



## **CORPORATE GOVERNANCE COMMITTEE – 23<sup>rd</sup> SEPTEMBER 2022**

### **REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE**

### **ANNUAL REPORT ON THE OPERATION OF THE MEMBERS' CODE OF CONDUCT 2021/22**

#### **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 the decision of this Committee on 24<sup>th</sup> September 2012. It also provides an update on the Government's response to date on the recommendations made by the Committee on Standards in Public Life back in 2019.

#### **Background**

2. An updated Members' Code of Conduct was adopted at the County Council meeting held on 1<sup>st</sup> December 2021 following the introduction of a model Code developed by the LGA in response to the recommendations made by the Committee on Standards in Public Life in 2019.
3. This Committee has responsibility for dealing with matters relating to the Code. Detailed arrangements for dealing with allegations against Members were considered and agreed by this Committee on 24<sup>th</sup> September 2012. These were subsequently reviewed and updated by this Committee in September 2017.

#### **Complaints received under the Members' Code of Conduct**

5. Since July 2021 there have been 8 complaints (relating to 6 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	
	2020/21	2021/22
Complaint withdrawn / not progressed by complainant	1	0

Complaint outside of the scope of the Code		3 (2 in relation to one member from the same complainant)
Complaint did not meet threshold for further investigation as set out in the 'initial test'	4 (2 complaints relate to one member but different events and 2 complaints relate to one member arising out of the same event)	2 (arising from one complainant and the same events relating to 2 members)
Complaint resolved informally (and advice offered)	0	2
Complaint considered by Member conduct panel -	1	1 -No finding of breach following independent investigation
Complaints being considered at the initial stage (as at 2 August 2022)	0	0

6. There are no particular trends in relation to the subject matter or in relation to the members who have been the subject of a complaint.

### **Member Conduct Panel**

7. One case was presented to the Member Conduct Panel which directed that there be an independent investigation. The investigation was undertaken by a former Monitoring Officer and involved interviews with the complainant, the subject member and various others who were referred to in the complaint. The investigation report was presented to the Panel and as no finding of breach of the Code had been identified, the Monitoring Officer exercised her discretion as provided for in the Council's Procedures for Handling Member Conduct Complaints, following consultation with the Independent Person and determined that no further action was required. This was because:
- The investigator was an experienced former Monitoring Officer and had the requisite skills to undertake an investigation and to assess and weigh the evidence.
  - It was clear that a thorough investigation had been undertaken and all relevant people had been interviewed.
  - The findings of the investigator were wholly unambiguous.
  - The investigation had been peer reviewed by Hoey Ainscough who are acknowledged leaders in the field of member conduct issues.

- There was no reason to depart from the Council's procedures which envisage that there will be no further action (following the views of the independent person being taken into account) in the case of an investigation finding no breach.
- The investigation had taken longer than would have been expected and the investigator had offered his apology for this and explained that he had had a period of ill health during the course of the investigation which had delayed the outcome. It was appropriate and in the interests of fairness to bring the matter to a conclusion as quickly as possible in light of this.

### **Local Government Association (LGA) Model Code of Conduct and related guidance**

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.
9. Attached as an Appendix to this report is a summary of the recommendations of the CSPL's review and an update on the Government's response so far with commentary on how this relates to the County Council's position.
10. In line with its recommendations, the LGA created an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. The County Council adopted this Code with local variations following discussions with the Monitoring Officers for all district councils in Leicestershire. The aim was to agree a common Code across the County Council and district councils so as to assist dual-hatted members.
11. The County Council and all district councils have now adopted the locally amended LGA model Code and training has been offered to all members on that Code by the County council.
12. The LGA has issued guidance to support the model Code and this will now be used in support of the Council's revised Code to ensure best practice is followed. A copy of the guide can be accessed via the LGA website: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>
13. A review is being undertaken of the LGA guidance on the procedures for the investigation of complaints to identify if there are any best practice issues which the Council may wish to consider adopting as part of its own procedures; if there are to be any substantial amendments, this will be brought back to this Committee. Minor amendments will be progressed by the Monitoring Officer following consultation with the Chair and Spokespersons for the Committee.
14. One proposed change in line with the guidance is to annually share on an informal basis with the Chair and Spokespersons a more detailed summary of the complaints made and decisions taken each year that for confidentiality reasons cannot be contained in this report. The aim of this will be to provide a clearer picture of issues arising within the Authority and to provide additional

assurance that decisions made either by the Monitoring Officer or the Member Conduct Panel are broadly reasonable in the whole. The proposed approach will ensure such assurance can be provided whilst also protecting the privacy of complaints and members where no breach is identified.

### **Recommendation**

15. The Committee is asked to note the contents of this report and comment on the proposed approach to brief the Chair and Spokespersons of the Committee in more detail on complaints and decisions taken each year to provided added assurance to members in line with up to date guidance.

### **Equality and Human Rights Implications**

16. None arising from this report.

### **Background papers**

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 10 May 2019 – 'Ethical Standards in Local Government'

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

Report to County Council on 1 December 2021 – 'Code of Conduct and Protocol on Member/Officer Relations'

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=6480&Ver=4>

### **Circulation under the Local Issues Alert Procedure**

None.

### **Officer to contact**

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### **Appendices**

- Appendix - Government response to recommendations of the Committee on Standards in Public Life