



CORPORATE GOVERNANCE COMMITTEE – 23 JULY 2021

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

ANNUAL REPORT ON THE OPERATION OF THE MEMBERS' CODE OF CONDUCT 2020/21

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. The Members' Code of Conduct was adopted at the County Council meeting on 4th July 2012 and at the same time the Council gave this Committee responsibility for dealing with matters relating to the Code. 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. These were reviewed and updated by this Committee in September 2017.

Complaints received under the Members' Code of Conduct

3. Since July 2020 there have been six complaints (relating to four members) received by the Monitoring Officer under the Members' Code of Conduct. These complaints were resolved as set out below and a comparison with the previous year is included for information:

Outcome of complaint	Number of members	
	2019/20	2020/21
Complaint withdrawn / not progressed by complainant	3 (1 complaint)	1
Complaint did not meet threshold for further investigation as set out in the 'initial test'	2	4 (2 complaints relate to one member but different events and 2 complaints relate to one member arising out of the same event)

Complaint resolved informally	1	0
Complaint considered by Member conduct panel -	0	1 (see below)
Complaints being considered at the initial stage (as at 13 July 2021)		0

There are no trends in relation to the subject matter or in relation to the members who have been the subject of a complaint except to note that:

Member Conduct Panel

4. One case was presented to the Member Conduct panel relating to a breach of confidentiality/Data Protection Act issues and a failure to show the complainant respect. The Panel resolved:
 - (a) That the early assessment report of the Deputy Monitoring Officer be noted.
 - (b) That the views of the Independent Person, Mr Grimes, be welcomed and noted.
 - (c) That the elected member's acceptance of the Data Protection/GDPR issue and their agreement to issue an apology in this regard be noted and supported.
 - (d) That no further action be taken in respect of the tone and content of the email exchange between the member and the complainant.

The Panel was of the view that the email exchange which gave rise to the complaint showed evidence that the elected member had been critical of the comments made by the complainant but the panel considered these in the context of the issue being discussed (i.e. a planning matter) which were often emotive and caused heightened tensions. The Panel unanimously agreed that the emails sent by the member concerned did not cross the threshold into showing disrespect. The Panel was of the view that the informal resolution of the Data Protection/GDPR issue through the issuing of an apology by the member was proportionate and appropriate.

5. As members will be aware, complaints alleging failure to register a Disclosable Pecuniary Interest are matters for consideration by Leicestershire Police as the Localism Act 2011 has made such failures a criminal offence. No such complaints have been received during the period under review.

Independent Persons

6. At its meeting on 12 June 2020, the Committee approved the proposal to undertake a joint recruitment process with the Leicester, Leicestershire and Rutland Combined Fire Authority for the appointment of Independent Persons

from 30 September 2020 for a term of four years.

7. During the last year at its meeting on 30 September 2020, following a recruitment exercise in which members participated, the Council appointed a panel of Independent Persons as required by the Localism Act 2011 for a period of four years and expressed thanks to the outgoing Independent Persons.

Local Government Association (LGA) Model Code of Conduct

8. In May 2019, the Committee received and commented on the report of the Committee on Standards in Public Life (CSPL) which outlined the findings of its review of local government ethical standards. One of the recommendations of the CSPL's review was that the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. The LGA subsequently held a consultation regarding the new Model Code of Conduct (the Committee previously commented on the Council's draft response to the consultation) and it has now issued a revised Code. At present the guidance to accompany the Code is awaited and discussions are ongoing with the Monitoring Officers of the lower tier authorities in Leicestershire with a view to seeking commonality of code across the county council and district councils as far as possible which it is hoped will assist dual-hatted members.

It is expected that the revised Code will be subject to a further report to this Committee in the autumn to consider whether to recommend to the Council that the new model LGA code (with any local variations) be adopted as part of the Council's Constitution.

Recommendation

9. The Committee is asked to note this Report.

Equality and Human Rights Implications

10. None arising from this report.

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'

<http://politics.leics.gov.uk/mgAi.aspx?ID=32133>

Report to the Corporate Governance Committee on 26 November 2012 -
'Arrangements for dealing with Member Conduct Complaints'

<http://politics.leics.gov.uk/mgAi.aspx?ID=33035>

Report to the Corporate Governance Committee on 12 June 2020 and County
Council on 30 September 2020 – 'Appointment of Independent Persons':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=6287&Ver=4>

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=6041&Ver=4>

Report to the Corporate Governance Committee on 10 May 2019 – 'Ethical
Standards in Local Government'

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=5854&Ver=4>

Report to the Corporate Governance Committee on 24 July 2020 – 'LGA Model
Code of Conduct Consultation'

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=6055&Ver=4>

Circulation under the Local Issues Alert Procedure

None.

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