

**MEMBER CONDUCT COMMITTEE  
13TH DECEMBER 2021**

PRESENT: The Chair (Councillor Murphy)  
Councillors Bentley, Rollings and Paling

APOLOGIES: Councillors Ranson, Ward and Ball (Parish  
Representative)

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.

19. APOLOGIES

20. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20<sup>th</sup> September 2021 were confirmed as a true record and signed.

21. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

No disclosures were made.

22. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

23. AGENDA VARIANCE

**RESOLVED**

That item 8 relating to the Members' Code of Conduct and Planning Code of Good Practice be taken first to enable officers joining the meeting remotely to contribute to the discussion on the item in a timely manner.

24. MEMBERS' CODE OF CONDUCT AND 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 8 on the agenda filed with these minutes).

The Deputy Monitoring Officer introduced the item and the Head of Planning and Regeneration helped with consideration of the item stating that the suggestion about requiring Members to attend Plans Committee or appoint some other ward member to represent them when they have Called-in a planning application was welcome and outlined potential changes to the Members Planning Code of Good Practice and the Other Committee Procedures to make this effective.

Members of the Committee were supportive of the suggested changes and

## **RESOLVED**

That it be a recommendation to Full Council that the following changes be made to the Constitution;

### **Chapter 12 (Section 12.12 (c)) – Other Meeting Procedures (Plans Committee Procedures)**

Replacement of the word ‘expected’ to ‘must’ in the following sentence ‘Ward councillors who call-in a planning application are expected to attend the Plans Committee meeting at which it is considered’.

### **Chapter 24 (Section 7.2) - Planning Code of Good Practice**

Insertion of the paragraph ‘Where a ward councillor has called in an application to Plans Committee, they will attend the meeting to explain why it has been called in and their concerns. If they are unable to attend, they should nominate a substitute to stand in for them and express their views, or submit a written statement’

#### Reason

To facilitate attendance at Plans Committee by Members who have Called-in a Planning application.

*Members of the Committee attending virtually confirmed that they would have voted in favour of the above decision had they been physically present at the meeting and able to do so.*

## 25. 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).

The Monitoring Officer noted that since the agenda had been published the Parish/Town Council investigation in progress had concluded that there had not been a breach of the relevant Code of Conduct and therefore the matter was not being pursued further.

**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.

*Members of the Committee attending virtually confirmed that they would have voted in favour of the above decision had they been physically present at the meeting and able to do so.*

26. MEMBER CODE OF CONDUCT - UPDATE

Considered a report of the Monitoring Officer setting out potential options in respect of the Member Code of Conduct (item 6 on the agenda filed with these minutes).

The Monitoring Officer introduced this report and stated that a locally amended version, set out at appendix A had been adopted by Leicestershire County Council. He highlighted factors to consider and referred to a table in the report setting out how various interest tests would apply in practice. Some of the differences were also highlighted including the requirement for compulsory training, compulsory compliance with sanctions and the different categories of interests. It was also noted that the responsibility for granting dispensations would be with the Monitoring Officer as opposed to the Member Conduct Committee which was considered practical although to date no dispensations had been received.

The following summarises the discussion;

- that it was beneficial to adopt the amended Code of Conduct adopted by Leicestershire County Council as a number of Borough Councillors were also County Councillors and provided a level of consistency.
- that there were advantages for Town/Parish Councils to adopt the same code and it suggested that the Monitoring Officer encourage all Town/Parish Councils to adopt the amended code for consistency.
- that mandatory training would be required, and members would immediately be in breach of the Code if they did not attend the training.
- the adapted LGA Code was considered more complex, particularly relating to pecuniary and personal interests. There was a discussion about the financial and wellbeing test and various examples were referenced in the meeting. It was suggested that the training include a range of examples to help members understand the complexities of the new requirements, although it was pointed out that every situation was unique. It was noted that there was extensive guidance notes available online.
- Completion of the Register of Interest forms was a concern. It was highlighted that all members following the 2019 elections completed their forms within 28 days of being elected. Thereafter a member must within 28 days of becoming aware of any changes or circumstances must update their form. Six monthly email reminders from the Democratic Services are also issued.

## RESOLVED

That it be recommended to full Council that the amended Code of Conduct developed by a group of Leicestershire Monitoring Officers and adopted by Leicestershire County Council and based on the LGA national Code of Conduct should be adopted with effect from the 2022/23 civic year.

### Reason

To determine which option for a Members' Code of conduct the committee considers to be most suitable.

*One member of the Committee attending virtually confirmed that they would have voted in favour of the above decision had they been physically present at the meeting and able to do so. One Member of the Committee attending virtually abstained from voting.*

## 27. CODE OF CONDUCT - COMPLAINTS PROCEDURE

Considered a report of the Monitoring Officer setting out differences between Charnwood's agreed procedure for dealing with Member conduct complaints, and the Local Government Association's recently produced Guidance on Member Model Code of Conduct Complaints Handling (the 'LGA Guidance') (item 7 on the agenda filed with these minutes).

The Monitoring Officer introduced the report and stated that the LGA guidance had been produced in conjunction with the new Model Councillor Code of Conduct. Given that the Committee had in the previous agenda item recommended to Full Council that the locally amended LGA Code of conduct be adopted, he described the main differences between the LGA Guidance and the current Charnwood procedures and asked the Committee to recommend any changes to Council as part of the annual review of the Constitution.

The following summarises the discussion;

- there was currently a right of appeal at the fact-finding stage in Charnwood procedures and it was considered removing the right of appeal for a complainant against a decision not to progress their complaint at the initial fact-finding stage was against the principles of natural justice and as such was not supported.
- expanding the procedure to provide further details of options for informal resolution of complaint was not supported as this was already an established practice.
- there was currently a right of appeal in Charnwood procedures after a hearing if there was a breach of procedure or new information had come to light and it

- was considered removing the right of appeal after a hearing which has determined that a Member had breached the Code of Conduct of their authority was against the principles of natural justice and as such was not supported.
- investigations can take a considerable length of time to undertake impacting the wellbeing of the person being investigated and the requirement to complete investigations within 6 months was welcomed.
  - introducing further potential sanctions was supported.

## **RESOLVED**

1. That it be recommended to full Council that a requirement for investigations to be completed within 6 months and potential further sanctions be introduced.
2. That delegated authority be given to the Monitoring Officer to make the required proposed amendments to the Constitution to be recommended to full Council for adoption.

## **Reasons**

1. To ensure Charnwood's procedure for dealing with Member conduct complaints is aligned with best practice as set out in the LGA guidance
2. To ensure that amendments supported can be recommended to full Council for adoption in an expeditious manner.

*Members of the Committee attending virtually confirmed that they would have voted in favour of the above decision had they been physically present at the meeting and able to do so.*

## 28. **WORK PROGRAMME**

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 9 on the agenda filed with these minutes).

The following changes were made to the work programme:

### **Register of Members' Interests**

Noted that the recent reminder response rate was only 13.46%. However, it was established that Members were only asked to respond if they had changes thereon explaining the low response rate. It was suggested that the reminder email be amended so that all members are asked to respond whether or not they have a change. Agreed that in future poor response rates be followed up with the Group Whips' and therefore this item be removed from the work programme.

### **Regular Review of Members Code of Conduct and Planning Code**

Considered that an annual review was unnecessary. Two yearly review to be undertaken with the next review December 2023.

**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.

Members of the Committee attending virtually confirmed that they would have all been content to note the above action had they been physically present at the meeting and able to do so.

NOTES:

1. Councillors Draycott and Hadji-Nikolaou attended this meeting virtually. This was to limit the members of the Committee in the meeting room to quorum only given the position with Covid 19. Decisions were taken only by Committee members physically present at the meeting.
2. The following Parish representatives and officers listed as present attended this meeting virtually: Head of Planning and Regeneration, Eric Ellingworth, Parish representative and Julie Jones Parish representative.
3. No reference may be made to these minutes at the Council meeting on 17<sup>th</sup> January 2022 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.
4. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.