

MEMBER CONDUCT COMMITTEE
19TH MARCH 2018

PRESENT: Councillors Tassell (Vice-chair), Poland, Rollings, and Taylor

Mrs V Ball (Parish Member)
Mr D Marchant (Parish Member)

Head of Strategic Support (Monitoring Officer)
Democratic Services Manager (Deputy Monitoring Officer)
Democratic Services Officer (NC)

APOLOGY: Councillors Bentley, Gaskell, Hadji-Nikolaou and Mrs B Crick (Parish Member)

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.

The Chair of the Committee welcomed the newly appointed Parish Member to the meeting.

15. MINUTES

The minutes of the meeting held on 4th December 2017 were confirmed as a true record and signed subject to an amendment of the sound recording statement at the beginning of the minutes, such that the second sentence read as follows:

'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.'

16. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

17. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

18. GENERAL DATA PROTECTION REGULATIONS (GDPR)

Considered a report of the Monitoring Officer considering whether data protection issues relating to General Data Protection Regulations (GDPR) should be reviewed

as part of the Members' Code of Conduct (item 5 on the agenda filed with these minutes).

The Monitoring Officer noted that Parish and Town Councils could access advice and support with respect to General Data Protection Regulations from Leicestershire and Rutland Association of Local Councils (LRALC).

RESOLVED that the Committee note the explanation of additional requirements arising from GDPR and that no amendment is required to the Members' Code of Conduct.

Reason

Although there were new requirements arising from GDPR which would impact Councillors, there was already a legal requirement for them to comply with existing Data Protection legislation.

19. COMMITTEE ON STANDARDS IN PUBLIC LIFE

Considered a verbal update by the Monitoring Officer regarding the Committee on Standards in Public Life's review of local government ethical standards.

The Monitoring Officer explained that the Committee on Standards in Public Life was undertaking a review of local government ethical standards and were holding a public consultation seeking feedback from all interested parties including Councillors, Complainants, Monitoring Officers and Standards Committee members. The consultation would close on 18th May 2018.

He noted that he would be submitting a response as the Monitoring Officer and highlighted two areas that the Committee might wish to consider. These were whether to suggest higher levels of sanctions be available to the Investigating Panel if there was a breach of the Code of Conduct by a Councillor, and, although recognising the responsibility of the Borough Council to investigate potential breaches of the Code of Conduct by Parish and Town Councillors, that the Borough Council consider recharging Parish and Town Councils for the costs associated with investigations into Parish and Town Council Member Conduct complaints.

RESOLVED that the Monitoring Officer drafts a collective response for submission to Committee on Standards in Public Life as part of the public consultation on behalf of the Member Conduct Committee and emails the draft to Members of the Committee, including substitute members at this meeting, for comment within five days prior to forwarding to the Committee on Standards in Public Life.

Reason

After a lengthy discussion the Committee wished to submit a response collectively to the public consultation and address several concerns. In particular, it wished to add the option of suspension of a councillor up to six months to the range of sanctions available, to remove the word 'to ask' when a member undertakes training so it

becomes mandatory, and to suggest the recharging of the costs of investigations of complex complaints when the cost goes above a certain limit but being mindful of the size of the Parish or Town Council in question.

20. 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 7 on the agenda filed with these minutes).

The Monitoring Officer noted that there had been four complaints since the last meeting of the Committee. The fact finding review for one complaint had been completed and no further action was required. This had been supported by the Independent Person but the complaint was still within its appeal response period.

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.

21. REGISTER OF MEMBERS' INTERESTS

Considered a report of the Monitoring Officer providing an update regarding recent reminders and responses for register of members interests, including more detailed information regarding Parish and Town Councillor responses (item 6 on the agenda filed with these minutes).

The Democratic Services Manager updated the Committee that the response rate for Borough Councillors for March 2018 was 46%.

The Monitoring Officer noted that as a matter of good practice councillors were being prompted to check their Register of Members' Interests on a six monthly basis but there was no legal requirement for the Council to prompt councillors or for councillors to respond.

RESOLVED

1. that the processes for keeping the Register of Members' Interest up to date be noted;
2. that a further review of the Register of Members' Interest and the processes for ensuring it is kept up to date be considered at the Committee's meeting to be held on 17th September 2018;
3. that the Democratic Services Manager provide the Whips with names of councillors who have not yet responded to the reminder and that the Whips prompt the councillors to respond;

4. that if councillors did not respond after being prompted by the Whips, that the Democratic Services Manager place a letter and form asking Councillors for confirmation of a change or no change to their Register of Members' Interests in the relevant pigeon holes.
5. that an item regarding the Register of Members' Interests be added to the agenda of the next Parish and Town Clerks Liaison meeting to be held on 19th April 2018.

Reasons

1. Under the Localism Act 2011 (sections 29 and 30), the relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 and the Council's Code of Conduct, Members of the Council are required to disclose their own and partners disclosable pecuniary interests, and other interest.
2. The Committee wished to monitor the situation to see if the response rates could be improved by proposed measures agreed during this meeting.
3. Although recognising that it was not a legal requirement for Councillors to respond to prompts to update their Register of Members' Interests, the Committee considered the response rate of 46% was disappointing and that Councillors should be prompted to respond to the six monthly reminders.
4. The Committee considered it was important and beneficial for Councillors to be asked to consider whether their Register of Members' Interests required updating and every opportunity should be given to prompt Councillors to do so.
5. The Committee considered the response rate for Parish and Town Councils was ambiguous and did not clearly explain whether Clerks were receiving a good response rate from Parish and Town Councillors. By including this matter on the agenda of the next Parish and Town Clerks Liaison meeting it was hoped that this could be clarified and further advice be provided by Clerks regarding possible ways to increase the response rate of Parish Clerks on behalf of Parish and Town Councillors.

22. 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 a further review of the Constitution, the Members' Code of Conduct and the Planning Code of Good Practice be considered at the Committee's meeting to be held on 3rd December 2018;

2. that the results of the public consultation by the Committee on Standards in Public Life's review of local government ethical standards be added to the Committee's Work Programme and is scheduled when the report becomes available;
3. that the Committee's current Work Programme be noted and updated in accordance with the decisions taken during consideration of this item and other items on the agenda.

Reasons

1. The Committee wished to continue reviewing the Constitution, the Planning Code and Members' Code of Conduct as part of its role to provide appropriate rules and guidance with respect to ethical standards relating to planning and conduct matters.
2. Having submitted a collective response the Committee wished to receive feedback from the consultation by the Committee on Standards in Public Life's review of local government ethical standards.
3. 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 Council meeting on 30th April 2018 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 the minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.