

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Thursday, 15 January 2015

### PRESENT

Cllr P Hollick (Chairman)  
Cllr R C Stay (Vice-Chairman)

Cllrs A L Dodwell  
J G Jamieson  
D Jones  
M R Jones  
Mr D J Lawrence

Cllrs Mrs J G Lawrence  
K C Matthews  
J Murray  
R B Pepworth  
M A G Versallion

Members in Attendance: Cllr D J Hopkin

Officers in Attendance: Mrs M Clay – Chief Legal and Democratic Services Officer  
Ms M Damigos – Corporate Lawyer  
Mrs C Jones – Acting Chief People Officer  
Mr L Manning – Committee Services Officer

GPC/14/36. **Minutes**

### RESOLVED

**that the minutes of the meeting of the General Purposes Committee held on 20 November 2014 be confirmed and signed by the Chairman as a correct record.**

GPC/14/37. **Members' Interests**

None.

GPC/14/38. **Chairman's Announcements and Communications**

The Chairman referred to the update on the recruitment of children's social workers given at the last meeting of the Committee (minute GPC/14/32 refers) and advised Members that a recent article in a local government magazine had recognised the efforts made by the Council in promoting the role and in the recruitment and training of staff.

**GPC/14/39. Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

**GPC/14/40. Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

**GPC/14/41. Pay Policy Statement 2015/16**

The Committee considered a report which set out the draft Pay Policy Statement for 2015/16. Members were reminded that the Localism Act 2011 required local authorities to adopt a comprehensive Pay Policy Statement by 31 March every year and publish it on the council's website with effect from 1 April.

The Committee recalled that the Localism Act had extended the requirements under the Code of Transparency to publish Chief Officer remuneration on the Council website, and also to ensure that full Council had the opportunity to approve senior appointments or severance arrangements outside of existing approved policies and pay arrangements.

The Committee was aware that the draft Pay Policy Statement before Members had been updated to reflect the impact of the pay award recently given to all employees on Local Government terms and conditions of employment. The meeting was advised that a national pay award had not been approved for the Chief Executive or Directors and that they were covered by separate negotiating bodies.

Members were also aware that the Localism Act had introduced requirements to ensure a comparison was possible between the policies adopted on the remuneration of Chief Officers and other employees. However, for the period 2015/16, the ratio of pay of the Chief Executive to that of the median earner and the ratio of pay of the Chief Executive to that of the mean average salary could not be updated until after the January 2015 payroll had been run. This information would be made available in time for consideration by full Council.

Full discussion took place on the process set out within the draft Pay Policy Statement for the determination of salary levels for Directors. The Committee noted that all newly appointed Directors were paid 'spot salaries' and that the salary range in which the spot salary was determined was decided by the Appointments Sub-Committee taking into account guidance from the Joint Negotiating Committee (JNC) National Framework and market forces. Members felt that the draft Statement should be amended to clearly reflect this process.

## **RECOMMENDED TO COUNCIL**

- 1 that the draft Pay Policy Statement 2015/16, as set out at Appendix A to these minutes, be approved and adopted;**
- 2 that, following approval and adoption, the Pay Policy Statement 2015/16 be published on the Council's website.**

### **GPC/14/42. Councillor Code of Conduct Complaints**

The Committee considered a report, originally submitted to the Corporate Resources Overview and Scrutiny Committee on 16 December 2014, on proposed changes to the councillor Code of Conduct complaints processes and procedures. Members also had before them a copy of the slide pack for the accompanying presentation on this matter originally given to the Overview and Scrutiny Committee. In addition, the Chief Legal and Democratic Services Officer and Monitoring Officer took the opportunity to verbally update the summary of Councillor Code of Conduct complaints, which had been included as an appendix to the report, to include the figures for December 2014.

The Committee noted that the report presented to the Corporate Resources Overview and Scrutiny Committee had arisen as a consequence of concerns over the time and cost resource implications to the Council with regard to the processing of town and parish councillor Code of Conduct complaints. The report explained the current arrangements and the range of issues which had generated the resource challenges. It was in response to this situation that the Chief Legal and Democratic Services Officer and Monitoring Officer sought changes to Part F2 of the Constitution ('Arrangements for dealing with Standards Allegations Under the Localism Act 2011') with the aim of improving the management of the complaints process and the turnaround times in respect of complaints and generally streamlining the process in the light of experience whilst ensuring that the relevant checks and balances remained. An emphasis on securing the local resolution of complaints, if at all possible, was made by the Chief Legal and Democratic Services and Monitoring Officer.

The views of the General Purposes Committee on the proposed changes to the Constitution were sought. During the debate the Chief Legal and Democratic Services Officer and Monitoring Officer stated that she would welcome the clear endorsement and ownership by all members of the Council of the proposed, wider, changes to the Constitution. Following full consideration the General Purposes Committee concurred with the Corporate Resources Overview and Scrutiny Committee's proposed changes. In addition, Members approved the related Councillor Code of Conduct Complaint Procedure Flowchart, which provided a guide in pictorial form, subject to a revision to embolden the typeface of the timescales. Following further comment the Chief Legal and Democratic Services Officer and Monitoring Officer undertook to further examine the content of the Flowchart to ensure greater clarity and achieve conformity with any changes to the Constitution that were subsequently approved by Council.

The Committee considered the need to improve awareness of Code of Conduct complaints issues among town and parish councils having regard to the Corporate Resources Overview and Scrutiny Committee's recommendation that a dedicated seminar be held for this purpose. The General Purposes Committee noted that a development seminar was now scheduled to be held on 19 March 2015 for town and parish council clerks with the aim of embedding awareness on this issue within the councils. It was further noted that a second development seminar would be held for town and parish councillors following the elections on 7 May. Members indicated their full support for these arrangements.

**RECOMMENDED TO COUNCIL**

**that the proposed amendments to Part F2 of the Constitution, as set out at Appendix B to these minutes, and to the Councillor Code of Conduct Complaints Procedure Flowchart, as set out at Appendix C to these minutes, be approved and adopted.**

GPC/14/43. **Work Programme**

Members considered a report which set out the Committee's proposed work programme for the remainder of the 2014/15 municipal year and the whole of the 2015/16 municipal year.

The Chairman drew Members' attention to the absence of any reports for the meeting scheduled for 5 March except that for the work programme. He asked Members to inform him of any issues that they might have which would generate report items. He stated that if none were forthcoming the meeting would be cancelled.

**RESOLVED**

**that the proposed General Purposes Committee work programme, as attached at Appendix A to the report of the Committee Services Manager and Committee Services Officer, be approved.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.02 a.m.)

Chairman .....

Dated .....

Appendix A

## CENTRAL BEDFORDSHIRE COUNCIL PAY POLICY STATEMENT 2015/16

### 1. INTRODUCTION

This Pay Policy Statement is produced in accordance with Chapter 8 of the Localism Act 2011 and with regard to the guidance issued by the Secretary of State under Section 40 of the Act.

It is made available on the Council's website. The Council's website also includes separately published [salary information](#) relating to Chief Officers as part of the Transparency Code.

Salary ranges published in this policy are correct as at 31<sup>st</sup> March 2015.

### 2. SCOPE

The Localism Act sets out the posts that are considered to be Chief Officers. In terms of Central Bedfordshire, this will cover the Chief Executive as Head of Paid Service, Directors, the Monitoring Officer, Section 151 Officer and a number of Assistant Directors/Chief Officers/ Group Managers and Heads of Service who are regarded as Deputy Chief Officers.

In accordance with the Act, the Pay Policy Statement provides information about the remuneration paid to the Council's Chief Officers and other prescribed categories of employee. It covers all employees of Central Bedfordshire Council irrespective of legacy terms and conditions where they remain.

This policy does not apply to staff employed by local authority schools as the Localism Act does not include them.

### 3. REMUNERATION OF CHIEF OFFICERS

The Chief Executive and Directors' Terms and Conditions are in line with the JNC Conditions of Service for Chief Executives and Chief Officers.

#### Chief Executive

The Chief Executive is the Council's Head of Paid Service. The Council has set the salary range for this post and as at 31 March 2015, the annual FTE range for the grade of this post is £161,700 - £186,200. There are 5 incremental points in the grade.

Incremental progression for Chief Officers is not automatic but is awarded following the achievement of set performance objectives. The decision to award an incremental increase to the Chief Executive is made by the Leader.

Appendix A

The starting salary paid to the Chief Executive will be that determined by the Appointments Sub- Committee, taking in to consideration guidance from the JNC National Framework and market forces and subject to it being within the published salary range

Any appointment proposed above this published salary range would require a recommendation from General Purposes Committee to Full Council.

The Head of Paid Service is additionally the Council's Returning Officer. The responsibility of this role is one of a personal nature distinct from duties as an employee of the council. The fee paid to the Returning Officer is determined by legislation and the recovery of the costs of the Returning Officers' services and expenses at a UK or European Parliamentary election is met from Central Government funds and so does not constitute a cost to the Council. Where local elections occur a scale of fees and charges, approved by the Council, determines the total overall amount the Returning Officer may expend in connection with an election. The fees paid to staff who undertake election duties are broadly in line with central government rates.

#### **Directors**

When the Council was first established an incremental salary scale was created for all Directors. However to reflect the new Directorate structure now in place, the Council has moved to pay 'spot salaries' for all new appointments. The range in which the spot salary is determined is decided by the Appointments Sub- Committee, taking into consideration guidance from the JNC National Framework and market forces.

The Council will apply JNC nationally agreed cost of living pay awards to the salaries of Directors.

#### **Assistant Directors/Chief Officers/Group Managers and Heads of Service**

Terms and Conditions for Assistant Directors/Chief Officers/ Group Managers and Heads of Service are in accordance with the National Joint Council (NJC) conditions of service for Local Government Services.

The Council's pay scales for these posts are as follows:

Assistant Directors/Chief Officers/Group Managers - the salary scale is determined by the job-evaluated grade for the post but will be within the range £62,684 to £91,951 These are across 4 separate pay bands each with 3 incremental points.

Heads of Service - the salary scale is determined by the job-evaluated grade for the post but will be within the range of £48,238- £52,625 or £58,472- £62,858. Each grade has 3 incremental points.

#### **Section 151 Officer and Monitoring Officer**

The Council's Chief Finance (Section 151) Officer and Chief Legal and Democratic Services (Monitoring) Officer are graded at £85,834-£91,951 and £76,962 - £85,834

Appendix A

respectively.

Currently the Council does not have any performance related pay systems or bonus schemes in place for any Chief Officers.

#### 4. REMUNERATION OF OTHER EMPLOYEES

Terms and Conditions for Assistant Directors/ Chief Officers/ Group Managers, Heads of Service and remaining officers are in accordance with the National Joint Council (NJC) conditions of service for Local Government Services.

The pay spine used by the Council is aligned but not directly comparable to the national pay spine, following a 2% reduction to pay implemented in October 2011. In order to protect lowest earners, salaries at or below £21,519 (scp 25) were exempted from this reduction.

Pay rates are negotiated at a national level through the NJC; therefore the Council will apply any cost of living pay awards to the revised pay scales and any one off non consolidated payments as determined by the national pay awards.

All posts up to spinal column point (scp) 37 are evaluated under the NJC job evaluation scheme. Posts on and above scp 37 are evaluated under the Hay job evaluation scheme. The pay scale ranges from £13,500 - £46,786 and from 1 October 2015 following the deletion of the lowest scale point the salary range will be £13,614 - £46,786.

The Council does not have any performance related pay systems or bonus schemes in place for any employees.

Any Market Rate Supplement that is paid for specifically identified posts will be in accordance with the Council's Market Rate Supplement policy.

Employees may be eligible for a business mileage related lump sum car allowance in accordance with the published scheme.

#### 5. PAY COMPARISONS

For the purposes of the Pay Policy Statement, the Council's pay scales define the lowest paid employees as those whose salary falls within the lowest grade which at 31 March 2015 has a salary range of £13,500 -£13,614 and from 1 October 2015 it will be £13,614 to £13,871.

The current pay relationship between the highest paid employee who is the Chief Executive (Head of Paid Service) and the Council's median earner and the mean average salary has been measured.

For the period 2015/16, the ratio of pay of the Chief Executive to that of the median earner is 1

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For the period 2015/1, the ratio of pay of the Chief Executive to that of the mean average salary is approx 1.1

Comment [CJ2]: As above.

Both these ratios are below the expected multiples of 8.1 for the public sector as identified in the Hutton Review of Fair Pay in the Public Sector (March 2011) Report.

It is the Council's policy that the salary of the Chief Executive will be no greater than 8x the median earner of the Council's workforce.

## 6. PENSIONS PROVISIONS

The Local Government Pension Scheme (LGPS) is open to all employees up to 75 years of age and with a contract of more than 3 months' duration. Details are set out on the [LGPS website](#).

No additional pension payment to the Local Government Pension Scheme is made to Chief Officers.

## 7. SEVERANCE PROVISIONS FOR ALL EMPLOYEES INCLUDING CHIEF OFFICERS

The Council will normally pay severance in redundancy situations based upon the Statutory Redundancy Payment Scheme using actual weekly salary where this is greater than statutory redundancy pay. Any council employee with 2 years' continuous service, including Chief Officers, irrespective of hours worked, is eligible for a redundancy payment should he or she be dismissed by reason of redundancy.

Any request for early retirement on the grounds of efficiency of the service must receive member approval.

The Council will meet its statutory and contractual obligations in respect of any severance package, and does not make discretionary payments. However, if in exceptional circumstances a discretionary payment is proposed, the details of the full package would require a recommendation by General Purposes Committee to Full Council for approval.

## 8. REVIEW

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. Our next Statement is scheduled to be for 2016/17 and will be submitted to Full Council for approval by 31 March 2016.

If it should be necessary to amend this 2015/16 Statement during the year that it applies, an appropriate resolution will be made by Full Council.



**APPENDIX B**

**F2 ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS  
UNDER THE LOCALISM ACT 2011**

**1. Context**

These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted member of this Council or of a Parish Council within its area has failed to comply with the relevant authority’s Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

**2. The Code of Conduct**

Central Bedfordshire Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council’s website or on request from the Monitoring Officer at Priory House, Chicksands.

Each town and parish council in the area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council’s website or on request from the Town or Parish Clerk.

**3. The Independent Person**

The Council is required to appoint at least one independent person. The Council must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.

The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

**4. Making a complaint**

A complaint that a member of Central Bedfordshire Council or of a town or parish council in the District has failed to observe the Council’s Code of conduct should be submitted to:

The Monitoring Officer  
Central Bedfordshire Council  
Priory House  
Monks Walk  
Chicksands  
Shefford  
Bedfordshire  
SG17 5TQ

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the arrangements for complaints about Member misconduct.

In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form **which also explains the process and the relevant referral criteria at initial assessment**. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.

Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed **about the complaint by providing a copy of the complaint to them** within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

## 5. Initial Assessment

The Monitoring Officer will assess every **Councillor Code of Conduct** complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint **but may take longer if additional information is sought**.

**Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used at the initial assessment to decide whether to accept a complaint for investigation or take no further action or to decide upon some form of local resolution.**

### **Referral Criteria**

- **is the subject member still a serving member**
- **is the information submitted, sufficient to make a decision**
- **is the complaint the same as or similar to a previous complaint**
- **the complainant's view of the action taken or proposed**
- **steps taken or proposed to remedy the action complained of**
- **member on member complaints will not normally be referred until the Monitoring Officer considers that other processes e.g. informal mediation or political group or chairman investigation has taken place**
- **the time passed since the alleged conduct occurred**
- **the complaint involves conduct too trivial to warrant further action**
- **does the complaint appear to be malicious, politically motivated or tit for tat**

- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- the public benefit in investigating the alleged complaint
- the availability and cost of resources with regard to the seriousness of the alleged matter
- any officer complaint about a member will not normally be referred until the Protocol for Member/Officer Relations has been pursued
- any other substantial reason

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.

Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council about the complaint ~~and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.~~

## 6. Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve for example the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. ~~There may be a situation for example w~~Where the member or the authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

## 7. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another ~~senior~~ officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

**At any point the Investigating Officer may refer to the Monitoring Officer to resolve without a full investigation or reject the complaint.**

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.

Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:-

- **No action**
- **Local Resolution**
- **Hearing**

**8. No Action**

If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint. **If the Monitoring Officer is not so satisfied, then his/her decision will be final.**

**9. Local Resolution**

If the Investigating Officer concludes that there has been a breach of the Council's Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.

A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and/or accepting other remedial action by the Council.

If the Member and the Complainant agree to accept the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee (and the Parish Council) for information, but will take no further action. **The Member and the Complainant do not have the right to reject the Monitoring Officer's suggested resolution and any non –acceptance by either will be reported back to the Standards-Sub Committee. However, if either the Complainant or the Member informs the Monitoring officer that the suggested resolution is not acceptable, then the Monitoring Officer will refer the matter to the Standards Sub-Committee for a hearing.**

## 10. Hearings

If the Monitoring Officer considers that “local resolution” or “no action” is not appropriate or adequate, ~~or if either the Complainant or the Member are not willing to co-operate with the proposal for local resolution~~, then the Monitoring Officer will submit the Investigating Officer’s report to the Standards Sub-Committee which will conduct a hearing into the complaint before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the matter.

Following the hearing, the Standards Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.

If the Standards Sub-Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member’s failure to comply with the Code.

Before reaching a decision, the Standards Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person.

## 11. Sanctions

The Council has delegated to the Standards Sub-Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Sub-Committee may:–

- 11.1 censure the Member;
- 11.2 publish its findings in respect of the Member’s conduct;
- 11.3 report its findings to the Council (or to the Parish Council) for information;
- 11.4 instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- 11.5 inform the Member’s Group Leader

The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw any special responsibility allowances to which the Member may be entitled under the Council’s Members’ Allowances Scheme.

The Independent Person is invited to attend all meetings of the Standards Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

12. **ReviewsAppeal**

If either the Complainant or the Member against whom a complaint has been made is dissatisfied with the outcome, he/she may ask for the decision to be **reviewed** ~~appealed~~. **Any appealreview** will be undertaken by the Standards Appeals Sub-Committee made up of Members who have not previously been involved in the consideration of the complaint.

**Any appeal request must be received in writing by the Monitoring Officer within 21 days of issue of the written decision notice and only on the grounds of:-**

- **The procedure being wrongly applied;**
- **New evidence has come to light since the hearing; or**
- **A misdirection in law**

**The Appeal will be heard on the papers only**  
**A new Independent Person will also be asked to give their views**

**The Standards Appeals Sub-Committee may:-**

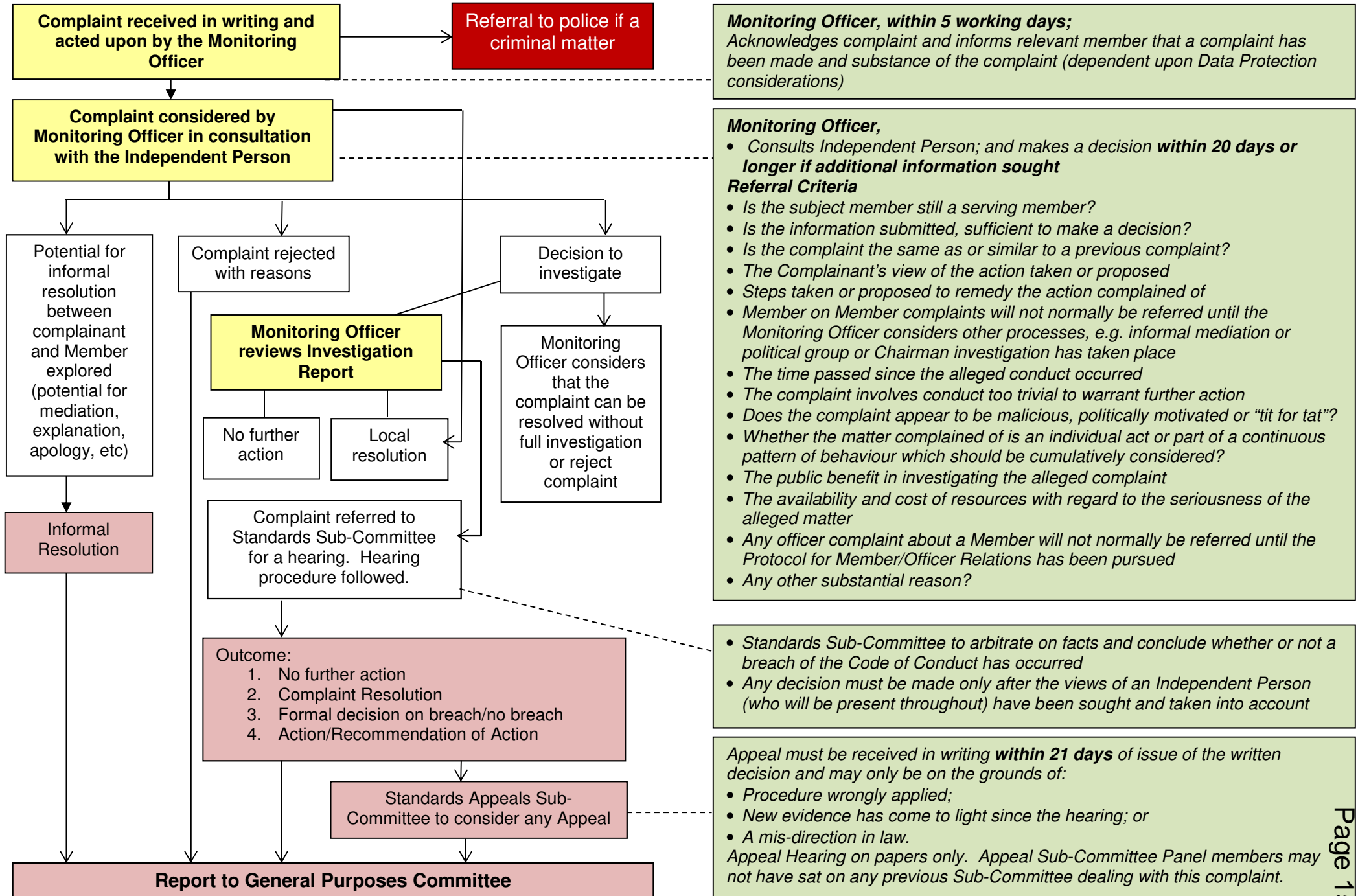
- **Set aside the original decision if it considers it to be unreasonable and substitute its own decision**
- **Confirm the original decision**

**There will be no further right of appeal.**

13. **Revision of these arrangements**

The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee. The General Purposes Committee may therefore amend these arrangements. **The General Purposes Committee resolved on 17<sup>th</sup> July 2014 that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with standards allegations made under the Localism Act 2011.**

Councillor Code of Conduct Complaint Procedure Flowchart



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