



**CORPORATE GOVERNANCE COMMITTEE – 22ND SEPTEMBER
2023**

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

**ANNUAL REPORT ON THE OPERATION OF THE MEMBERS' CODE
OF CONDUCT 2022/23**

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 24th September 2012.

Background

2. An updated Members' Code of Conduct was adopted at the County Council meeting held on 1st 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 24th September 2012. These were subsequently reviewed and updated by the Director, following Consultation with the Chairman and Spokespersons of this Committee, in September 2017. These arrangements were again reviewed in 2021 alongside the introduction of the new Code but at that time no changes were considered necessary. Following further assessment, a small change is now proposed as set out in the report below.

Complaints received under the Members' Code of Conduct

5. Since July 2022 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	
	2021/22	2022/23
Complaint withdrawn / not progressed by complainant	0	1 (Complaint out of scope and complainant refused to allow detail to be shared with member).
Outcome of complaint	Number of members	
	2021/22	2022/23
Complaint outside of the scope of the Code i.e. relating to the activities of a the member in their private capacity	3	5 (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'	2 (arising from one complainant and the same events relating to 2 members)	0
Complaint resolved informally (and advice offered)	2	1
Complaint considered by Member conduct panel -	1 -No finding of breach following independent investigation	0
Complaints being considered at the initial stage (as at 5 September 2023)	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. All of the complaints have been by members of the public.
7. In all cases, the complaints have been referred by the Monitoring Officer to one of the Independent Persons appointed by the County Council under the provisions of the Localism Act 2011 for the purposes of giving a view on complaints submitted.

Staff Survey

8. The results of the biennial staff survey undertaken earlier this year are being reviewed and for the first time since 2012 the survey has asked questions about staff engagement with Members. Any issues arising from this exercise will be reported to the Committee at the appropriate point.

Independent Persons

9. The County Council appointed six Independent Persons in 2020 and their term of office will expire in September 2024. Over the next 12 months therefore arrangements will need to be made to recruit or reappoint the Independent Persons since this is a statutory requirement. This exercise will be undertaken through an Independent Persons Appointment Committee which will make recommendations to the Constitution Committee on the appointments.
10. The Independent Persons have attended a training session on the operation of the complaints process and best practice in managing complaints. The training was provided by an independent specialist provider (Hoey Ainscough Associated Ltd) and was well received.
11. An informal meeting takes place with the Independent Persons (IPs) twice a year at which there is an opportunity to reflect on collective learning and best practice and to update the IPs on any issues arising.
12. It is intended that a protocol for engagement with the IPs is developed and introduced along the lines of the draft attached as an Appendix to this report which will shortly be subject to consultation with the IPs. Once finalised, it is proposed that this will be appended to the Procedure for Handling Member Conduct Complaints.

Recommendation

13. The Committee is asked to note the contents of this report and provide any comments or observations on the draft protocol.

Equality and Human Rights Implications

14. 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>

Circulation under the Local Issues Alert Procedure

None.

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Appendices

Appendix - Draft IP protocol