



**MEMBER CONDUCT COMMITTEE**

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To: Councillors Goode (Chair), Bradshaw (Vice-Chair), Brookes, Dent, Matthews, Roberts and Woodward(for attention)  
Councillor Ball, Ellingworth and Jones (Parish Members)

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, at the Council Offices, Southfields, Loughborough on Monday, 4th December 2023 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

24th November 2023

**AGENDA**

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 4

To confirm as a correct record the minutes of the meeting held on 18th September 2023.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to entries that are included, or should be included, on a councillor's register of interest. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were received.

5. MEMBERS CODE OF CONDUCT AND PLANNING CODE OF GOOD PRACTICE 5 - 7

A report of the deputy Monitoring Officer to brief members about the annual review of the Council's Constitution and those parts of the Constitution that relate to the roles of the Committee.

6. UPDATE ON COMPLAINTS RECEIVED 8 - 14

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

7. MCC WORK PROGRAMME 15 - 17

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

**MEETING DATES**

Meetings of the Committee during 2023/24 will be held at 6.00pm on the following dates:

11th March 2024

## MEMBER CONDUCT COMMITTEE 18TH SEPTEMBER 2023

PRESENT: The Chair (Councillor Goode)  
The Vice Chair (Councillor Bradshaw)  
Councillors Dent, Matthews, Roberts and  
Woodward  
Councillor Ball and Jones (Parish Members)

Head of Governance and Human Resources  
Democratic Services Manager  
Democratic Services Officer (NC)

APOLOGIES: Councillor Brookes and Ellingworth

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.

6. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5th June 2023 were confirmed as a true record and signed.

7. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

8. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

9. 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 Monitoring Officer noted that since the last meeting there had been 4 new complaints, this was slightly more than the average but it was too early to consider if this was an upward trend. Since the publication of the agenda the parish/town complaint undergoing fact finding had been completed and an informal resolution had been reached.

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

Reason

To keep the Committee informed about complaints.

10. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 6 on the agenda filed with these minutes).

**RESOLVED** that the Committee's current work programme be noted and updated in accordance with decisions taken during the consideration of this item and other items on the agenda.

Reason

To enable the Committee to fulfil its role in promoting and maintaining high standards of conduct by councillors and co-opted members.

NOTES:

1. No reference may be made to these minutes at the next ordinary meeting of Council 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. Councillor Jones (non-voting parish member) attended virtually.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.

## MEMBER CONDUCT COMMITTEE - MONDAY, 4 DECEMBER 2023

### Report of the Deputy Monitoring Officer

#### Part A

#### REVIEW OF MEMBERS CODE OF CONDUCT AND PLANNING CODE OF GOOD PRACTICE

##### Purpose of Report

To provide the Committee with a briefing about the annual review of the Council's Constitution and those parts of the Constitution that relate to the roles of the Committee.

##### Recommendation

That the Committee makes any recommendations regarding changes to the Council's Constitution relating to its roles that it wishes to see.

##### Reasons

To enable the Committee's views to form part of the annual review of the Council's Constitution.

##### Policy Justification and Previous Decisions

The roles of the Committee includes:

- monitoring the operation of, and advising the Council on, the adoption or revision of codes and protocols relating to standards issues which includes the Planning Code of Good Practice.
- overseeing the process for dealing with complaints that those codes and protocols have been breached and where necessary making determinations of specific complaints
- making recommendations on major amendments to the Council's Constitution which involve standards issues.

##### Implementation Timetable including Future Decisions

The Council reviews the Constitution each year. As part of the review consultation is undertaken with officers and councillors. It is planned to submit the results of the review to the Cabinet on 4<sup>th</sup> April 2024 and Council on 22 April 2024.

##### Report Implications

##### ***Financial Implications***

None

***Risk Management***

No risks have been identified with this decision.

***Equality and Diversity***

None identified.

***Climate Change and Carbon Impact***

None identified.

***Crime and Disorder***

None identified.

***Wards Affected***

None

***Publicity Arrangements***

N/A

***Consultations***

N/A

***Links to the Corporate Strategy***

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	Yes

Key Decision: No

Background Papers: None

Officer to contact: Karen Widdowson  
Deputy Monitoring Officer  
Tel: 01509 634785  
karen.widdowson@charnwood.gov.uk

## **Part B**

### Background

1. Members of the Plans Committee and the Member Conduct Committee, and the Head of Planning & Growth have been consulted by email on the following matters:
  - Arrangements for Dealing with complaints about Member Conduct (Chapter 18)
  - Members' Code of Conduct (Chapter 20)
  - Monitoring Officer Protocol (Chapter 23)
  - Planning Code of Good Practice (Chapter 24). Noting that the Member Conduct Committee last reviewed this Code in December 2021 and the Planning Service Review in 2023 identified a number of changes which were considered at Council on 6 November 2023.

At the date of the agenda despatch, no amendments or suggestions have been received from any councillors or officers.

2. The Committee is asked to consider any recommendations regarding changes to the Council's Constitution that relate to the roles of the Committee.

## MEMBER CONDUCT COMMITTEE - MONDAY, 4 DECEMBER 2023

### Report of the Deputy Monitoring Officer

#### Part A

#### 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

##### ***Financial Implications***

None.

##### ***Risk Management***

There are no specific risks associated with this decision'

##### ***Equality and Diversity***

None identified.



## **Climate Change and Carbon Impact**

None identified.

## ***Crime and Disorder***

None identified.

## **Wards Affected**

Not applicable.

## **Publicity Arrangements**

Not applicable.

## ***Consultations***

Not applicable.

## **Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	Yes

Background Papers:                      None

Officer to contact:                      Karen Widdowson  
Deputy Monitoring Officer  
01509 634785  
karen.widdowson@charnwood.gov.uk

## Part B

### Summary of Complaints received to 31<sup>st</sup> October 2023

Since the last update report to the Committee there has been 1 new complaint received.

The table in Appendix A has been updated to show the latest position in relation to the complaints received previously.

For comparative information, the following table summarises complaints received in previous years (including complaints about both Borough and Parish/Town Councils).

Year	Total Complaints
2012/13 (9 mths)	10
2013/14	6
2014/15	21
2015/16	14
2016/17	7
2017/18	10
2018/19	13
2019/20	9
2020/21	7
2021/22	6
2022/23	4
2023/24 (to date)	5

### Appendices

Appendix A – List of complaints & actions

Appendix B – Fact Finding Summaries published since the last meeting

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Borough	1	No further action or investigation	Member objected to a planning application in a biased way, did not respond to an email, and also parks irresponsibly	Not sufficiently serious enough to warrant further action or investigation		
Parish / Town	4	Investigation – no breach of the Code of Conduct found	Intimidation and bullying of a parish employee (Quorn Parish Council)			There had not been bullying or intimidation that would amount to a breach of the Code of Conduct
		No further action or investigation	Member was Chair of a committee which did not accept an apology, which was considered to be disrespectful and bullying (Birstall Parish Council)	Conduct would, if proven, not amount to a breach of the Code	Monitoring Officer suggested that mediation between the complainant (also a parish councillor) and the subject Member might be helpful	
		Informal resolution	Withholding information about a complaint against a parish employee and a fellow councillor and not following the correct complaints processes (Quorn Parish Council)		Monitoring Officer facilitated a discussion where both parties agreed a way to deal with the issues – complaint resolved informally	

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
		Ongoing – Factfinding stage	A councillor has potentially breached the code of conduct showing lack of civility and respect to another councillor. (Quorn Parish Council)			

## **FACT FINDING SUMMARY**

### **Complaint from a Councillor of Quorn Parish Council that another Member of Quorn Parish Council failed to observe the Member Code of Conduct**

#### **Complaint Ref: MC4 23/24**

A complaint ('complaint A') was submitted by a Quorn Parish Councillor ('the complainant') that another Member of Quorn Parish Council ('the subject Member') failed to observe the requirements of the Member Code of Conduct.

Complaint A alleged that the subject Member had stated that he was in possession of a complaint against the complainant and a parish council employee ('complaint B'), but when advised of the process for dealing with complaint B set out in the parish council's Complaints Procedure, the subject Member failed to follow that advice and also failed to inform both parties about the nature of the concerns raised against them within complaint B.

The complainant stated that they believed the subject Member's actions in relation to complaint B were in contravention of the Nolan Principles of Objectivity, Accountability, Openness, Honesty and Leadership.

In his response to complaint A the subject Member stated that there was a conflict between the terms of reference of the HR committee, which stated that it was responsible for complaints, and the complaints procedure, and he had therefore been seeking to arrange for a meeting of the HR Committee to consider what to do about the complaint.

He stated that he could not therefore see how he had breached the Code of Conduct.

Having considered complaint A and the subject Member's response, the Monitoring Officer was of the view that complaint A largely stemmed from procedural issues relating to the subject Member's handling of complaint B, and that this could potentially be resolved informally if both parties could agree a way forward to deal with that complaint.

The Monitoring Officer therefore met with the complainant and the subject Member and facilitated a discussion, during which both parties agreed a process for dealing with complaint B.

The member conduct complaint (complaint A) was therefore resolved informally with the agreement of both parties.

### **View of the Independent Person**

An Independent Person, Mr Michael Gibson, was consulted and agreed that the informal resolution was a satisfactory resolution of complaint A.

**Adrian Ward**  
**Monitoring Officer**

**Date: 14 September 2023**

## MEMBER CONDUCT COMMITTEE - MONDAY, 4 DECEMBER 2023

### Report of the Deputy Monitoring Officer

#### Part A

#### MCC 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 consider 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 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 for 2023/24 are as follows:

11th March 2024

##### Report Implications

##### ***Financial Implications***

none

##### ***Risk Management***

none

##### ***Equality and Diversity***

None identified.

## **Climate Change and Carbon Impact**

None identified.

## ***Crime and Disorder***

None identified.

## **Wards Affected**

Not applicable.

## **Publicity Arrangements**

Not applicable.

## ***Consultations***

Not applicable.

## **Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	Yes

Background Papers: None

Appendices: Work Programme

Officer(s) to contact: Nicky Conway,  
Democratic Services Officer (NC),  
Tel: 01509 634787,  
Nicky.Conway@charnwood.gov.uk,



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
Regular review of Members Code of Conduct and Planning Code	7th December 2015 – requested the Chair and Vice-chair of the Plans Committee and the Head of Planning and Regeneration are invited to attend the Committee on a regular basis, to review the relationship between the Planning Code and the Members' Code of Conduct. 13th December 2021 - agreed this item be reviewed on a two yearly basis.	December 2025 <i>(two yearly)</i>
Review of Constitution	Consider details of possible amendments to the Constitution it may wish to recommend within the Committee's remit as part of the annual review process	December 2025 <i>(last considered 2nd December 2019)</i>