

**MEMBER CONDUCT COMMITTEE
3RD DECEMBER 2018**

PRESENT: The Chair (Councillor Tassell)
The Vice Chair (Councillor Murphy)
Councillors Bentley, Draycott, Hadji-Nikolaou,
Rollings and Ranson
Ball (Parish Member), Crick (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.

8. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 17th September 2018 were confirmed as a true record and signed.

Councillor Hadji-Nikolaou joined the meeting.

In response to a question regarding member grants the Democratic Services Manager stated that the decision had been referred to the Cabinet and that the Leader of the Council had taken an executive decision to delegate the decision making to the relevant Cabinet Lead Member. Currently Cabinet Lead Member Decision meetings were held if required prior to the routine Cabinet meeting but this process would be reviewed as part of the annual review of the constitution.

9. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

No disclosures were made.

A Parish Member noted that one of the complaints mentioned in the report for item 5 on the agenda, (Update on Complaints Received), related to the council of which he was a member and if the matter was discussed in detail he would leave the room.

10. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

11. 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 the minutes). The Democratic Services Manager noted that since the publication of the agenda there had been a further complaint relating to a borough councillor.

The Chair stated that one of the complaints relating to a Borough Councillor had required two meetings of a Member Conduct Panel, which had concluded that the Councillor had not breached the Members' Code of Conduct. She noted that he had requested to be named as Councillor Mercer.

Councillor Ranson joined the meeting.

It was noted that the matter relating to Councillor Mercer had not been straight forward as there had not been a formal written complaint and that although he had been found to not have breached the Members' Code of Conduct, additional actions had been recommended as part of the Panel findings.

RESOLVED

1. that the link to the reports and minutes of the Member Conduct Panel held on 14th November 2018 be included in these minutes;

<https://charnwood.moderngov.co.uk/ieListDocuments.aspx?CId=155&MId=247&Ver=4>

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

Reasons

1. Members of the Committee considered that the additional actions recommended by the Member Conduct Panel when considering if Councillor Mercer had breached the Members' Code of Conduct should be made available to highlight that the matter had not been straight forward.
2. To keep the Committee informed about complaints.

12. REVIEW OF THE CONSTITUTION

Considered a report of the Monitoring Officer providing 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 (item 6 on the agenda with the minutes). The Democratic Services Manager stated there was an additional matter for the Committee to consider relating to training requirements for members who sat on Audit, Licensing and Personnel Committees.

In considering whether to remove point (g) in section 2 of the Monitoring Officer Protocol in Chapter 23 of the Constitution, Members of the Committee were concerned that it could inhibit officers from raising concerns, through fear of intimidation or harassment if the only option was to make a complaint in writing. Members who sat on the recent Panel hearing relating to concerns raised about a

Borough Councillor stated that it had been perceived as a weakness of the process that the concerns had not been raised as a formal complaint and considered it had limited its ability to determine the matter.

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 section (g) of the Monitoring Officer protocol in Chapter 23 of the constitution be deleted as part of the annual Constitutional review by full Council;
3. that, as part of the annual Constitutional review by full Council, the training requirements for members of the Audit, Licensing and Personnel Committee be amended in the Constitution to state that new members of each committee must attend mandatory training or its equivalent in the current Council term to be eligible. Also, with respect to Audit and Personnel Committee members, other councillors are allowed to substitute for members of the relevant committee who are absent using procedures set out in the Committee Procedures but in order to be eligible to participate in meetings the member must have attended the mandatory training, or its equivalent, in the current Council term.

Reasons

1. To enable the Committee's views to form part of the annual review of the Council's Constitution.
2. The Committee considered that measures were already in place elsewhere in the Constitution which would safeguard officers in relation to members and noted that paragraph 27 of the Member:Officer Protocol in Chapter 22 stated:

If an officer had cause to complain about the conduct of a member they may make a complaint to the Monitoring Officer if they consider that the conduct involves a breach of the Members' Code of Conduct. If an Officer considers that the conduct does not involve a breach of the Code of Conduct but is in breach of this Protocol or other Council codes and protocols, they should make their complaint, preferably in writing, to the Monitoring Officer. The Monitoring Officer will deal with the complaint in accordance with the procedure for non-Code of Conduct complaints in Part 4 of the Constitution. In both cases officers should seek the advice of the Monitoring Officer.

3. Members considered it prudent to strengthen the training requirements for these committees to ensure members were up to date with the relevant and latest rules and regulations.

13. REVIEW OF THE PLANNING CODE OF GOOD PRACTICE

Considered a report of the Monitoring Officer providing the Committee with an opportunity to review the Planning Code of Good Practice (item 7 on the agenda filed with the minutes).

Members of the Panel were unclear whether it was necessary to include information in the Planning Code of Good Practice regarding meeting developers or applicants in public or private meetings but did consider that seeking advice from or informing the Planning Service when contacted by developers was appropriate.

It was proposed that paragraphs 8.1, 8.2, and 8.3 of the Planning Code of Good Practice was not amended.

4 voted in favour
1 voted against
2 abstained

The motion was carried. Councillor Draycott wished it to be recorded that she voted against the proposal.

RESOLVED

1. that paragraphs 8.1, 8.2, and 8.3 of the Planning Code of Good Practice are not amended;
2. that the Head of Planning and Regeneration is asked to consider implementing a process whereby ward councillors are informed when Section 106 legal agreements are signed;
3. that the Democratic Services Manager investigates the procedures of other local authorities regarding the practice of holding pre-meetings of committee members before Plans Committee meetings and that the topic is included on the agenda of a future Quarterly Plans Training event for further discussion;
4. that the Democratic Services Manager investigates procedures of other local authorities regarding asking additional questions relating to points of clarification of speakers at Plans Committee and its included into the annual review of the constitution.

Reasons

1. Members of the Committee considered that councillors were aware of the importance of seeking advice when meeting with developers and applicants and that the distinction currently in the Planning Code for Plans Committee members and all Councillors was appropriate.
2. As the Section 106 legal agreement required signing before the planning application was fully granted, members considered it relevant for Ward Councillors to know when it had been signed.

3. Members of the Committee were concerned that the benefits of including a pre-meeting of committee members before a Plans Committee had not been fully considered and that it would be of value for the topic to be considered at a Plans training event when relevant officers were present.
4. Members of the Committee considered that Plans Committee members having the opportunity to ask additional questions of speakers at Plans Committee was of value to the decision making process.

14. 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 that the Committee's current work programme be noted and updated to include the review of the Members' Code of Conduct and Planning Code of Good Practice in December 2019.

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 Council meeting on XXXX 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.