

**CORPORATE GOVERNANCE COMMITTEE - 25TH SEPTEMBER
2015**

REPORT OF THE COUNTY SOLICITOR

**ANNUAL REPORT ON THE OPERATION OF THE MEMBERS' CODE
OF CONDUCT 2014/15**

Purpose of Report

1. This report fulfils the requirement for the Monitoring Officer to report to the Committee on an annual basis on the operation of the Members' Code of Conduct in accordance with a decision of the Committee on 24th September 2012.

Background

2. In the light of the changes introduced in the Localism Act 2011 a new Members' Code of Conduct was adopted at the County Council meeting on 4th July 2012 following prior consideration at the Constitution Committee on 22nd June and the Corporate Governance Committee on 29th June that year.
3. The effect of the changes was to give this Committee responsibility for dealing with matters relating to the Code of Conduct for Members.
4. Detailed arrangements for dealing with allegations against Members were considered by this Committee on 24th September 2012 and a procedure for dealing with allegations was agreed.
5. The Committee received the report on 26th November 2012 to address concerns which had been received as to the steps which could be taken in the event that a Member who had been the subject of complaints processes refused to comply with the outcome of those procedures. Concerns were expressed at the lack of sanctions in the regime for dealing with the conduct of Members in the light of changes to the legislation and the Committee asked that in the event of non-compliance, the Monitoring Officer report the cases to this Committee. To date this situation has not arisen.

Complaints received under the Members' Code of Conduct

6. Since August 2014 no complaint has been received by the Monitoring Officer under the Members' Code of Conduct

Independent persons

7. As a preliminary to this report the three people appointed as Independent Persons under the Members' Code of Conduct have been approached and have confirmed their willingness to continue in that role.

Clarification for Members declaring interest.

8. As a result of discussions with one or two Members in the last couple of months it would probably be of assistance to all members to clarify the circumstances in which a Member with an interest in a matter should declare that when involved in discussions with officers.
9. The position is that where a Member is approached by an officer by way of consulting him/her on a matter within his/her division then the Member should disclose any personal interest which the Member may have in the matter to that officer. Given the consultation will usually be in the form of a letter or email the Member should include within any written response mention of the interest. If the approach from an officer is in person or over the telephone then the Member should declare the interest at the outset of the discussion. The same principles apply where a Member wishes to approach an officer to discuss a matter with that officer.

Recommendation

10. The Committee is asked to note this Report.

Equality and Human Rights Implications

None.

Background papers

Guide to the Leicestershire County Council Members' Code of Conduct

Leicestershire County Council's Procedure for dealing with allegations of a breach of the Members' Code of Conduct.

Report to the Corporate Governance Committee on 24 September 2012 - 'Arrangements for dealing with Member Conduct Complaints'

Report to the Corporate Governance Committee on 23 September 2014 – 'Annual Report on the operation of the Members Code of Conduct 2013/14'

Circulation under the Local Issues Alert Procedure

None.

Officer to contact

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