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MEMBER CONDUCT COMMITTEE

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Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Tassell (Chair), Murphy (Vice-Chair), Bentley, Draycott, Hadji-Nikolaou, Rollings and Ward(for attention)
Councillor Ball (Parish Member), Ellingworth (Parish Member) and Jones (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 Virtual Meeting - Zoom on Monday, 21st September 2020 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

11th September 2020

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 6
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

4. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were received.

5. UPDATE ON COMPLAINTS RECEIVED

7 - 14

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. REGISTER OF MEMBERS' INTERESTS

15 - 16

A report of the Monitoring Officer providing an update regarding recent reminders and responses for Register of Members' Interests.

7. WORK PROGRAMME

17 - 19

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 2020/21 will be held at 6.00pm on the following dates:

30th November 2020

22nd March 2021

Agenda Item 2

MEMBER CONDUCT COMMITTEE 2ND DECEMBER 2019

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

14. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9th September 2019 were confirmed as a true record and signed.

It was noted that the further session of standards and probity training (minute12, 2019/20 refers) had taken place but two councillors had been unable to attend. The session was recorded and would be made available once IT issues had been resolved.

15. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

Councillors Tassell, Bentley and Hamilton declared a personal interest in item 6 as members of the Plans Committee.

Councillor Hadji-Nikoloau joined the meeting.

16. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

17. AGENDA VARIANCE

RESOLVED that item 6 (Review of the Planning Code of Good Practice), be considered before item 5 (Update on Complaints Received), on the agenda.

Reason

To allow the Head of Planning and Regeneration to leave the meeting after this item was considered.

18. REVIEW OF THE PLANNING CODE OF GOOD PRACTICE

Considered a report of the Monitoring Officer providing an opportunity for the Committee to review the Planning Code of Good Practice, (item 6 on the agenda filed with these minutes).

The Head of Planning and Regeneration stated that the intention was to strike a balance between providing support to councillors when contacted by applicants, developers or objectors without restricting councillors in their ward work. It was recommended to inform planning officers if meeting with developers or requesting attendance of a planning officer at the meeting.

After some discussion members of the Committee considered that the wording in the Planning Code of Good Practice allowed for flexibility for councillors and officers and was as transparent as possible. Councillor Rollings withdrew his proposal to amend the Planning Code of Good Practice and stated that he would in future use his discretion and balance any risk associated with his employment.

RESOLVED that the Planning Code of Good Practice is not amended, to clarify contact by applicants, developers or objectors, particularly in relation to sections 8.1, 8.2 and 8.3.

Reason

Having discussed the matter in depth the Committee considered that sections 8.1, 8.2 and 8.3 of the Planning Code of Good Practice were appropriate, and that it provided sufficient flexibility for councillors to use their discretion when in contact with applicants, developers or objectors with regard to involving Planning Officers. It also distinguished between members who sat on the Plans Committee and all councillors.

19. 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 filed with these minutes).

The Democratic Services Manager stated that since the publication of the agenda two complaints had been received, one for a borough councillor and one for a parish / town councillor. Both were at the fact-finding stage.

RESOLVED

1. that the current position in respect of complaints about breaches of the Members' Code of Conduct that have been received by noted;

2. that the flowchart of the complaints process is circulated to the Committee.

Reasons

1. To keep the Committee informed about complaints.
2. Members wished to be refreshed about the process.

20. HEARING APPEALS PROCESS REVIEW

Considered a report by the Monitoring Officer providing a review of the Member Conduct Panel Hearings Appeal process (item 7 on the agenda filed with these minutes).

The Democratic Services Manager stated that parish and town councillors could access LRALC for counselling support. In response to a question, she explained that every attempt was made to complete the complaints process within an appropriate timeframe but factors such as the number of witnesses invited to a hearing and the complexity of the complaint could impact the time required to fully complete the process.

RESOLVED

1. that the Hearing Appeals Process is amended to allow appeals only if there has been a procedural breach or if new evidence comes to light;
2. that the decision maker be the Monitoring Officer or the Deputy Monitoring Officer in consultation with the Independent Person;
3. that the counselling support currently available to councillors is noted.

Reasons

1. Members considered that the Hearing Appeals process required tightening to ensure the best use of councillor / officer time and that the current arrangements could potentially allow for groundless or frivolous appeals to be made.
2. The Committee considered the Monitoring Officer and deputy Monitoring Officer as decision makers to be the most appropriate option and wished to ensure a fair and transparent approach by also including the Independent Person in the decision making.
3. Members considered that the availability of counselling services, LRALC and support through a political party was sufficient but suggested that signposting to national organisations such as the Samaritans could be done earlier in the process after the factfinding stage.

21. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 8 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 Committee notes the removal of the Review of the Constitution from its agenda for its meeting on 2nd December 2019;
3. that that the Chair and Vice-chair, in consultation with the Monitoring Officer, prior to the next Committee meeting scheduled to be held on 16th March 2020, consider whether other items are to be added to the agenda or whether to cancel the meeting, circulating the two items on the work programme for this meeting by email to 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. During the consultation with councillors no comments were received for the annual review of the Council's Constitution and those parts of the Constitution (including the Members Code of Conduct) that relate to the roles of the committee.
3. The Committee considered the agenda for the meeting scheduled on 16th March 2020 to be light and did not wish to meet unnecessarily if other items were not forthcoming.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 20th January 2020 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.

Agenda Item 5

MEMBER CONDUCT COMMITTEE – 21ST SEPTEMBER 2020

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

Appendix A: List of complaints & actions 2019/20 and 2020/21

Officer to Contact: Adrian Ward
Monitoring Officer
01509 634573
adrian.ward@charnwood.gov.uk

Part B

Summary of Complaints Received to 31st August 2020

1. Since the last meeting of the Committee held on 19th December 2019, and up to 31st August 2020, 12 new complaints have been received, making 9 complaints received in total received during 2019/20, and 6 complaints received to date in 2020/21 (all of which relate to town/parish councillors).
2. 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
2019/20	9
2020/21 (to date)	6

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Borough	3	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		
		Fact finding review found that the complaint did not merit further action or investigation	Allegations about misleading tweets which caused difficulties with the complainant's employment	No breach of the Code of Conduct was identified		
Parish / Town	6	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		

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
		Fact finding review found that the complaint did not merit further action or investigation	The councillor received an anonymous donation into their own bank account, which was then paid to the parish council for a defibrillator	The councillor satisfactorily explained the source of the donation and the reasons why it was paid from their own bank account to the parish council		
		Fact finding review found that the complaint did not merit further action or investigation	Insulting language used by the councillor when speaking to the complainant	The councillor stated that they had no recollection of the incident, and there were no witnesses		
		Investigation found that the councillor had a case to answer – hearing being arranged	Failing to declare a disclosable pecuniary interest and improperly seeking a personal financial advantage			
		Fact finding review found that the complaint did not merit further action or investigation		Disputes over what exactly was said during the meeting, and also even if the councillors did say what was alleged, it was a frank and open exchange of views and was not		

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
				disrespectful to the staff concerned		

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Parish / Town	6	Fact finding review found that the complaint did not merit further action or investigation	Disrespectful response to a Facebook post	No evidence that the response was inappropriate or disrespectful in any way. Also, the Councillor had posted an apology on the site		
		Fact finding review found that the complaint did not merit further action or investigation	Two councillors both 'liked' a Facebook post which seemed to accuse other councillors of wrongdoing	No evidence that what the councillors did was inappropriate or disrespectful in any way		
		Fact finding review found that the complaint did not merit further action or investigation	Dispute over permission to use a bookcase, where the complainant alleges that the councillor spoke loudly and threatened legal action	Investigating the complaint further would not be an effective use of public resources given the minor nature of the issues involved		
		Fact finding review found that the complaint did not merit further action or investigation	Disrespectful treatment of staff in an email following advice given to the councillor about personal	Supported the suggestion of the complainant that training on personal interests should be arranged		

Details of complaints received in 2020/21

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
			interests			
		Fact finding review found that the complaint did not merit further action or investigation	Disrespectful comment made about a 3 rd party (who was not present) during a confidential meeting	Investigating the complaint further would not be an effective use of public resources given the minor nature of the issues involved		
		Fact finding review in progress	Bullying and harassment of a member of staff during a meeting			

Agenda Item 6

MEMBER CONDUCT COMMITTEE – 21ST SEPTEMBER 2020

Report of the Monitoring Officer

Part A

ITEM 6 REGISTER OF MEMBERS' INTERESTS

Purpose of Report

To provide the Committee with an update regarding the number of Register of Members' Interests that have not yet been returned. As the last meeting of the Committee scheduled on 16th March 2020 was cancelled the yearly update is being provided to this meeting (at 15 months).

Recommendations

1. To note the report;
2. That the Committee considers whether it wishes to schedule a future update of the Register of Members' Interests and the processes for ensuring it is kept up to date.

Reasons

1 & 2. Under the Localism Act 2011 (Sections 29 and 30), the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the Councils Code of Conduct, Members of the Council are required to disclose their own and partners disclosable pecuniary interests, and other personal interests.

Policy Justification and Previous Decisions

On 11th September 2017, the Member Conduct Committee received an update from the Monitoring Officer about the processes to keep the register up to date. At that meeting the Committee resolved that a time limit of four weeks be added to the email reminders sent asking Borough Councillors and the Clerks of Parish and Town Councils to confirm if their entry in the Registers of Members' Interests required amending or had not changed, and also that the wording in the text of the email reminders sent to Borough Councillor and Clerks of Parish and Town Councils included reference to the Localism Act 2011, other relevant legislation and the requirement to respond within 28 days of any changes.

Processes for keeping the Register of Members' Interests up to date

There is no legal requirement for the Monitoring Officer to regularly check with Councillors that their Registers of Members' Interests are up to date. The procedures that have been introduced are voluntary, although there are statutory requirements for Councillors to notify the Monitoring Officer of changes in certain circumstances.

To date, emails have been sent on a six monthly basis to all Borough Councillors and Clerks of Parish and Town Councils asking about entries in the Registers of

Members' Interests. Emails have been sent on 3rd July 2020 with a reminder sent on 24th July 2020.

As recommended at the Member Conduct Committee on 12th September 2016, a positive confirmation of whether or not there have been changes to entries in the Register of Members' Interests is sought from all Borough Councillors. Parish clerks were advised that Parish Councillors should only respond if a change was required*.

The response rates for 2019/20 and 2020/21 are set out below:

Communication	Month	% Response Rate
Parish Clerks on behalf of Parish Councillors	August 2018	37%
Borough Councillors	August 2018	35%
Parish Clerks on behalf of Parish Councillors	February 2019	31%
Borough Councillors	February 2019	73%
Borough Councillors	July 2020	73% (after 2 nd reminder)
Parish Councillors	July 2020	30% *

Implementation Timetable including Future Decisions

It is recommended that the Committee receives update reports at six monthly intervals.

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

The risks associated with maintaining registers of interests rest with individual councillors and not with the Council itself.

Background Papers: None

Officers to Contact: Adrian Ward
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Karen Widdowson
Democratic Services Manager & Deputy Monitoring Officer
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MEMBER CONDUCT COMMITTEE – 21ST SEPTEMBER 2020

Report of the Monitoring Officer

ITEM 7 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 2020-21 have been agreed by full Council as follows:

30th November 2020
22nd March 2021

Meetings scheduled for 16th March 2020 and 15th June 2020 were cancelled due to other commitments during the COVID-19 crisis.

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

Officer to Contact:

Adrian Ward

Head of Strategic Support and Monitoring Officer

01509 634573

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APPENDIX

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
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.	Sept 2020 <i>(last considered 18th March 2019)</i>
Review of the Constitution	Consider details of possible amendments to the Constitution it may wish to recommend as part of the annual review process.	November 2020 <i>(last considered 2nd December 2019)</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.	November 2020 <i>(last considered 2nd December 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>
Review of the Constitution alongside CSPL recommendations	Consider details of possible amendments to the Constitution after the recommendations of the Committee on Standards in Public Life have been considered by the Government.	To be scheduled <i>(awaiting Government response)</i>