

## PROCEDURES COMMITTEE

5 July 2022

Present:-

Councillors F Biederman, J Hart, J Hodgson, S Hughes, C Leaver, D Barnes, C Whitton, J Brazil and I Hall (Chair)

\* **17**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 8 February 2022 be signed as a correct record.

\* **18**      **Items requiring urgent attention**

There was no item raised as a matter of urgency.

\* **19**      **Statutory Guidance on the Making and Disclosure of Special Severance Payments**

The Committee considered the Report of the County Solicitor (Interim) (CSO/22/13) on the Statutory guidance on the making and disclosure of Special Severance Payments and additional Governance required.

The Report considered the Statutory guidance on the making and disclosure of Special Severance Payments which had published by the Department for Levelling Up, Housing and Communities on 15 May 2022 which set out the criteria that employers should consider in the exceptional circumstances in which it might be appropriate to make a Special Severance Payment. The Report gave examples of the exceptional circumstances and clarification of the disclosure and reporting requirements for Special Severance Payments.

The Government expected that any Special Severance payments be approved according to the following processes:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011;
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment; and
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments.
- Where the proposed payment is to the Head of Paid Service (Chief Executive), to avoid a conflict of interest it is expected that the payment

should be approved by a panel including at least two independent persons.

Section four of the Report outlined the proposals in order to be compliant with the Statutory Guidance.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Biederman, and

**RESOLVED**

(a) that the contents of the Statutory guidance on the making and disclosure of Special Severance Payments be noted;

(b) that the Council be recommended to amend the terms of reference for the Appointments, Remuneration and Chief Officer Conduct Committee to incorporate its consideration of Special Severance payments of over £100,000 and make appropriate recommendation to the Full Council, in line with the Localism Act 2011;

(c) that a new delegation be authorised to the Chief Executive for Special Severance Payments of £20,000 and above, but below £100,000, to include Leader approval (and others involved in payment sign off) as well as the Director of Finance and Public Value;

(d) that a further delegation to the Director of Legal and Democratic Services and Chief Finance Officer (Director of Finance and Public Value) be agreed, to determine Special Severance payments below £20,000; and

(e) that when the proposed payment is to the Head of Paid Service, ensure it is approved by a panel (Appointments, Remuneration and Chief Officer Conduct Committee) and the two independent persons and the appropriate amendments be reflected in the terms of reference for the Committee.

\* **20**      **Proposed Amendment to Standing Orders (Postponing Meetings)**

The Committee noted that a piece of work had been undertaken to assess the potential impact of Operation London Bridge on County Council meetings and Committees.

The Committee noted that there could be a requirement to postpone meetings or take any urgent decisions under delegated powers which was permissible under the Constitution.

However, if an agenda had been published, there was no mechanism to postpone if this was required.

Without any ability to hold meetings any meetings under the Local Government 1972 or those with Executive functions remotely, it also posed an

issue with circumstances such as severe weather conditions which could prevent may attendees from physically attending the meeting.

It was therefore proposed to amend Standing Orders to include a provision as below.

*If the Chair considers that severe weather conditions or some other unforeseen circumstance warrant it, they may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority or Committee.*

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

**RESOLVED** that Council be recommended to amend Standing Orders to incorporate the following provision;

*If the Chair considers that severe weather conditions or some other unforeseen circumstance warrant it, they may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority or Committee.*

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### **Casual Vacancy - Declarations**

The Committee noted that [Section 86 of the Local Government Act 1972](#) described the declaration by the Local Authority of vacancy in office in certain cases, either through ceasing to be qualified as a Member of the authority; or becoming disqualified or by reason of failure to attend meetings of the authority.

The casual vacancy did not occur until the Council declared the office to be vacant (which should happen forthwith after the person had ceased to be a Member of the Authority).

The Council had received guidance from [ADSO and Lawyers for Local Government](#) which said 'provided the Council's Constitution has granted the proper officer the power to declare the office of councillor vacant, they can do so immediately after the person has ceased to be a member'.

Where no such power existed, the vacancy must be declared at a Council meeting, which meant a delay between the person ceasing to be a Member and the vacancy occurring, as it was very much dependent on the date of the next Council meeting.

The guidance paper recommended that Councils' Constitutions provided delegated authority to the proper officer of the Council to declare vacancies that occurred in relation to Section 86 of the Local Government Act 1972. The requirement for the Council to forthwith declare the office to be vacant placed an expectation that this would happen without delay.

Members commented that consultation with Group Leaders at the appropriate time would be welcomed.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Brazil, and

**RESOLVED** that the scheme of delegation be amended to give power to the Proper Officer so that vacancies in office (as outlined in section 86 of the Local Government Act 1972) can be declared in the timely manner as anticipated by the legislation.

**NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

\* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 10.52 am