

**MEMBER CONDUCT COMMITTEE
28TH NOVEMBER 2022**

PRESENT: Councillors Draycott, Hadji-Nikolaou, Howe, Miah
and Rollings
Councillors Ellingworth (Parish Member) and
Jones (Parish Member)

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

APOLOGIES: Councillor Murphy, Ranson, Ward and Ball

As the Chair and Vice-chair had sent their apologies for the meeting, a Chair from the members present was appointed.

RESOLVED that Cllr Rollings act as Chair for the meeting.

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He 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.

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13th June 2022 were confirmed as a true record and signed.

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

No disclosures were made.

9. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

10. 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 there had not been any further complaints since the last meeting.

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.

11. REVIEW OF THE CONSTITUTION

Considered a report of the Monitoring Officer enabling the Committee to review the parts of the Constitution that relate to its roles (item 6 on the agenda filed with these minutes).

Summary of discussion regarding amendments to Section 18:

- Section 18.4 – reserves were permitted for the initial consideration of complaints by panels of the Member Conduct Committee and would be trained as required in accordance with Section 5.5 of the Constitution
- Section 18.5 – the appointment of a suitable person was thought to be an improvement on the original wording as the Monitoring Officer considered that it would not be appropriate for him to carry out any investigation when his role was to advise the Panel at a hearing. The person would be appointed depending on the complexity of the complaint, a number of private consultants or neighbouring local authority Monitoring Officers could be used. If the complaint was a concise and isolated matter an internal officer with the requisite experience and knowledge could be appointed and it was confirmed that they would receive coaching. These examples could be included in the Constitution but it was determined that the appointment criteria should not be restricted.
- Section 18.10, the procedure for non-Code of Conduct complaints had been deleted as this was a duplication of Section 18.8. it was important that this was made clear in the Constitution.
- Access to exempt information – it was important for the rules of access to be made clear. All councillors could access exempt information that related to executive matters but as member conduct was covered under council matters it was not always appropriate for exempt information to be accessible. This was clarified in section 13 of the Constitution.

Summary of discussion regarding conflicts of members interests:

- if conflicts of members interest during a meeting were identified by the Monitoring Officer / legal team whether there were options for the councillor in question to appeal the judgement or see evidence. It was preferable for a councillor to review the meeting agenda prior to the meeting and to discuss with the Monitoring Officer if they had any concerns regarding a potential conflict of interest. It was the duty of members to have due regard to any such advice given and to consider it fully even if they chose not to follow that advice. With reference to a particular example it was noted that the previous Members' Code of Conduct would have applied.

- with reference to planning applications if a councillor represented a particular Ward and was attending a meeting where an application in that Ward was discussed whether this meant that the councillor had an automatic conflict of interest. Councillors could consider planning applications in their ward but it was important for the councillor to determine if they had an open mind and had not been involved with the application in such a way as to prejudice them. Section 7.1 (role of Ward members) of the Planning Code of Good Practice clarified that a councillor's duty whilst sitting on the Plans Committee was to the whole community and not just to the people in their Ward area.
- it could be challenging to advise and accept advice during a meeting due to the complexities of the Code of Conduct for both officers and councillors. A councillor could, if they wished, seek a short adjournment to a meeting to consider any advice given regarding conflicts of members interests.
- it could be beneficial to emphasise the responsibilities of councillors in relation to conflicts of members' interests and as Ward members in future training, with particular reference to member induction training after the local elections in 2023.

Cllr Draycott requested that it be recorded in the minutes that she was of the view that the original wording for Section 18.5 (a) was preferred.

The Democratic Services Officer agreed to share with the Committee, the webpage links to the relevant sections of the Constitution mentioned during the discussion.

RESOLVED

1. that the Committee notes the report and the content of the current sections of the Constitution relating to member conduct and the handling of member conduct complaints;
2. that the Committee recommends conflicts of members' interests is emphasised in future member training and that the Head of Planning and Growth be notified of this recommendation.

Reasons

1. To enable the Committee's views to form part of the annual review of the Council's Constitution.
2. To ensure that councillors are aware of their duties with respect to handling matters where a conflict of interest may arise.

12. 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).

The Monitoring Officer sought member's views regarding two long standing items on the work programme not yet scheduled to a future meeting. The Committee considered that it would be beneficial for 'Review of local government ethical standard

by the Committee of Standards in Public Life' and Review of the Constitution alongside CSPL recommendations' to remain on the Committee's work programme.

RESOLVED 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.

Reason

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

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting 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 the meeting virtually
3. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.