

## GOVERNANCE COMMITTEE

28 JANUARY 2014

### REPORT OF MONITORING OFFICER

#### CODE OF CONDUCT – UPDATE ON PROGRESS

##### 1.0 PURPOSE OF REPORT

- 1.1 To update the Committee on the latest position with regard to standards matters including the Code of Conduct, the Registration of Disclosable Pecuniary Interests and Other Interests and any complaints against Councillors dealt with under the Council's process.

##### 2.0 RECOMMENDATIONS

- 2.1 **The update on the position of standards matters including Parishes' Codes of Conduct, Registration of Disclosable Pecuniary Interests and Other Interests and complaints against Councillors dealt with under the new system is noted.**

##### 3.0 KEY ISSUES

###### 3.1 Registration of Disclosable Pecuniary Interests and Other Interests

Members are continuing to update their original forms as new issues are raised or they are subject to a change in circumstances.

Work with the parishes is ongoing to ensure all Parish Councillors' Registration of Disclosable Pecuniary Interests and Other Interest Forms are completed and are available on the website.

###### 3.2 Code of Conduct

All Parish Councils have now advised that they have adopted a Code of Conduct under the requirements of the Localism Act.

###### 3.3 Complaints Process

The current Complaints Process has been applied to 13 complaints so far and 3 have been completed at informal resolution stage without the need to be referred to the Governance Committee. 7 others have been considered by the Governance Committee; 2 have resulted in being referred for investigation, 1 resulted in other action and the outcome of the other 4 was no action.

There are 3 complaints are in process.

With regard to the 2 complaints referred for investigation, the Investigating Officer's reports are awaited and when received, these will be considered by the Governance Committee.

Guidance notes on the complaints process were agreed at Full Council on 11 December 2013.

#### 3.4 Committee Training

Further training will be arranged to support the Committee in dealing with Code of Conduct matters as required.

#### 3.5 Independent Persons and Parish Representatives

The Independent Persons have been consulted on 7 complaints and provided a view on these cases.

A Parish Representative has been consulted and assisted with one complaint that involved a Parish Councillor.

The Independent Persons meet on a regular basis with the Monitoring Officer to discuss issues and generally keep up to date with feedback.

At the last meeting on 12 December 2013, the Independent Persons reported back on a conference they attended. It was a national conference looking at the role of Independent Persons in the complaints process.

It was reported by the Independent Persons that they felt Melton was using their Independent Persons appropriately and that the system appeared to them to be working well. This was not the case in all other areas. One of the Independent Persons has stated :-

*"On 10 December 2013 together with Mr Len Tempest I attended a workshop to review the operation of the IP process over the last 18 months. The delegates were drawn from a wide range of Local Authorities. Feedback on the way that the new process was working was given by delegates. It was apparent that the standards regime within Melton Borough Council was working very well and the role of the Independent Persons was well defined. The process agreed locally was fully meeting the needs of both the Localism Act and giving assurance to the public that complaints were properly dealt with. In particular the written submissions given by the IPs were considered to be the best way of giving independent views to the committee. It was apparent that elsewhere there were difficulties in interpreting the IP's role and that the independence aspect may be compromised by exceeding the remit of the role and that some authorities seemed to be re-creating the former standards regime. Delegates were impressed with the arrangements at Melton BC and felt that that the processes and procedures that had been adopted were a good example of best practice. The regular meetings between the IPs and the Monitoring Officer were also held to be of great value."*

#### 4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 Strong Corporate Governance is important in order to ensure high standards of conduct are maintained.

## 5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 The implementation of the new requirements is impacting on democracy related resources with particular regard to the Parish requirements.

## 6.0 LEGAL IMPLICATIONS/POWERS

6.1 Of particular note in the Localism Act is the change making the non-registration of a disclosable pecuniary interest within 28 days a criminal offence.

## 7.0 COMMUNITY SAFETY

7.1 There are no specific community safety implications in this report.

## 8.0 EQUALITIES

8.1 An Equalities Screening Assessment has been completed and is available on the Council's website at this link :-  
[http://www.melton.gov.uk/equalities\\_and\\_diversity/equality\\_impact\\_assessments.aspx](http://www.melton.gov.uk/equalities_and_diversity/equality_impact_assessments.aspx)

## 9.0 RISKS

9.1 The impact of the changes and implementation to meet the requirements of the Localism Act will need to be managed to minimise any risk to the Council's reputation or otherwise.

## 10.0 CLIMATE CHANGE

10.1 Publishing the Registration of Disclosable Pecuniary Interest forms and information on the Councillor Complaints process to the website encourages paper free access to information and helps to meet the Council's green targets.

## 11.0 CONSULTATION

11.1 There has been consultation with Parish Councils on options for meeting the new legislation.

## 12.0 WARDS AFFECTED

12.1 All indirectly.

Date: January 2014

Appendices: None

Background Papers: Localism Act 2011  
Minutes of Council Meeting held on 18 July 2012  
Minutes of Council Meeting held on 17 July 2013  
Previous Minutes of Standards Committee  
Previous Minutes of Governance Committee

Reference: Cttees, Council & Sub-Cttees/Governance/2013-14/280114/Code of Conduct – Update on Progress