retired at the end of 2020 and a further member being due to retire in June 2021, both having served two full terms of office.

The Committee was also asked to consider amendments to Appendix 15 – Members' Allowances Scheme within the Constitution. The power to suspend or disqualify a Member in the Local Government Act 2000 was repealed by the Localism Act and this provision now only applied to Wales. Therefore, sections 11 and 12 of the Members' Allowances Scheme as detailed below, needed to be removed from the Constitution.

11. Withholding of Payments Made to Members

a) Where a Member was suspended or partially suspended from their responsibilities or duties as a Member of the County Council in accordance with Part III of the Local Government Act 2000, or regulations made under that part,

the part of either Basic or Special Responsibility Allowances payable to that Member in respect of duties or responsibilities from which they were suspended or partially suspended may be withheld by the County Council. The full Council would make any such decision.

12. Recovery of Payments Made to Members

Where a payment had been made to a Member that related to a period where either the Member concerned: -

a) was suspended or partially suspended from their duties and responsibilities as a member in accordance with Part III of the Local Government Act 2000 or regulations made under that part.

RESOLVED that the Committee considered the report of the Independent Remuneration Panel, including the proposal to recruit two members to the Panel, and the amendments to the Constitution as detailed in the report and recommended them to Council for approval.