

GOVERNANCE COMMITTEE

20 NOVEMBER 2012

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 Interests and any complaints dealt with under the new system.

2.0 RECOMMENDATIONS

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

3.0 KEY ISSUES

3.1 Registration of Disclosable Interests

Members are aware that should a matter be raised at a meeting or at any time in which they have a disclosable interest that is not included on their annual form, they will need to complete a new shortened version of the Registration of Interests form as soon as possible after the meeting and this too will be published to the web. The new summarised version of the form is available from Committee Administrators at Council and Committee meetings for Members to complete and forward to the Monitoring Officer within 28 days of being aware of the interest.

3.2 Code of Conduct – Parish Councils

Since the adoption of the Council's Code of Conduct and the new Registration of Disclosable Interests form at the Full Council meeting on 18 July 2012, Parish Councils have been offered the opportunity to adopt the MBC Code of Conduct and Registration of Disclosable Interests form. There have been training sessions for the parishes on the new legislation in the run up to it being introduced and parishes were offered various options for adopting a new Code of Conduct that met the new legislation. Extensive correspondence and liaison is currently taking place with them whilst they finalise their arrangements.

The latest guidance provided to the parishes is that once they have adopted a code be it the MBC code or the National Association of Local Councils (NALC) model, then they may use the MBC Registration of Interests form as this complies with the content of both codes. We are continuing to work with the parishes to help them in signing up to these documents and in publishing their registration of disclosable interests' forms to a website, whether it is the MBC site or their own.

3.3 New Complaints Process

The new Complaints Process has been applied to 3 complaints so far. In accordance with the new procedure the full detail of the complaint was made available to the Councillors concerned. The Monitoring Officer liaised or met with the Councillors involved as part of the initial informal resolution part of the process and reported back to the complainant on the outcome of these consultations. So far only one of the complainants has indicated that they wish the matter to be progressed further.

3.4 Committee Training

Further training is being arranged to support the Committee, specifically on the hearings procedure. An overview training session on the Code of Conduct and complaints process for Councillors and Parish Councils is also being organised.

3.5 Independent Persons

Quarterly meetings have been set up with the Monitoring Officer to enable all to keep up-to-date on code of conduct and related matters. The first of these meetings will be held on 28 November 2012.

The Independent Persons attended a training event at Lincoln on 18 October 2012 and feedback on this will form part of the next meeting's agenda. It is anticipated that this event provided them with the opportunity to network with other Independent Persons and bring back experiences and knowledge from other authorities to the Council.

It is important that Members are aware that the Independent Persons are also available for consultation by Members who are the subject of a complaint. However, such liaison would immediately exempt that Independent Person from being part of the complaint process for that subject Member in the future.

3.6 Monitoring Officer Advice

Since the introduction of the new code, the Monitoring Officer has given advice on the following:-

- Parish Council Complaints process
- Decision-making on planning matters
- Spouse/co-habiting partner's disclosable interests
- Dual-hatted Members' interests in relation to the MLDF
- Parish Councillors' Term of Office
- Amending Code of Conduct to suit Parish Council circumstances
- 3 complaint forms had been sent following initial enquiry

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 Democratic Services resources with particular regard to the Parish requirements.

6.0 LEGAL IMPLICATIONS/POWERS

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

7.0 COMMUNITY SAFETY

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

8.0 EQUALITIES

8.1 An equality impact assessment has been completed.

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 Registration of Disclosable 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.

Contact Officer: Angela Tebbutt, Monitoring Officer

Date: 31 October 2012

Appendices: None

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

Reference: C'tees, Council & Sub-C'tees/Governance/2012-13/20-11-12/Code of Conduct – Update on Progress