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**North East
Derbyshire**
District Council

Our Ref: NC/AJD
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Date: Tuesday, 15 March 2022

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 23 March 2022 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg".

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor P Antcliff – (Vice Chair)
Councillor W Armitage - (Chair)
Councillor N Barker
Councillor D Hancock
Councillor P R Kerry
Councillor H Liggett
Councillor K Rouse
Councillor D Ruff
Councillor R Welton

P Coleman – Parish Council Representative
T Collins – Parish Council Representative

For further information about this meeting please contact: Nicola Calver 01246 217753

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item in the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 4 - 7)

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 26 January 2022.

4 Review of the Constitution - Part 4 (Pages 8 - 23)

Report of the Assistant Director of Governance and Monitoring Officer

**5 Aide Memoire for Councillors and Officers on Member/Officer Relationships
(Pages 24 - 28)**

Report of the Assistant Director of Governance and Monitoring Officer

6 Complaints Update (Page 29)

Report of the Assistant Director of Governance and Monitoring Officer.

7 Work Programme 2022/23 (Page 30)

8 Urgent Business (public session)

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

We speak your language



North East
Derbyshire
District Council

Polish

Mówimy Twoim językiem

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

Vorbim limba dumneavoastră

Chinese

我们会说你的语言



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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY, 26 JANUARY 2022

Present:

Councillor Pat Antcliff (Vice-Chair) (in the Chair)

Councillor Nigel Barker

Councillor Pat Kerry

Councillor Kathy Rouse

Pat Coleman - Parish Council Representative

Councillor David Hancock

Councillor Heather Liggett

Councillor Richard Welton

Also Present:

S Sternberg

N Calver

A Bond

Assistant Director of Governance and Monitoring Officer

Governance Manager

Governance Officer

STA/ Apologies for Absence

23/2

1-22 Apologies for absence had been received from Councillors W Armitage and D Ruff.

STA/ Declarations of Interest

24/2

1-22 Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at this meeting.

STA/ Minutes of Last Meeting

25/2

1-22 RESOLVED – That the Minutes of the Standards Committee held on the 10 November 2021 be approved as a correct record and signed by the Chair.

STA/ Review of the Constitution - Part 3

26/2

1-22 The Governance Manager presented a report that considered a list of areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

The areas included for review were the petitions scheme, planning and licensing decisions, Monitoring Officer Delegations and clarification on how the delegation scheme was applied in relation to Part 4 of the ACPA 2012.

Members discussed the areas for review and agreed that the planning and licensing decisions should be deferred until after a time when the views of the Chair of the Planning Committee could be considered.

RESOLVED – That the Committee gave consideration to proposals for review and supported the submission of the proposals to Council as part of the Constitution Review at a future meeting with the exception of the Planning and Licensing Decisions which would be deferred until the views of the Chair of Planning Could be considered.

STA/ Whistleblowing Policy Review

27/2

1-22

The Governance Manager provided an annual update to Members on use of the Whistleblowing Policy.

Members heard that North East Derbyshire and Bolsover District Councils previously had in place a joint whistleblowing policy. This had now been adapted to present Members with a North East Derbyshire only policy.

It was noted that the last review of the Whistleblowing Policy took place in February 2021.

The Whistleblowing Policy had been reviewed to ensure that it remained fit for purpose and it was concluded that the existing version was satisfactory and up to date with current legislation and best practice.

The Officer reported that there were no instances of whistleblowing.

RESOLVED – That Standards Committee:

- (1) Agreed the current Whistleblowing Policy was fit for purpose; and
- (2) Noted that no instances of Whistleblowing have been made since the 2021 Annual Review of the Whistleblowing Policy.

STA/ RIPA Annual Review - TO FOLLOW

28/2

1-22

The Governance Manager updated the Committee on the use of the RIPA powers within the last year.

Members heard that local authorities were sparing users of RIPA legislation and North East Derbyshire District Council had not used the powers since the last update to Committee in March 2019. The last time that RIPA powers were utilised was in 2012.

Committee were informed that training was slightly behind schedule as a result of the Covid Pandemic but steps were being taken to address this.

RESOLVED – That Standards Committee:-

- (1) Noted the update provided on the use of the policy.
- (2) Approved the revised RIPA Policy and Procedure document.
- (3) Agreed the use of one corporate account for social media sites.

STA/ 29/2 **Draft Parish Council - Code of Conduct for Councillors**

1-22 The Monitoring Officer presented the draft code of conduct for Parish Councillors to committee to give Members the opportunity to comment on the Code of Conduct and to provide ideas on how to publicise this to the Parishes.

Members discussed the Code of Conduct for Parishes and agreed that some examples of pre-determination and bias would be useful to have included within the Code. Members also agreed that the Code should include signposting for relevant training needs.

Committee considered that it would be important to make Parishes aware that the Code could be tailored to suit the needs of individual Parish Councils.

STA/ 30/2 **Update on Parish Representative**

1-22 The Governance Manager informed Members that the procedure for recruiting a new Parish Representative to the Standards Committee had begun. Four nominations had been received and these were now being voted on by the Parish Councils.

Committee were made aware that the new Parish Representative should have been selected by the time of the next meeting.

STA/ 31/2 **Gifts & Hospitality Annual Report**

1-22 The Governance Manager advised the Committee on the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to members and officers of the District Council during the period January 2021 to December 2021.

Councillors and Officers were reminded of their obligation to register gifts and hospitality.

RESOLVED – That the Standards Committee noted the contents of this Annual Report for the period January 2021 to December 2021 in respect of offers of gifts and hospitality made to Members and Officers.

STA/ 32/2 **Complaints Update**

1-22 Committee received a verbal update from the Monitoring Officer on Member Complaints.

It was reported that there were four complaints. Three of these were ongoing and one was almost completed.

STA/ 33/2 **Work Programme**

1-22 RESOLVED – That the Work Programme be noted.

STA/ Urgent Business (public session)

34/2

1-22 There was no urgent business discussed at the meeting.

North East Derbyshire District Council

Standards Committee

23 March 2022

REVIEW OF THE COUNCIL'S CONSTITUTION (PART 4)

Report of the Assistant Director of Governance & Monitoring Officer

Classification: This report is public

Report By: Nicola Calver, Governance Manager

Contact Officer: Nicola Calver – 01246 217753
Nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To consider the list of areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

RECOMMENDATIONS

1. That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review at a future meeting.
-

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details:

Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

The Council is required under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct and such other information that the authority considers appropriate.

On Behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☒

Details:

There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Relevant officers are consulted at various stages of the Constitution Review

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Demonstrating Good Governance

REPORT DETAILS

1 Background

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in April 2021.
- 1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances.

2. Details of Proposal or Information

- 2.1 The table below sets out how these areas of review will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

Area for Review	Lead Officer	Dates for Consideration
Questions by Members	Governance Manager	30/06/21
Debt Write Off	Monitoring Officer	30/06/21
Delegation Scheme Amendments	Governance Manager	30/06/21
New JSCC TORs	Governance Manager / HR and OD Manager	30/06/21
Review of Guidance and constitutional rules on public speaking at Council	Governance Manager	10/11/21
Training Requirements for Councillors	Governance Manager	10/11/21
Renumbering of the Articles	Governance Manager	10/11/21
Delegation Scheme Addition – Property Sale	Governance Manager / Head of Economic Development, Regeneration and Housing Delivery	10/11/22
Petition Scheme	Monitoring Officer	26/01/22
Planning and Licensing Decisions	Governance Manager	26/01/22 and 23/03/22

Clarification on deferring and adjourning	Governance Manager	26/01/22 and 23/03/22
Monitoring Officer Delegations	Governance Manager	26/01/22
Acting-Up Delegations	Governance Manager	23/03/22
JEAC	Monitoring Officer	23/03/22
Licensing Sub-Committees	Governance Manager	23/03/22
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

- 2.2 The areas for review for this meeting in the above table are detailed in the appendix to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.
- 2.3 The Monitoring Officer has not utilised her delegated power to amend the Constitution since the last meeting of Standards Committee.
- 2.4 There are areas for review which have not been brought to Members during this municipal year and will be added for consideration for the newly appointed Committee after the annual meeting.

Proper Officer Provisions	Legal Team Manager	Due March
New Forum TORs	Director of Growth and ED	Due March
Employee Code of Conduct	HR and OD Manager	Due March

3 Reasons for Recommendation

- 3.1 To ensure the Council has in place a fit for purpose Constitution which complies with legislative requirements.

4 Alternative Options and Reasons for Rejection

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

DOCUMENT INFORMATION

Appendix No	Title
1	Rationale and details of changes
2	Functions Scheme

Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)

None

APPENDIX 1 - CHANGES FOR CONSIDERATION

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Items from the last meeting:		
Planning and Licensing Decisions	<p>Council Procedure Rule 13.2 applies to Committees as well as Council and prohibits a motion or amendment to one similarly rejected being moved (lacking notice) without signature of one third or more of the Councillors appointed to that committee. When applied to Planning and Licensing Committees an issue has arisen whereby through the course of debate on applications a motion is put forward and rejected to both approve and deny planning permission or a licensing application. This could be for varying reasons, but the outcome would be that in order to decide the application suspension of council procedure rules needs to be employed as set out in CPR 23. As suspension of rules without notice requires half of the Councillors there present to agree, it becomes confusing for the public and elongates an already convention-heavy procedure.</p> <p>It is therefore proposed that both in respect of applications heard by either Licensing or Planning Committee that this rule should no longer apply. If Members were so minded to agree the amendment would be as follows:</p> <p>New CPR 24. 2 – CPR 13.2 does not apply to applications heard by either the Planning or the Licensing Committee. It does apply however to all other decisions taken by those committees.</p> <p>The feedback from Planning Committee was divided with some feeling that this issue does not arise often, and therefore it was not a major concern for them, with others considering that removal of this</p>	Part 4.1 Council Procedure Rules Page 72-91

	provision conflicts with transparency. It is therefore with Standards Committee to debate. A decision will be required on maintaining status quo or to apply the suggested change.	
Clarification of Deferment and Adjournment	<p>CPR 12.11(d) requires clarification from the Monitoring Officer. When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first. This applies to all working groups and committees. Adjournment of a debate is often referred to as 'deferred' by Members, however deferral only applies where an item of business has not been debated. Deferral means withdrawal before commencement of discussion so that the item can be debated at the next available meeting, not a partial debate to be continued at a later time. Adjournment requires a date specified to recommence. Where this is not specified it should be automatically taken to the next meeting of Council or that Committee.</p> <p>In order to ensure this rule is applied correctly the following amendments are made:</p> <p>New 12.11(e) When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first.</p> <p>Footnote clarification *Members may use the term 'defer', however in the context of a debate commenced this is classed as 'adjournment'.</p> <p>The feedback from Planning Committee was that they saw no issue in this rule being applied unilaterally across all Committees and Council. The additional wording suggested above just provides clarity to avoid challenge to the Planning Committee process.</p>	Part 4.1 Council Procedure Rules Page 72-91.

	Options relating specifically to Planning Committee can be considered, and the committee wished to remain open to these. In the meantime, this rule is the existing provision and suggestions may be forthcoming to refine the Planning Committee process in the new municipal year.	
The following changes are suggested:		
Delegations for Officers in Acting-Up Positions	<p>The current delegation scheme does not make express provision for cover arrangements for senior positions where an officer is formally on an 'Acting Up' agreement. This creates confusion as to whether an officer in that position may formally utilise the delegated powers, and could bring any decisions made during the 'Acting Up' period in to question.</p> <p>For clarity, Acting Up is a formally agreed HR procedure whereby an officer is temporarily promoted for a set period of time, usually to cover an extended absence or vacancy. This is a contracted arrangement. It would only be relevant to the delegation scheme whereby this is employed for a post of Assistant Director or Director.</p> <p>For the 3 Statutory Roles, these are always covered, as HOPS, S151 and MO duties are always assigned to deputies during periods of absence or leave and are discretionally utilised only if absolutely necessary.</p> <p>It is suggested that a new 6.4 is created in the delegation scheme (changing the numbering of that section) to provide that:</p> <p>6.4 An officer in a formal 'Acting-Up' arrangement may utilise the powers delegated to the post that they are covering for the specified period of that contractual agreement.</p>	Delegation Scheme Page 52.

JEAC	<p>The Joint Employment and Appeals Committee was established to consider Joint positions with Bolsover District Council. In light of recent changes, it is appropriate now for the emphasis to be on North East Derbyshire only positions.</p> <p>This would require re-naming the Committee to the Employment and Appeals Committee (dropping the Joint) but retaining all other responsibilities and to have the same composition.</p>	Functions Scheme Pages 46-47
Licensing Sub-Committee	<p>S9(1) of The Licensing Act 2003 prescribes that '<i>a Licensing Committee may establish one or more sub-committees consisting of 3 members of the Committee</i>'. Currently our Sub-Committees have 5 Members appointed on the rationale that the quorum is three and a conflict may arise which prohibits attendance. Less than five members would make meetings vulnerable to last minute cancellations. However rational the rationale for these appointments, it doesn't strictly comply with the legislation, and the Monitoring Officer has advised that we should revert to 3 Member Sub-Committees.</p> <p>There are no further Licensing Sub-Committees this year, and therefore there is no immediate action to be taken.</p> <p>To mitigate Members concerns from previous discussions on this matter, we have adjusted the committee timetable to take account of a regular need for sub-committee meetings and these dates will be published for all Licensing Committee members to reserve in their diaries. The Chair of Licensing is aware of the situation and the suggested remedy and may wish to speak to the committee on this matter.</p>	Functions Scheme Page 40-45

3 Licensing and Gambling Acts Committee

There will be a *Licensing and Gambling Acts Committee* of 15 *Councillors* which must meet at least once a year by law.

It is a legislative requirement that the Council maintains a committee that deals solely with matters related to the Licensing Act 2003 and the Gambling Act 2005. These committee functions cannot be combined with any others.

The functions of the Licensing and Gambling Acts Committee include:

Functions	Matters Reserved to <i>Council Meeting</i>
<p>To consider all licensing matters related to the Licensing Act 2003 and the Gambling Act 2005</p> <p>To recommend to Council statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005</p> <p>To make any minor changes and updates to the Statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005 that are required following the adoptions by Council of both statements.</p> <p>To recommend to Council to resolve whether to issue a Casino Licence</p>	<p>The following matters are reserved to the <i>Council Meeting</i>:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005</p> <p>(ii) The power to resolved to issue a Casino Licence</p>

3.1 Licensing and Gambling Acts Sub Committee

Licensing and Gambling Acts Sub Committees will be established comprising ~~three~~**five** Members who are Members of the Licensing and Gambling Acts Committee to consider any matters referred to them which relate to matters arising under the Licensing Act 2003 or the Gambling Act 2005.

A quorum of ~~all~~**three** Members of the Sub Committee will be required for the meeting to be held. The Chairman for the meeting will be determined by the Members present at the meeting.

Licensing and Gambling Acts Sub Committees will be arranged by the Monitoring Officer as and when required.

The functions of the Licensing and Gambling Acts Sub-Committee include:

- To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Licensing Act 2003, including:
- Application for a personal licence where there are relevant unspent convictions;
- The review of a premises licence or club premises certificate; other than minor variations
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police or environmental health objection to a temporary event notice.
- Where a relevant representation has been made in respect of the following applications:
 - personal licence;
 - premises licence or club premises certificate;
 - provisional statement;
 - variation to a premises licence or club premises certificate;
 - variation to a designated personal licence holder;
 - transfer of a premises licence;
 - interim authority.
- To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Gambling Act 2005, including:
- Application for a premises licence where representations have been received and not withdrawn.
- Application for variation to a licence where representations have been received and not withdrawn.
- Application for a transfer of a licence where representations have been received from the Gambling Commission.
- Application for a provisional statement where representations have been received and not withdrawn.
- Review of a premises licence.

- Application for a club gaming/club machine permits where objections have been received and not withdrawn.
- Cancellation of club gaming/club machine permits.

Delegation of functions to officers

The following functions may be exercised the Head of Housing and Community Safety save for the matters reserved for Licensing and Gambling Acts Committee or Sub-Committees, or for Full Council:

- All matters arising under the Licensing Act 2003.
- All matters arising under the Gambling Act 2005.

4 General Licensing Committee

There will be a *General Licensing Committee* of 15 *Councillors* which will meet at least once a year.

As a result of the legislative restriction that the Licensing and Gambling Acts Committee can only deal with matters relating to the Licensing Act 2003 and the Gambling Act 2005 the Council will maintain a General Licensing Committee to deal with all other matters relating to licensing.

The functions of the General Licensing Committee include:

Functions	Matters Reserved to <i>Council Meeting</i>
<p>To consider all licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005, including Private Hire and Hackney Carriage Drivers, Vehicles and Operators.</p> <p>To recommend to Council any licensing policies except the Licensing Act 2003 and the Gambling Act 2005 policies.</p> <p>To make any minor changes and updates to the Council's Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy following adoption by Council</p> <p>To make any minor changes and updates to other relevant licensing policies as required</p>	<p>The following matters are reserved to the <i>Council Meeting</i>:</p> <p>(i) Determination of the Council's Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy</p> <p>(ii) Determination of other licensing policies, as required</p>

4.1 General Licensing Sub Committee

General Licensing Sub-Committees will be established, comprising ~~three~~five members who are Members of the General Licensing Committee to consider any matters referred to them which relate to:

- (a) matters arising under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Police and Crime Act 2009);
- (b) private hire and/or hackney carriage matters;
- (c) scrap metal sites and operators.

but not at the same meeting.

A quorum of all three Members of the Sub Committee will be required for the meeting to be held. The Chairman for the meeting will be determined by the Members present at the meeting.

Schedule of Meetings

A Schedule of General Licensing Sub-Committee meetings will be agreed by Council at the start of each municipal year. This schedule of meetings will be subject to amendment, as required, to enable the Sub-Committees to deal effectively with the matters referred to them.

The membership of any unscheduled General Licensing Sub-Committee meetings that are arranged will be determined by the Monitoring Officer in consultation with the Chairman of the General Licensing Committee.

The functions of the General Licensing Sub-Committee include:

- To consider all hackney carriage and private hire licensing issues which are referred to it in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- The determination of applications for sexual establishments (including sexual entertainment venues, sex shops and sex cinemas) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) where representations have been received and not withdrawn.
- To determine applications for house-to-house collections under the House to House Collections Act 1939 (as amended) where representations are received from Police and not withdrawn or where officers have reasonable grounds for referral to Committee.
- To determine applications and revocations under the Scrap Metal Dealers Act 2013 where representations have been received and not withdrawn

Delegation of functions to officers

The following functions may be exercised the Head of Housing and Community Safety save for the matters reserved for General Licensing Committee or Sub-Committees, or for Full Council:

- All hackney carriage and private hire licensing issues in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- All matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- All matters concerning the discharge by the Council of its licensing function under the House to House Collections Act 1939 (as amended)
- All matters concerning the discharge by the Council of its licensing function under the Scrap Metal Dealers Act 2013
- All other licensing matters delegated from time to time by the General Licensing Committee

6. Joint Employment and Appeals Committee

There will be an ~~Joint~~ Employment and Appeals Committee of ~~eight Members~~; four Councillors ~~from North East Derbyshire District Council and four Councillors from Bolsover District Council~~.

The membership ~~from North East Derbyshire District Council~~ shall comprise the Leader of the Council, the Deputy Leader, a relevant Cabinet Member and the Leader of the Largest Minority Group or their appointed substitute. Substitutes if called upon will replace an existing Member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed. The Members and Substitutes shall be appointed at the Annual Meeting. The rules of proportionality shall apply to this Committee.

The ~~Joint~~ Employment and Appeals Committee will meet as a Committee in relation to all appointments of the ~~Strategic Alliance~~ Management Team which includes the Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions).

The ~~Joint~~ Employment and Appeals Committee will meet as a Sub-Committee of the 4 appointed Members or their substitutes ~~comprised as one of the options below~~ when dealing with a disciplinary or capability issue:

Option 1	Option 2
Leader BDC	Leader NEDDC
Deputy Leader NEDDC	Deputy Leader BDC
Cabinet member BDC	Cabinet member NEDDC
Leader of largest minority group NEDDC	Leader of largest minority group BDC

The ~~Joint~~ Employment and Appeals Committee will have the roles and functions as set out below:

Functions	Matters not delegated
<p>To interview candidates for posts within the Strategic Alliance Management Team</p> <p>To appoint candidates to posts within the Strategic Alliance Management Team, with the exception of the Head of Paid Service, Chief Finance Officer and Monitoring Officer</p> <p>To recommend to the Councilss the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer</p> <p>To deal with the final stages of the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers</p> <p>To deal with appeals from the Chief Officers/Deputy Chief Officers, including Statutory Officers, against action taken against them</p> <p>In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment and Appeals Committee shall make a recommendation to the Councils which will be supported via a report from two of the Councilss Standards Committee Independent Persons</p>	<p>To determine any matter referred to it.</p>

~~Where the authority determines to recruit a Head of Service or Director post outside of the Strategic Alliance or determines to take any disciplinary action in relation to such a post the Member Panel will be called the Employment and Appeals Committee and will comprise the four members of the JEAC.~~

North East Derbyshire District Council

Standards Committee

23 March 2022

Aide Memoire for Councillors and officers on Member/Officer relationships

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Monitoring Officer

PURPOSE / SUMMARY

To seek endorsement of the proposal to send out a short guide to officers and members on upholding good working relationships between Members and Officers.

RECOMMENDATIONS

1. Standards Committee support the Monitoring Officer in sending out the attached Aide Memoire to all Members and putting it on the intranet for officers.

Approved by the Portfolio Holder – N/A

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None directly
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Ward Members

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
None directly

REPORT DETAILS

1 **Background** (reasons for bringing the report)

- 1.1 The 4 Political Parties' Leaders have met with the Head of Paid Service and Monitoring Officer to discuss Member and officer behaviour. It was felt that although a discussion was necessary there wasn't a major problem in this area. There will always be one or two issues that arise.
- 1.2 However it was thought that a reminder should be sent to all Members and should be made available to the officers through the intranet.
- 1.3 The attached is the suggested form for this. All elements are taken from the existing Constitution. There is nothing new in it. It is a reminder of the existing requirements in terms of behaviour.

2. Details of Proposal or Information

- 2.1 The proposal is to send this aide memoire to all Members. I would suggest a mixture of paper and electronic copies should be sent according to Members known preferences.
- 2.2 Officers would be referred to this on the intranet.

3 Reasons for Recommendation

- 3.1 To give an active reminder to Members and Officers of the behaviour and mutual respect expected.

4 Alternative Options and Reasons for Rejection

- 4.1 The only other option would be to do nothing. It is felt that this would not be the best course of action.

DOCUMENT INFORMATION

Appendix No	Title
1	Aide Memoire
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

Appendix 1

Aide memoire for Members and Officers for dealing with each other

Purpose: to help Members and Officers to work together in a professional manner.

Principles:

The following general principles all come from Codes of Conduct, the Protocol for Member/Officer Relations or other documents in the Council's Constitution. By providing them here, it is hoped that both Members and Officers will have their memories refreshed.

Mutual respect is required by both the Members and Officers Codes of Conduct for each other. This includes respect for the different but complementary roles of Members and Officers.
Neither should undermine respect for the other in public meetings, the media including social media or at any other time when dealing with Council business.
Both Members and Officers are very busy and time is at a premium for both. Each should respect the time constraints for the other when dealing together.
Individual Members cannot and should not seek to give instructions on individual matters.
Cabinet Members can provide a view on the Political direction and likely acceptance or otherwise of an issue or direction of a project.
The Council has an approved Member/Officer Relations Protocol which should be applied at all times. This contains legal rules as well as rules made by the Council and as the title suggests, is for both Members and Officers.
This Protocol (at paragraph 6.1) reinforces that Members should not generally be approaching junior Members of staff with their enquiries. Junior officers may well not have the information or details required to answer the request, but may also feel intimidated into trying to respond and therefore give an inaccurate or plain wrong answer. This is not fair to junior officers.
This is particularly relevant to Cabinet Members who, by the nature of their role will be much more involved in the Council's business than other Members. Details should be sought from senior officers - usually the Directors and Assistant Directors.

Members should not ask officers to breach Council procedures or policy when dealing with an issue. For example by sending personal sensitive data about a constituent to a private email address.
Cabinet Members must listen to what they are being told by officers to get the full picture on a matter
Equally, Officers should listen carefully to Members to understand what is wanted by the Member.
The Council often employs consultants. The same rules apply in relation to how consultants are dealt with. However it should be remembered that consultants work for the Directors and Assistant Directors and do not take instruction from Members.

If a Member has a problem concerning a Member of Staff, the Cllr should discuss with the line manager or the AD or the Director or where the officer is senior or it is a very serious case, the Head of Paid Service.

If an Officer has a problem with a Councillor, they should raise this with the line manager or AD. Advice on this can be obtained from the Monitoring Officer and Head of Paid Service in more serious cases.

Sarah Sternberg
Monitoring Officer

March 2022

NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

List of Cases which do not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION
04/10/21 8/2021	Not upholding seven statutory principles, as set out in the Dronfield Town Council's Code of Conduct by sharing a racist, hate spreading post on Twitter.	Dronfield Town Council	No	There was no evidence to suggest the Member was acting in their capacity as a Councillor
16/01/22 1/2022	Not acting with integrity, leading by example or treating others with respect by failing to respond to emails	North East Derbyshire District Council	No	The Complaint was withdrawn.

One complaint is currently with the Independent Person.

NEDDC STANDARDS COMMITTEE WORK PROGRAMME 2022/23

Meeting date	Item	Comments
22 June 2022	Review of the Constitution Part 1 (a) New Forum TORs (b) Employee Code of Conduct (c) Proper Officer Provisions Member Training Attendance Standards Committee Annual Report Complaints Update	
31 August 2022	Local Government Ombudsman Annual Report Review of the Constitution Part 2 (a) Planning Protocol (b) LGA Code of Conduct (c) Complaints Update	
2 November 2022	Review of the Constitution Part 3 (a) (b) (c) Complaints Update RIPA Annual Review 2022 Joint Whistleblowing Policy Review 2022	
1 February 2023	Gifts and Hospitality Review 2022 Member Training Attendance Review of the Constitution Part 4 (a) (b) (c) Complaints Update	
19 April 2023	Review of the Constitution Part 5 (a) (b) (c) Work Programme 2023/24	

STANDARDS WORK PROGRAMME 2022-23