



MEMBER CONDUCT COMMITTEE

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To: Councillors Tassell (Chair), Murphy (Vice-Chair), Bentley, J. Bradshaw, Hadji-Nikolaou, Hamilton and Rollings(for attention)
Ball (Parish Member), Jones (Parish Member) and Marchant (Parish Member)

All other members of the Council
(for information)

You are requested to attend the meeting of the Member Conduct Committee to be held in Committee Room 2 - Council Offices on Monday, 9th September 2019 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

30th August 2019

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 5
To confirm as a correct record the minutes of the meeting held on 17th June 2019.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST
4. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were received.

5. UPDATE ON COMPLAINTS RECEIVED

6 - 9

A report of the Monitoring Officer providing an update on complaints received about breaches of the Code of Conduct and any issues arising from those complaints.

6. DISCLOSABLE PECUNIARY INTERESTS

10 - 11

A report of the Monitoring Officer providing an update regarding the number of Disclosable Pecuniary Interest forms that have not yet been received from Town and Parish Councillors.

7. MANDATORY STANDARDS AND PROBITY TRAINING

12 - 13

A report of the Monitoring Officer regarding non-attendance at the standards and probity training.

8. WORK PROGRAMME

14 - 16

A report of the Monitoring Officer to enable the Committee to agree a work programme to plan its future business

MEETING DATES

Meetings of the Committee during 2019/20 will be held at 6.00pm on the following dates:

2nd December 2019

16th March 2020

MEMBER CONDUCT COMMITTEE 17TH JUNE 2019

PRESENT: The Chair (Councillor Tassell)
The Vice Chair (Councillor Murphy)
Councillors Bentley, J. Bradshaw, Hadji-Nikolaou,
Hamilton and Rollings
Councillors Ball (Parish Member) and Marchant
(Parish Member)

Democratic Services Manager
Democratic Services Officer (NC)

APOLOGIES: none

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18th March 2019 were confirmed as a true record and signed.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

No disclosures were made.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

4. UPDATE ON COMPLAINTS RECEIVED

Considered a report of the Monitoring Officer providing an update on complaints received about breaches of the Members' Code of Conduct and any issues arising from those complaints (item 5 on the agenda).

The Democratic Services Manager drew the Committee's attention to the outcome of the hearing on 27th February 2019 and that the former Borough Councillor David Hayes had not made a written apology to the Head of Planning and Regeneration as requested by the Panel.

RESOLVED

1. that the Committee take no further action in relation to former Borough Councillor David Hayes, who has not yet made a written apology to the Head of Planning and Regeneration as requested by the Panel;

2. that the current position in respect of complaints about breaches of the Members' Code of Conduct that have been received be noted.

Reasons

1. The Committee discussed the matter and concluded that the Panel had not achieved the outcome it wished and it was unlikely that the written apology would be forthcoming, therefore it was not in the public's interest for the Committee to chase this matter, using valuable officer and members' time;
2. To keep the Committee informed about complaints.

5. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

Considered a report of the Monitoring Officer regarding the results of the public consultation of the review of local government ethical standards by the Committee on Standards in Public Life (CSPL), (item 6 on the agenda filed with these minutes).

Councillor Hadji-Nikolaou entered the meeting.

The Democratic Services Manager noted that the process for reviewing the Constitution would begin in August 2019.

RESOLVED

1. that the Committee note the results of the consultation and the recommendations by the Committee on Standards in Public Life (CSPL) as summarised in the Appendix;
2. that the recommendations by CSPL be considered as part of the review of the Constitution scheduled for the Committee's meeting to be held on 2nd December 2019;
3. that a review of the recommendations by CSPL is added to the Work Programme and is scheduled once the Government has provided its response to the recommendations.

Reasons

1. To enable the Committee to understand the recommendations of the Committee on Standards in Public Life.
2. Members of the Committee considered that the recommendations made by CSPL could alter the Borough Council's Constitution, particularly in relation to the suspension of a councillor for upto six months, and wished to include the topic in its annual review of the Constitution at its meeting in December to enable changes to be made at the same time.

3. The Committee wished to monitor the situation in relation to the response by the Government to the recommendations by CSPL.

6. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 7 on the agenda filed with these minutes).

RESOLVED

1. that the Committee's current work programme be noted and updated in accordance with the decisions taken during the consideration of this item and other items on the agenda;
2. that the Hearing Appeals Process be scheduled to the Committee's meeting on 2nd December 2019;
3. that if no further matters for discussion arise before the Committee's meeting scheduled to be held on 9th September 2019, that it be cancelled and the complaints statistics be circulated by email to the members of the Committee.

Reasons

1. To enable the Committee to fulfil its role in promoting and maintaining high standards of conduct by councillor and co-opted members.
2. The Committee wished to consider matters relating to the Constitution together at one meeting so that amendments could be made at the same time in preparation for the annual review of the Constitution by Full Council.
3. To enable best use of officer and councillor time.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 2nd September 2019 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.

MEMBER CONDUCT COMMITTEE – 9TH SEPTEMBER 2019

Report of the Monitoring Officer

Part A

ITEM 5 UPDATE ON COMPLAINTS RECEIVED

Purpose of Report

To provide the Committee with an update on the complaints about breaches of the Code of Conduct that have been received and any issues arising from those complaints.

Recommendation

That the current position in respect of complaints about breaches of the code of conduct that have been received be noted.

Reason

To keep the Committee informed about complaints.

Policy Justification and Previous Decisions

The functions and responsibilities of the Committee set out in the Council's Constitution include determining any complaints that members of the Borough Council or the parish and town councils in the Borough have breached the Code of Conduct. The initial stages of the complaints process are dealt with by the Monitoring Officer and the purpose of this report is to keep the Committee informed of the volume and nature of complaints that are received.

Implementation Timetable including Future Decisions

It is recommended that the Committee receives reports at each meeting about the complaints that have been received.

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

No risks have been identified with this decision.

Background Papers: None

Officer to Contact: Adrian Ward
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Part B

Summary of Complaints Received to 31st July 2019

1. Since the last meeting of the Committee there has been 3 complaints received, which is the total for 2019/20 to date.
2. Fact finding reviews have been completed, and the Monitoring Officer concluded that none of the complaints merited further action or investigation. Further details are provided in Appendix A.
3. For comparative information, the following table summarises complaints received in previous years (including complaints about both Borough and Parish/Town Councillors):

Year	Total Complaints
2012/13 (9 months)	10
2013/14	6
2014/15	21
2015/16	14
2016/17	7
2017/18	10
2018/19	13

Appendices

Appendix A – Details of complaints received in 2019/20

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Borough	2	Fact finding review found that the complaint did not merit further action or investigation	Comments made during a speech at a Council meeting included implied allegations about a fellow Councillor	The comments made fell within the reasonable limits of freedom of political expression		
		Fact finding review found that the complaint did not merit further action or investigation	Various allegations about election campaign activities, failing to declare interests, and making false declarations	Complainant was advised that potential electoral offences need to be reported to the Police. The other issues were considered not to merit further action, and the Independent Person agreed with this		
Parish / Town	1	Fact finding review found that the complaint did not merit further action or investigation	Abuse of position by 2 parish councillors to obtain a key to access private land	The actions complained about did not relate to the individuals acting in their capacity as parish councillors		

MEMBER CONDUCT COMMITTEE – 9TH SEPTEMBER 2019

Report of the Monitoring Officer

Part A

ITEM 6 DISCLOSABLE PECUNIARY INTERESTS

Purpose of Report

To provide the Committee with an update regarding the number of disclosable pecuniary interest (DPI) declarations that have not yet been received from town and parish councillors.

Recommendation

To note the report and determine what, if any, further action the Committee may wish to take in respect of those town and parish councillors who have not yet returned submitted details of their disclosable pecuniary interests to the Monitoring Officer.

Reason

Under the Localism Act 2011 (Sections 29 and 30), the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 councillors are required to notify the Monitoring Officer of any disclosable pecuniary interests they may have within 28 days of becoming a member of a town or parish council, and failure to do so is an offence.

Policy Justification and Previous Decisions

The Monitoring Officer is required under the Localism Act 2011 to publish all declaration of interests that have been made by councillors, and to make them available for public inspection.

Current Situation

Although there is no requirement to issue reminders or to take further action to obtain declarations of interests where these are not made within the legally required timescales, officers have issued reminders to the relevant clerks and has requested them to notify those councillors who have not submitted their declarations, but despite this a significant number are still outstanding from the 2nd May 2019 elections and are now well beyond the 28 day required timescale.

The table below sets out the current situation regarding outstanding DPI declarations:

Town / Parish Council	Number of Councillors Who have not Submitted any Declaration
Barkby & Barkby Thorpe Parish Council	5
Barrow Upon Soar Parish Council	1
Mountsorrel Parish Council	1
Ratcliffe on the Reake Parish Council	1
Rothley Parish Council	1

Sileby Parish Council	6
Syston Town Council	2
Thurmaston Parish Council	1
Walton on the Wolds Parish Council	1
TOTAL	18

The Committee may wish to consider what, if any further action they wish to ask the Monitoring Officer to take, which may include:

- No further action (there is no legal requirement to take any actions where declarations are not made to the Monitoring Officer within the statutory timescales),
- Request the Monitoring Officer to issue a further reminder (although reminders have already been issued),
- Request the Monitoring Officer to make a report to the Police specifying the names of the individual councillors who have failed to make the required declarations and who may therefore be committing an offence.

For the Committee's information, a significant amount of Borough Council officer time has already been spent on following up the declarations that have not been received.

Report Implications

The following implications have been identified for this report.

Financial Implications

None directly, although as set out above a significant amount of officer time has been spent issuing reminders and chasing up declaration forms from town and parish councillors.

Risk Management

The risks associated with failing to make declarations of disclosable pecuniary interests where required under the Localism Act 2011 rests with individual councillors, as the Act specifies that not complying with the 28 day timescale is an offence.

Background Papers: None

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MEMBER CONDUCT COMMITTEE – 9TH SEPTEMBER 2019

Report of the Monitoring Officer

Part A

ITEM 7 MANDATORY STANDARDS AND PROBITY TRAINING

Purpose of Report

To provide the Committee with an update regarding the non-attendance of members at two mandatory training sessions regarding standards and probity.

Recommendation

To note the report, and for the Committee to consider whether or not it wishes the Council to provide further training.

Reasons

Based on the views expressed previously by the Committee regarding the importance of standards and probity training, the relevant training included within the induction training programme for Councillors after the May 2019 elections was identified as mandatory for all Members. However, there are 14 Members who did not attend either of the two training sessions that were arranged.

Policy Justification and Previous Decisions

As set out above.

Implementation Timetable including Future Decisions

If the Committee determines that a further training session should be run, Democratic Services will ensure this is arranged.

Report Implications

The following implications have been identified for this report.

Financial Implications

If a further training session is to be arranged, there will be an indirect cost in terms of officer time.

Risk Management

There are no risks associated with this report.

Background Papers: None

Officers to Contact:

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MEMBER CONDUCT COMMITTEE – 9TH SEPTEMBER 2019

Report of the Monitoring Officer

ITEM 8 WORK PROGRAMME

Purpose of Report

To enable the Committee to consider, and agree any changes to, its work programme to assist it to plan its future business.

Recommendation

That the Committee considers any items that it wishes to add to, or amend in, its work programme for future meetings.

Reason

To enable the Committee to identify future items of business and enable planning for future meetings to be undertaken, for example preparing reports and arranging for the attendance of officers and/or others at meetings.

Policy Justification and Previous Decisions

At its meeting on 24th March 2014, the Committee resolved to introduce a work programme to manage the business to be conducted at its future meetings (minute 12 refers). The Committee has considered business at its subsequent meetings based on that programme.

Implementation Timetable including Future Decisions

It is recommended that the Committee reviews its work programme at every meeting. Future meetings of the Committee for 2019-20 have been agreed by full Council as follows:

2nd December 2019

16th March 2019

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

No risks have been identified with this decision.

Background Papers: None

Appendix: Work Programme

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Member Conduct Committee – Work Programme

ITEM	NOTES	DATE
Update on Complaints Received	An update on complaints received about breaches of the Code of Conduct and any issues arising from those complaints.	Standing item
Review of the Constitution	Consider details of possible amendments to the Constitution it may wish to recommend as part of the annual review process. To include the recommendations of the Committee on Standards in Public Life	2nd December 2019 <i>(last considered 3rd December 2018)</i>
Regular review of Members Code of Conduct and Planning Code	At its meeting on 7th December 2015 the Committee requested that the Chair and Vice-chair of the Plans Committee and the Head of Planning and Regeneration, are invited to attend the Member Conduct Committee on a regular basis, to review the relationship between the Planning Code and the Members' Code of Conduct.	2nd December 2019 <i>(last considered 3rd December 2019)</i>
Register of Members' Interests	Update regarding recent reminders and responses for register of members interests and to include more detailed information regarding Parish and Town Councillor responses.	2nd December 2019 <i>(last considered 18th March 2019)</i>
review of local government ethical standards by the Committee on Standards in Public Life	Consider the recommendations by the Committee on Standards in Public Life's review of local government ethical standards after the Government has provided a response.	To be scheduled <i>(awaiting Government response)</i>
Hearing Appeals Process (Constitution)	Review of the Member Conduct Panel Hearing Appeals process, as the Committee considered that when an appeal was submitted after a decision had been reached by a Member Conduct Panel it should only be considered valid if there had been a procedural failing in the original Panel Hearing or new evidence was provided. The current process where an appeal can be submitted in writing irrespective of the content of the appeal was potentially wasting officer and councillor time and that the Constitution in relation to the appeals process should be reviewed.	2nd December 2019 <i>(added 18th March 2019)</i>