

# Agenda

<b>Meeting name</b>	<b>Meeting of the Council</b>
<b>Date</b>	<b>Thursday, 27 March 2025</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Council are summoned to the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	T. Webster (Chair)	J. Adcock
	P. Allnatt	I. Atherton
	S. Atherton	M. Brown
	R. Browne	S. Butcher
	S. Carter	R. Child
	D. Chubb	M. Clay
	H. Cliff	S. Cox
	P. Cumbers	C. Evans
	A. Freer	M. Glancy
	M. Gordon	L. Higgins
	S. Lumley	J. Mason
	J. Orson	S. Orson
	D. Pritchett	R. Sharp
	A. Thwaites	

**Quorum:** 14 Councillors

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 19 March 2025

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the Minutes of the previous meeting held on 27 February 2025.	1 - 8
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	<b>MAYOR'S ANNOUNCEMENTS</b>	
5.	<b>LEADER'S ANNOUNCEMENTS</b>	
6.	<b>PUBLIC QUESTION TIME</b> In accordance with the Constitution, Members of the Council may answer questions from the public of which notice has been given.  No questions were received by the deadline. All confirmed questions will be circulated after the deadline.  <b>Deadline for questions – Thursday 20 March, 12pm</b>	
7.	<b>QUESTIONS FROM MEMBERS</b> In accordance with the Constitution, a Member may ask the Leader, a Portfolio Holder, the Chair of the Council or a Committee Chair, a question on any matter in relation to which the Council has powers or duties or which affects the Borough.  No questions were received by the deadline. All confirmed questions will be circulated after the deadline.  <b>Deadline for questions – Thursday 20 March</b>	
8.	<b>MOTIONS ON NOTICE</b> In accordance with the Constitution, motions on notice must be signed by at least two Members and be about matters for which the Council has a responsibility or which affect the Melton Borough.  One motion was received by the deadline.  <b>Households affected by flooding events</b>  The following motion was received from Councillor Thwaites (Seconded by Councillor Butcher).  That Melton Borough Council recognises the devastation of the flooding events on a number of households in the Borough.	

	<p>Some families had to leave their homes while their homes were and still are being repaired. They are potentially paying Council Tax on their new accommodation and their flooded home. That cannot be right.</p> <p>Melton Borough Council is asked to:</p> <ul style="list-style-type: none"> <li>• support its residents by being small enough to care and acknowledges that this unfairness is through no fault of the residents impacted by flooding.</li> <li>• note that to ensure the burden doesn't fall on Melton residents alone, Melton Borough Council would need support from all other precepting authorities, including Leicestershire County Council, the Police, Fire and Parish Council's to agree to forgo up to 3 months Council Tax while homes were uninhabitable due to a natural disaster event caused by flooding on 6 January 2025.</li> </ul> <p>Cabinet is asked to:</p> <ul style="list-style-type: none"> <li>• write to all precepting authorities seeking their support in meeting their proportion of the financial costs arising from a rebate of council tax for those residents unable to inhabit their property following the flood event in 2025, reflecting the period those affected were unable to occupy their homes, up to a maximum of three months.</li> <li>• should support be provided from all precepting authorities, consider the financial implications for MBC, and confirm whether they wish to implement such a scheme.</li> <li>• accompany any rebate (should it be agreed) with prevention advice as to how the rebate could assist towards making the home to be flood ready in the future.</li> </ul>	
9.	<p><b>RECOMMENDATIONS AND REPORTS FROM COMMITTEES - AMENDMENTS TO ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS AND HEARING PROCEDURE RULES</b></p> <p>To receive a report from the Audit and Standards Committee on amendments to arrangements for dealing with standards complaints and hearing procedure rules.</p>	11 - 52
10.	<p><b>GOVERNANCE REVIEW</b></p> <p>To consider a report on the Governance Review.</p>	53 - 60
11.	<p><b>PROCEDURE AND RULES FOR MEMBERS' QUESTIONS</b></p> <p>To consider a report on the procedure and rules for the Members' questions segment at Council.</p>	61 - 70
12.	<p><b>DEVOLUTION WHITE PAPER UPDATE</b></p> <p>The Leader is to provide an update on the Devolution White Paper.</p> <p><b>Appendices to follow.</b></p>	71 - 78

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# Minutes

<b>Meeting name</b>	<b>Council</b>
<b>Date</b>	<b>Thursday, 27 February 2025</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH</b>

## Present:

**Chair** Councillor T. Webster (Chair)

**Councillors**

J. Adcock	P. Allnatt
I. Atherton	S. Atherton
M. Brown	R. Browne
S. Butcher	S. Carter
R. Child	D. Chubb
M. Clay	H. Cliff
S. Cox	P. Cumbers
C. Evans	M. Glancy
M. Gordon	L. Higgins
S. Lumley	J. Mason
J. Orson	S. Orson
D. Pritchett	R. Sharp
A. Thwaites	

**Officers**

- Chief Executive
- Director for Housing and Communities (Deputy Chief Executive)
- Assistant Director for Governance and Democracy (Monitoring Officer)
- Director for Corporate Services
- Director for Place and Prosperity
- Senior Democratic Services and Scrutiny Officer
- Democratic Services Officer (BG)

The Reverend Dr Mary Barr offered prayers.

Minute No.	Minute
CO62	<p><b>APOLOGIES FOR ABSENCE</b> Apologies for absence were received from Councillors Freer and Hewson.</p>
CO63	<p><b>MINUTES</b> Councillor Gordon clarified the following:</p> <ul style="list-style-type: none"> <li>• In relation to CO50, she clarified that at the meeting held on 12 February 2025 she had made an error when referring to CO46 of the meeting held on 5 December 2024 and that she would like to apologise to Council for the error that she had made.</li> <li>• In relation to CO51, Councillor Gordon clarified that her interest was because she is a tenant of a Council-owned property.</li> </ul> <p>The Minutes of the meeting held on 12 February 2025 were confirmed.</p> <p>(For 24, Against 0, Abstentions 2)</p>
CO64	<p><b>DECLARATIONS OF INTEREST</b> An other registrable interest in respect of Councillor J. Orson was noted as being on record for any matters which relate to the Leicestershire County Council.</p>
CO65	<p><b>MAYOR'S ANNOUNCEMENTS</b> The Mayor stated that as it had only been two weeks since the last Council meeting, he had not been to many engagements and therefore he would cover these at the next Council meeting in March.</p> <p>The Mayor did take the opportunity to inform Members that the Melton Borough Council flag is being flown at half-mast in memory of and in respect for a previous serving Member and former Mayor, Mrs Barbara Hart, who passed away on Sunday (23 February 2025).</p> <p>The Mayor explained that Mrs Hart served as a Borough Councillor from 1974 to 1991 and was Mayor from 1988 to 1989. She also served as Chair of the Housing Committee from 1979 to 1982 and again from 1984 to 1987.</p> <p>Members were informed that the Council had received an email in from Mrs Hart's daughter, Dawn Carlile, who stated the following:</p> <p><i>"Thank you so much for sending me this information about flying the borough flag at half-mast. As a family we are very touched the Council have taken these steps and I know how much it would have meant to my mum. She loved her work at the Council and was committed to serving people of Bottesford and the Borough of Melton during her time as Councillor."</i></p> <p>The Mayor then conveyed that Members' thoughts are with Mrs Hart's family and</p>

	<p>friends at this sad and difficult time.</p>
<p>CO66</p>	<p><b>LEADER'S ANNOUNCEMENTS</b></p> <p>On the 13 February, the Leader chaired the Landlord Assurance Board. Other Councillors present were Margaret Glancy, Jim Adcock and Mike Brown. The Landlord Assurance Board was created before the Regulator's inspection last year and is not a requirement, but it is good practise. The Leader explained that now the Council are considered an exemplar of good practise. The Board provides a forum in which the Council's duties as a social landlord may be monitored by a cross-section of tenants, who have received training, volunteering as critical friends. It is also attended by an experienced external social housing provider as an additional point of reference. Some of the agenda is a bit formal in order to meet reporting standards but the meetings are friendly, informative and respectful. The Board does not discuss individual cases but are open about trends and aspirations. So far it is clear that for the most part the tenant representatives are pushing at an open door and their contributions are greatly valued because they are based on lived experience which enable the Council to focus better on key priorities. On 26 February, the Leader attended a routine follow up meeting with members of the inspection team. Having listened very carefully to everything the inspection team shared with the Council, it is clear that the Board is an important part of the Council's continuous improvement programme, and that Melton is doing well and is on target.</p> <p>On 18 February, the Leader met with the Police and Crime Commissioner. They discussed an open letter sent by the PCC on Devolution and Local Government Reorganisation and established a large measure of agreement, including his critique of the County Council's approach to this profound change. They also took the opportunity to discuss other issues of mutual concern.</p> <p>Council was informed that on the 19 February, he had a routine meeting with representatives of the Town Estate and as part of the agenda, he was able to explain the general picture on Devolution and Local Government Reform.</p> <p>The Leader informed Council that on 20 February he attended the Barkstone, Plunger and Redmile Parish Council meeting at their invitation and agreed to re-visit the area to follow up on various issues. He attended the meeting with County Councillor Bryan Lovegrove and Borough Councillor Chris Evans.</p> <p>Members were informed that on 20 February the Leader chaired a meeting of Leicestershire's district council leaders regarding Devolution and Local Government Reform (LGR). They discussed the assertions from the day before by the County Council Leader at their meeting and they unanimously rejected those assertions. The Leader noted that out of the seven leaders, two are Conservative, two Labour and three Liberal Democrat. Four of the district leaders are also County Councillors. In addition, there had been a further exchange of emails in which they have re-stated their willingness to meet with the County Council, Rutland County</p>

Council and Leicester City Council and a meeting will now be held on the 6 March, 4pm at County Hall. The Leader also informed Council that the government minister leading on LGR has invited the seven district leaders to a meeting early in March. That is before the requirement to submit an interim plan on the 21 March.

Members were informed that on 24 February, the Leader stood in for the Mayor when he attended a celebration and thanks evening for the Borough's voluntary organisations, which contribute in so many different ways to life in the community. The Leader thanked Officers for their hard work in setting up and running the event.

The Leader reminded Members that as part of the UKSPF programme, the Council extended the food hub provision from the town into the parishes. In doing so the Council have linked in with some existing voluntary action but also created new opportunities. It was explained that this is growing into other forms of assistance and mutual help. The food hub volunteers were well represented at the celebration and thanks evening and the Leader was delighted to listen to their accounts and to reflect with them on ideas for the future.

The Leader explained to Members the recent activity around the reversion of a temporary traffic order for loading restrictions in the centre of Melton Mowbray. The existing arrangements were put in place during 2020, as part of a series of measures to support the town centre during the pandemic and permitted the loading and unloading period in the pedestrian zone to be extended by one hour. The removal of that one-hour extension five years later caused great consternation among the Business Improvement District (BID), the Town Estate and the street traders, who considered not trading in Melton Mowbray at all. Members were informed that, as part of a partnership approach, the Council applied for a 12-month temporary traffic regulation order to effectively retain the one-hour extension and that this would take effect from the 11 March. In the interim Leicestershire County Council, the Highways Authority, has facilitated an emergency temporary traffic regulation order, so loading/unloading will continue to operate for the extra hour. Following engagement with market traders and town centre businesses through both the Town Estate and the BID, the Council is committed to working with partners to develop a permanent solution. The Council will support a consultation on changing the loading times in line with local business needs, whilst balancing the need to keep the High Street area safe for users and visitors alike.

The Leader referred to an article that appeared in the Melton Times the previous week written by the local MP, Edward Agar. In it he twice referenced the Leader's friend and colleague Matthew O'Callaghan with praise. Describing him as, "long a doughty champion of Melton to whom we all owe gratitude." The Leader asserted his agreement with the article.

CO67

**PUBLIC QUESTION TIME**

No questions from the public were received.



CO68	<p><b>QUESTIONS FROM MEMBERS</b></p> <p>No questions from Members were received.</p>
CO69	<p><b>MOTIONS ON NOTICE</b></p> <p>No motions on notice were received.</p>
CO70	<p><b>COUNCIL TAX SETTING 2025/26</b></p> <p>The Portfolio Holder for Corporate Finance, Property and Resources, Councillor Cox, introduced the Council Tax Setting 2025/26 report and moved the recommendations. The Leader, Councillor Allnatt, seconded the motion.</p> <p>No comments were raised.</p> <p><b>RESOLVED</b></p> <p><b>Council noted the calculations and sets the Council Tax for the year 2025/26, made in accordance with the requirement set out in the Local Government Finance Act 1992.</b></p> <p>The above resolution was considered through a recorded vote as follows:</p> <p>FOR THE MOTION (17) Adcock, Allnatt, Brown, Butcher, Carter, Clay, Cliff, Cox, Cumbers, Evans, Glancy, Gordon, Higgins, Lumley, Mason, Sharp, Thwaites</p> <p>AGAINST THE MOTION (0)</p> <p>ABSTAINING FROM THE MOTION (9) I Atherton, S Atherton, Browne, Child, Chubb, J Orson, S Orson, Pritchett, Webster</p>
CO71	<p><b>DEVOLUTION WHITE PAPER</b></p> <p>The Leader, Councillor Allnatt, introduced the Devolution White Paper report and moved the recommendation. Councillor Glancy seconded the motion.</p> <p>In introducing the report, the Leader outlined events so far and explained to Members that the District and Borough Council Leaders' and Rutland Council Leader's preference is for three unitary authorities covering Leicester, Leicestershire and Rutland. One authority for the north of Leicestershire including Rutland, one for the south of Leicestershire and the third covering the city of Leicester.</p> <p>The Leader of the Opposition, Councillor Browne, stated that this is the beginning of a process and that his view was that change is required, as Councils have struggled over the last 20 years. He added that Members needed a say before a decision is taken. He proposed the following amendment. Councillor J. Orson seconded the proposed amendment.</p>

- 1) *That Council requests the Leader to work together with all partners to secure the best structure of Local Government for the residents of Leicester, Leicestershire and Rutland, and report on progress at each Council meeting until submission is made of final proposals in November.*
- 2) *That as part of that regular update, the Leader provides Members of Melton Borough Council with details of costings, and commissioning of works with outside agencies to support the development of the Council's preferred option for Local Government Reorganisation.*
- 3) *That the Council requests the Leader to engage with all partners including Leicestershire County Council, County NHS Bodies, Police, Fire Service, Integrated Care Board and other key statutory stakeholders as part of developing the Council's preferred option.*
- 4) *That before any final proposal is submitted to Government in November 2025, setting out Melton Borough Council's preferred option, that a report will be submitted to Full Council detailing the full benefits and weaknesses considered in relation to this, and compared against those options which have been rejected, and that Council will have an opportunity to consider, debate and give its view on this.*

The meeting adjourned to allow legal advice to be provided. When the meeting reconvened, the proposer and seconder of the original motion accepted the amendment into the motion.

Councillor Lumley proposed the following amended. Councillor Higgins seconded the motion.

*Thanks the Leader for all his work on devolution and local government reform and thanks him for circulating information when it becomes available. Acknowledges that there are bound to be differences of opinion but Council has complete trust in the Leader to represent the best interests of Melton Borough in a fair and balanced way. Welcomes the broader engagement envisaged with the public and stakeholders over the coming months.*

In seconding the motion, Councillor Higgins stated that a unitary form of local government is probably the right way to go but that the local must be kept in local government.

The proposer and seconder of the original motion accepted the amendment into the motion.

During the debate the following points were raised:

- There was concern expressed over the potential changes to standards

regime.

- A comment was made that it was likely that the ultimate solution could be imposed by central government and not determined locally.
- It was noted that with change on the way, there will be opportunities as well.
- It was recognised that there is a need to keep the local in local government and that the area can't lose its local and rural identity.
- Whilst there were concerns over adult social care, it was noted that there is a review of this nationally. In addition, Rutland County Council is currently an upper tier authority and so would have the expertise to transfer over to a new unitary authority.
- A comment was made that this won't be implemented immediately, although it will be imposed if an agreement can't be reached.

## **RESOLVED**

### **That Council**

- (1) Noted the current position and the Council's initial response to the Devolution White Paper.**
- (2) Noted the criteria and process set out by government for submitting and evaluating proposals for local government reorganisation, and the legal framework within which it operates.**
- (3) Provided views on devolution and local government reorganisation such that they can be incorporated into the development of initial ideas and interim plans.**
- (4) Requested the Leader to work together with all partners to secure the best structure of local government for the residents of Leicester, Leicestershire and Rutland, and report on progress at each Council meeting until submission is made of final proposals in November.**
- (5) Requested that the Leader provides Members of Melton Borough Council with details of costings, and commissioning of works with outside agencies to support the development of the Council's preferred option for Local Government Reorganisation.**
- (6) Requested that the Leader engages with all partners including Leicestershire County Council, County NHS Bodies, Police, Fire Service, Integrated Care Board and other key statutory stakeholders as part of developing the Council's preferred option.**
- (7) Requested that before any final proposal is submitted to Government in November 2025, setting out Melton Borough Council's preferred option, a report would be submitted to Full Council detailing the full**

**benefits and weaknesses considered in relation to this, and compared against those options which have been rejected, and that Council will have an opportunity to consider, debate and give its view on this.**

- (8) Thanks the Leader for all his work on devolution and local government reform and thanks him for circulating information when it becomes available. Acknowledges that there are bound to be differences of opinion but Council has complete trust in the Leader to represent the best interests of Melton Borough in a fair and balanced way. Welcomes the broader engagement envisaged with the public and stakeholders over the coming months.**

(Unanimous)

At 7:11pm, the meeting was adjourned.

At 7:19pm, the meeting reconvened.

The meeting closed at: 7.36 pm

Mayor

## MEMBER INTERESTS

### Do I have an interest?

#### 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

#### 2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

#### 3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

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**In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.**

# Declarations and Participation in Meetings

## 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
  - b) not participate in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
  - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
  - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
  - b) you should state that your position in this matter prohibits you from taking part
  - c) you should leave the room.

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**In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.**

### Amendments to Arrangements for dealing with standards complaints and hearing procedure rules

<b>Report Author:</b>	<b>Clive Tobin</b> , Assistant Director for Governance and Democracy (Monitoring Officer) 01664 502541 ctobin@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Clive Tobin</b> , Assistant Director for Governance and Democracy (Monitoring Officer) 01664 502541 ctobin@melton.gov.uk
<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Leigh Higgins</b> , Chair of Audit & Standards Committee

<b>Corporate Priority:</b>	Theme 5 – Right conditions to support delivery Theme 6 – Engaging and connected Council
<b>Wards Affected:</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	N

#### 1 Summary

- 1.1 To approve revisions to the arrangements for dealing with allegations under the Standards Regime and the procedure rules which apply to Standards hearings.

#### 2 Recommendations

**That Council:**

- 2.1 **Approves the amendments to the Arrangements for Dealing with Standards Allegations and the Procedure Rules as recommended by the Audit & Standards Committee.**

#### 3 Reason for Recommendation

- 3.1 To ensure that the Constitution is consistent with the previously agreed amendments to the Regime.

- 3.2 To further update the Arrangements to reflect additional issues which have been identified.
- 3.3 To further modify the Rules applying to hearings to ensure that they reflect the law and good practice.

## **4 Background**

- 4.1 The Localism Act 2011 requires the Council to adopt a Code of Conduct and put in place arrangements to deal with complaints.
- 4.2 A report was considered by the Audit & Standards Committee on 25 March which recommended updates to those rules along with the hearing procedure. A copy of the report and appendices is set out in Appendix A.
- 4.3 The comments of the Audit & Standards Committee will be reported to the meeting.

## **5 Main Considerations**

- 5.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## **6 Options Considered**

- 6.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## **7 Consultation**

- 7.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## **8 Next Steps – Implementation and Communication**

- 8.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## **9 Financial Implications**

- 9.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

**Financial Implications reviewed by: Interim Assistant Director for Resources**

## **10 Legal and Governance Implications**

- 10.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

**Legal Implications reviewed by: Monitoring Officer.**

## **11 Equality and Safeguarding Implications**

- 11.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## **12 Data Protection Implications (Mandatory)**

- 12.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## **13 Community Safety Implications**



13.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## 14 Environmental and Climate Change Implications

14.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## 15 Other Implications (where significant)

15.1 As set out in the Update to Arrangements for Dealing with Standards Allegations at Appendix A.

## 16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to meet statutory and constitutional obligations.	Low	Marginal	6

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	To consider and adopt the proposal presented in this report which will.

## 17 Background Papers

17.1 Report to Constitution Review Working Group

## **18 Appendices**

- 18.1 Appendix A – Update to Arrangements for Dealing with Standards Allegations report
- 18.2 Appendix 1 – Clean Copy Updated Procedure Rules
- 18.3 Appendix 2 – Update to Arrangements for Dealing with Standards Allegations
- 18.4 Appendix 3 – Highlighted Update to Arrangements for Dealing with Standards Allegations

## Update to Arrangements for Dealing with Standards Allegations

<b>Report Author:</b>	<b>Clive Tobin</b> , Assistant Director for Governance and Democracy (Monitoring Officer) ctobin@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Dawn Garton</b> , Director for Corporate Services Tel: 01664 502444 <a href="mailto:dgarton@melton.gov.uk">dgarton@melton.gov.uk</a>
<b>Lead Member/Relevant Portfolio Holder</b>	Chair of Audit & Standards Committee

<b>Corporate Priority:</b>	Theme 5 Right Conditions to support delivery & Theme 6 Engaging and connected Council
<b>Wards Affected:</b>	(All Wards);
<b>Date of consultation with Ward Member(s):</b>	12 March 2025
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 This report seeks to align the previously agreed amendments to the Council's Arrangements for Dealing with Allegations under the Standards Regime and recommends some minor amendments to those rules to reflect best practice.
- 1.2 The report also recommends minor amendments to the Procedure Rules which apply to hearings of allegations under the Standards Regime.

### 2 Recommendations

<b>That Committee:</b>	
2.1	<b>Notes the proposed amendments to the Arrangements for Dealing with Allegations under the Standards Regime and the Hearings Procedure Rules,</b>
2.2	<b>Considers whether any further or other amendments should be made to the Arrangements and Rules, and,</b>
2.3	<b>Recommends that Council adopts those amendments, subject to any modification recommended by the Committee.</b>

### **3 Reason for Recommendations**

- 3.1 To ensure that the Constitution is consistent with the previously agreed amendments to the Regime.
- 3.2 To further update the Arrangements to reflect additional issues which have been identified.
- 3.3 To further modify the Rules applying to hearings to ensure that they reflect the law, the Arrangements and best practice.

### **4 Background**

- 4.1 The Localism Act 2011 requires local authorities to adopt a Code of Conduct and have in place Arrangements under which allegations against members can be investigated and under which decisions on allegations can be made. Members will be aware that in 2022 the Council carried out a review of these Arrangements which were adopted on 30 November 2022. Following adoption of those revised arrangements consequential amendments were also required to the Council's Constitution to reflect and fully give effect to that decision.

### **5 Main Considerations**

- 5.1 Officers recently reviewed the Constitution and identified that some of those changes remain outstanding meaning that there were some inconsistencies requiring amendment. Although the Monitoring Officer has delegated authority to make consequential changes to the Constitution to give effect to Council decisions, it was decided that, although the Arrangements had been reviewed relatively recently, it was important to ensure that they remain up to date. When undertaking that process officers identified several minor changes that were required both to ensure clarity and that best practice is followed.
- 5.2 The changes to the arrangements for dealing with councillor complaints were agreed in November 2022 and were based upon guidance from the LGA. They provide a fair and robust procedure for complainants and those who are the subject of complaints.
- 5.3 The procedures of the Audit and Standards Sub-Committee need to be accurate and clear and reflect the current arrangements for dealing with councillor complaints. Legislation requires the Constitution to be kept up to date.
- 5.4 The recommended changes to the hearing procedure rules are set out in Appendix 1 and a tracked changes version of the rules appears at Appendix 2. In summary, the changes to the procedure rules:
  - 5.4.1 Clarify the rights of representatives.
  - 5.4.2 Reinforce the legal requirement for the Committee to decide whether it is in the public interest to exclude the public or hold the hearing in private.
  - 5.4.3 Grant discretion to the Committee to allow late written representations in exceptional circumstances.
  - 5.4.4 Clarify the role of the Independent Person during the hearing.
  - 5.4.5 Clarify the hearing process including in relation to questioning of parties.
  - 5.4.6 Expressly require the Committee to give reasons for their decision.
- 5.5 The recommended changes to the Arrangements for Dealing with Allegations are set out in Appendix 3. In summary, the changes to the Arrangements are:

- 5.5.1 Expressly allow the Monitoring Officer to recuse himself from considering whether a complaint should be investigated and refer the matter to the Committee where that Officer considers it appropriate to do so.
- 5.5.2 Expressly refer to steps that may be taken to assist those who are not able to set out a complaint in writing.
- 5.5.3 To include an additional informal remedy of providing advice to Members against whom a complaint has been made.

## **6 Options Considered**

- 6.1 Do nothing; however, there is a risk that any inconsistency in the Council's Arrangements and Rules would lead to an unfair process being followed when considering allegations against members.

## **7 Consultation**

- 7.1 The proposed amendments have been considered by the Constitution Review Working Group who have assisted in formulating their content. The Chair of the Committee has also been consulted.

## **8 Next Steps – Implementation and Communication**

- 8.1 If approved by Committee, the proposed changes will be considered by Full Council on 27 March and, if adopted, be incorporated into the Council's Constitution. As is usual practice, any report to Council will include a recommendation which allows the Monitoring Officer to make any necessary consequential amendments to the Constitution.

## **9 Financial Implications**

- 9.1 There are no financial implications arising directly from this report. The costs incurred under the Standards Regime are currently met from existing budgets.

**Financial Implications reviewed by: Interim Assistant Director for Resources**

## **10 Legal and Governance Implications**

- 10.1 The legal implications are largely set out in the body of the report. The changes which are proposed to the rules and arrangements ensure compliance with the Localism Act 2011 and that the hearing process is fair to all parties.
- 10.2 The 2011 Act states that the responsibilities of a local authority under Chapter 7 of Part 1 of that Act are not to be the responsibility of the local authority's executive. The proposed changes must therefore be considered by this Committee before recommending them to Full Council.

**Legal Implications reviewed by: Monitoring Officer.**

## **11 Equality and Safeguarding Implications**

- 11.1 The proposed amendments to the Arrangements include a minor change which support those who are unable to make written complaints, e.g. due to a disability, to do so. The proposed amendments also incorporate changes which ensure that a thorough, yet fair and balanced process is followed in relation to allegations against Councillors which ensures fairness to all parties including those with protected characteristics.
- 11.2 There are no other equalities and safeguarding implications arising from this report.

## 12 Data Protection Implications (Mandatory)

A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks to the rights and freedoms of natural persons.

## 13 Community Safety Implications

13.1 There are no community safety implications arising directly from this report.

## 14 Environmental and Climate Change Implications

14.1 There are no environmental or climate change implications arising directly from this report.

## 15 Other Implications (where significant)

15.1 There are no other implications arising from this report.

## 16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failing to ensure consistency between the Constitution and previously agreed changes to the rules.	Very Low	Marginal	4
2	Failing to ensure that the Arrangements and Rules are kept up to date.	Very Low	Marginal	4

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low				
	2 Very Low		1, 2,		
	1 Almost impossible				

Risk No	Mitigation
1, 2,	Incorporating the amendments recommended in this report will ensure that the Council's arrangements for dealing with standards allegations are consistent and that any allegations which proceed to a hearing are conducted fairly

## 17 Background Papers

17.1 Documents considered by Constitution Review Working Group.

## 18 Appendices

18.1 Appendix 1 – Clean Copy Updated Procedure Rules

18.2 Appendix 2 – Update to Arrangements for Dealing with Standards Allegations

18.3 Appendix 3 – Highlighted Update to Arrangements for Dealing with Standards Allegations

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## Appendix A – Clean Version

### 4.0 Order of proceedings for the Standards Sub-Committee hearing

4.1 ‘Subject Member’ means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member’s nominated representative.

4.2 ‘Independent Person’

The Independent Person is any person who has been appointed by the Council under Section 28 of the Localism Act 2011.

The Independent Person is invited to attend the Hearing and their views must be sought and taken into consideration before the Committee takes any decision on whether the Subject Member’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

4.3 ‘Investigator’ means the Monitoring Officer or external investigator appointed by the Monitoring Officer and includes his or her nominated representative.

4.4 ‘Committee’ means the Standards Sub-Committee.

4.5 ‘Legal adviser’ means the officer responsible for providing legal advice to the Committee.

This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

4.6 ‘Written Representations’

The parties to the hearing shall provide any written representations to the Council and notification of any witnesses attending and representation in writing to the Council offices or by emailing [democracy@melton.gov.uk](mailto:democracy@melton.gov.uk) ten clear days before the date of the hearing. Written representations shall be provided to the other parties. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule or where due to exceptional circumstances, a party has been unable to provide their representations ten clear days before the hearing, the Committee consider that is in the interests of all parties to consider those representations. In deciding whether to allow late written representations:

- (a) the party who requests to rely on representations which have been provided late must prove to the Committee’s satisfaction that the failure to submit them on time was due to exceptional circumstances;
- (b) the Committee will consider any potential injustice to the other parties and may seek those parties’ view on why there may be injustice;

- (c) if the Committee allow late representations they shall also consider whether the proceedings should be adjourned to allow the other parties to consider the content to enable them to comment on that content during the hearing; and,
- (d) where a hearing is adjourned under this rule, there shall be no further right for the parties to submit written representations.

In this rule 'clear days' means working days, excluding only Saturdays, Sundays and bank holidays.

#### 4.7 Representation

The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the Committee, another person. The representative may take any steps which the Subject Member could take under these rules however, any questions should be answered by the Subject Member.

#### 4.8 Legal advice

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The member and the investigator if they are present should be advised of the substance of any legal advice given by the legal adviser in the absence of the parties.

The Chair of the Committee shall undertake introductions.

#### 4.9 The Chair will ensure the parties understand the procedure to be followed.

#### 4.10 The Committee will decide whether part or all the hearing should be held in private but may only do so where the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Procedure Rules. The Committee will keep this matter under review and may decide to exclude the public at any time during the meeting where it is in the public interest to do so or, if the public have been excluded, may decide to re-admit them to the hearing.

#### 4.11 The Committee will decide what action to take if a party does not attend the hearing.

#### 4.12 The Chair of the Committee may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.

#### 4.13 At the hearing:

4.13.1 The Investigator will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of

Conduct. For this purpose, the Investigating Officer may ask the Complainant to attend and give evidence to the Committee.

- 4.13.2 The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
- 4.13.3 The Committee can allow witnesses to be questioned and/or cross examined by the Subject Member, the Monitoring Officer, the Investigating Officer (or their representative(s)) directly or through the Chair.
- 4.13.4 The Committee can also question witnesses. The Independent Person will be invited to attend to observe but will not participate in the hearing process set out in paragraphs 14.13.1 to 14.13.3 above.
- 4.13.5 The Committee will seek the views of the Independent Person/Legal Adviser and take those views into account before making its decision.
- 4.14 The Committee will ask the parties to leave the room to allow them to consider the representations. The legal advisor will remain in the room with the Committee to provide any further advice that is required. The Independent Person (IP) will leave the room with the parties however, the Committee may request that the IP joins them for the purpose of clarifying the IP's view on any issue.
- 4.15 On their return, the Chair will announce the Committee's decision, together with their reasons for that decision.
- 4.16 The Committee may conclude that the Subject Member did not fail to comply with the Code of Conduct, and if so, will dismiss the complaint.
- 4.17 If the Committee concludes that the Subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Subject Member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the Subject Member's failure to comply with the Code of Conduct.

In doing this, the Committee will:

- 4.17.1 give the Subject Member an opportunity to make representations to the Committee; and,
- 4.17.2 seek the views of the Independent Person; and take those representations and views into account before making its decision.

- 4.17.3 The Committee will ask the parties to leave the room to allow them to consider whether or not to impose a sanction on the Subject Member and, if so, what the sanction should be.
- 4.18 The Council has delegated to the Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.
- 4.19 Accordingly the Committee may do one or a combination of the following:
- Send a formal letter to the Subject Member.
  - Issue a formal Censure.
  - Publish its findings in respect of the Subject Member's conduct.
  - Report its findings to Council (or to the Parish Council) for information.
  - Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
  - Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
  - Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member.
  - Recommend to the Subject Member's Group Leader that he/she is removed ([or recommend to the Parish Council that the Subject Member be removed]) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council).
  - In the case of a co-opted Member, recommend to Council (or to the Parish Council) that he/she be removed from the Council or any of its committees, sub-committees or working groups.
  - Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council (such as a computer, website and/or email and Internet access) for a specified period; or
  - Exclude (or recommend that the Parish Council exclude) the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 4.20 The Committee currently has no legal power to suspend or disqualify the Subject Member or to withdraw members' or special responsibility allowances. It also has no power to impose a sanction which would fetter the otherwise appropriate activities of a democratically elected representative.

- 4.22 At the end of the hearing, the Chair will state the decision of the committee as to whether the Subject Member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.
- 4.23 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Committee.
- 4.24 The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied.
- 4.25 A copy of the decision notice will be sent to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish Councillor], published on the Council's website and reported to the next convenient meeting of the Standards Committee.
- 4.26 There is no right of appeal against a decision of the Monitoring Officer or the Committee.
- 4.27 If the Complainant feels that the Council has failed to deal with the complaint properly, he/she may complain to the Local Government and Social Care Ombudsman.

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## Appendix B – Tracked Changes Version

### **4.0 Order of proceedings for Standards Sub-committee hearings**

4.1 'Subject Member' means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.

#### 4.2 'Independent Person'

The Independent Person is any person who has been appointed by the Council under Section 28 of the Localism Act 2011.

The Council has access to a pool of Independent Persons which will provide resilience in the event a particular Independent Person is unable to act.

The Independent Person is invited to attend the Hearing and their views must be sought and taken into consideration before the Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

4.32 'Investigator' means the Monitoring Officer or external investigator appointed by the Monitoring Officer and includes his or her nominated representative.

4.43 'Committee' ~~refers to~~means the Standards Sub-Committee.

4.54 'Legal adviser' means the officer responsible for providing legal advice to the Committee.

This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

#### 4.6 'Written Representations'

The parties to the hearing shall provide any written representations to the Council and notification of any witnesses attending and representation in writing to the Council offices or by emailing [democracy@melton.gov.uk](mailto:democracy@melton.gov.uk) ~~10~~ten clear days before the date of the hearing. Written representations shall be provided to the other parties. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule. or where due to exceptional circumstances, a party has been unable to provide their representations ten clear days before the hearing, the Committee consider that is in the interests of all parties to consider those representations. In deciding whether to allow late written representations:

(a) the party who requests to rely on representations which have been provided late must prove to the Committee's satisfaction that the failure to submit them on time was due to exceptional circumstances;

(b) the Committee will consider any potential injustice to the other parties and may seek those parties' view on why there may be injustice;

- (c) if the Committee allow late representations they shall also consider whether the proceedings should be adjourned to allow the other parties to consider the content to enable them to comment on that content during the hearing; and,  
(d) where a hearing is adjourned under this rule, there shall be no further right for the parties to submit written representations.

In this rule 'clear days' means working days, excluding only Saturdays, Sundays and bank holidays.

#### 4.75 Representation

The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the Committee, another person. The representative may take any steps which the Subject Member could take under these rules however, any questions should be answered by the Subject Member.

#### 4.86 Legal advice

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The member and the investigator if they are present should be advised of the substance of any legal advice given by the legal adviser in the absence of the parties.

The Chair of the Committee shall undertake introductions.

4.97 The Chair will ensure the parties understand the procedure to be followed.

4.108 The Committee will decide whether part or all of the hearing should be held in private but may only do so where because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Procedure Rules. The Committee will keep this matter under review and may decide to exclude the public at any time during the meeting where it is in the public interest to do so or, if the public have been excluded, may decide to re-admit them to the hearing.

4.119 The Committee will decide what action to take if a party does not attend the hearing.

4.120 The Chair of the Committee may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.

#### ~~4.11 The Role of the Independent Person~~

~~The Independent Person is invited to attend the Hearing and their views must be sought and taken into consideration before the Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code~~



~~of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.~~

~~4.12 Stage One- Preliminary procedural issues The Committee should resolve any procedural issues which have not been resolved during the prehearing process.~~

~~4.13 Stage Two- Making findings of fact The Committee shall consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.~~

~~4.14 If there is no disagreement about the facts, the Committee shall move on to the next stage of the hearing.~~

~~4.15 If there is a disagreement, the Investigator, if present, shall be invited to make any necessary representations to support the relevant findings of fact in the report.~~

~~4.16 With the Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.~~

~~4.17 The Subject Member shall have the opportunity to make representations to support his/her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.~~

~~4.18 At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Subject Member.~~

~~4.19 The parties will leave the room to allow the Committee to consider the representations and evidence in private. On their return, the Chair will announce the Committee's findings of fact.~~

4.13 At the hearing:

14.13.1 the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the Complainant to attend and give evidence to the Committee.

14.13.2 The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

14.13.3 The Committee can allow witnesses to be questioned and/or cross examined by the Subject Member, the Monitoring Officer, the Investigating Officer (or their representative(s)) directly or through the Chair.

14.13.4 The Committee can also question witnesses. The Independent Person will be invited to attend to observe but will not participate in the hearing [process set out in paragraphs 14.13.1 to 14.13.3 above.](#)

14.13.5 The Committee will seek the views of the Independent Person/Legal Adviser and take those views into account before making its decision.

~~Stage Three– Did the Member fail to follow the code The Subject Member shall be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.~~

~~4.20 The Committee shall consider any verbal or written representations from the Investigator.~~

~~4.21 The Committee may, at any time, question anyone involved on any point they raise in their representations.~~

~~4.22 The Member shall be invited to make any final relevant points.~~

~~4.1423~~ The Committee will ask the parties to leave the room to allow them to consider the representations. The legal advisor will remain in the room with the Committee to provide any further advice that is required. The Independent Person (IP) will leave the room with the parties however, the Committee may request that the IP joins them for the purpose of clarifying the IP’s view on any issue.

~~4.1524~~ On their return, the Chair will announce the Committee’s decision, together with their reasons for that decision. ~~as to whether or not the Member has failed to follow the Code of Conduct.~~

4.16 The Committee may conclude that the Subject Member did not fail to comply with the Code of Conduct, and if so, will dismiss the complaint.

4.17 If the Committee concludes that the Subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Subject Member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the Subject Member’s failure to comply with the Code of Conduct. In doing this, the Committee will:

14.17.1 give the Subject Member an opportunity to make representations to the Committee; and,

14.17.2 seek the views of the Independent Person; and,

~~take those representations and views into account before making its decision.~~

4.17.3 The Committee will ask the parties to leave the room to allow them to consider whether or not to impose a sanction on the Subject Member and, if so, what the sanction should be.

~~4.25 Stage Four – Determination~~

~~4.26 If the Subject Member has not failed to follow the Code of Conduct If the Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.~~

~~4.27 If the Subject Member has failed to follow the Code of Conduct If the Committee decides that the Subject Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Investigator and the Subject Member as to:~~

- ~~• whether or not the Committee should apply a sanction; and~~
- ~~• what form any sanction should take.——~~

~~4.28 A sanction may include any one or a combination of the following:~~

- ~~• Publish its findings in respect of the Subject Member's conduct;~~
- ~~• Report its finding to Council for information;~~
- ~~• Recommend to Council that the Subject Member be censured;~~
- ~~• Recommend to the Subject Members' group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;~~
- ~~• Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from their Portfolio responsibilities;~~
- ~~• Instruct the Monitoring Officer to arrange training for the Member;~~
- ~~• Recommend to Council that the Member be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council;~~
- ~~• Withdraw facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access; or~~
- ~~• Place such restrictions on Member's access to staff which may be reasonable in the circumstances and in accordance with the Member/Officer Protocol provided that such restrictions do not impede the member from carrying out their duties as a Councillor.~~

4.18 The Council has delegated to the committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.

4.19 Accordingly the Committee may do one or a combination of the following:

- Send a formal letter to the Subject Member.
- Issue a formal Censure.
- Publish its findings in respect of the Subject Member's conduct.
- Report its findings to Council (or to the Parish Council) for information.
- Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
- Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.

- Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member.
- Recommend to the Subject Member's Group Leader that he/she is removed (or recommend to the Parish Council that the Subject Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council).
- In the case of a co-opted Member, recommend to Council (or to the Parish Council) that he/she be removed from the Council or any of its committees, sub-committees or working groups.
- Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council (such as a computer, website and/or email and Internet access) for a specified period; or
- Exclude (or recommend that the Parish Council exclude) the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

4.20 The Committee currently has no legal power to suspend or disqualify the Subject Member or to withdraw members' or special responsibility allowances. It also has no power to impose a sanction which would fetter the otherwise appropriate activities of a democratically elected representative.

~~4.29 The Committee may question the Investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.~~

~~4.2130 The Committee will ask the parties to leave the room to allow them to consider whether or not to impose a sanction on the Subject Member and, if so, what the sanction should be.~~

~~4.31 On their return, the Chair will announce the Committee's decision.~~

4.31 At the end of the hearing, the Chair will state the decision of the committee as to whether the Subject Member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.

~~4.32 Recommendations to the Authority After considering any verbal or written representations from the Investigator, the Committee will consider whether or not it should make any recommendations to the Authority, with a view to promoting high standards of conduct among Members.~~

~~4.33 The written decision The Committee will announce its decision on the day and will issue a full written decision within five working days. A copy of the decision will be circulated to the Subject Member and the Audit and Standards Committee~~

4.22 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Committee.

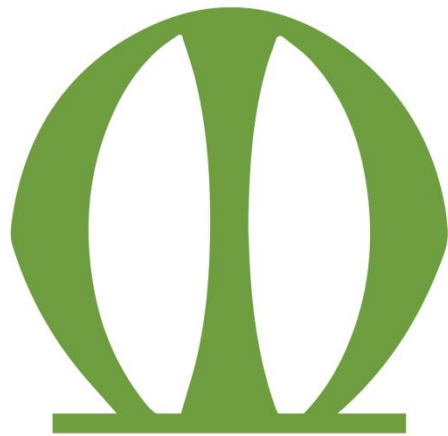
4.23 The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied.

4.24 A copy of the decision notice will be sent to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish Councillor], published on the Council's website and reported to the next convenient meeting of the Standards Committee.

4.25 There is no right of appeal against a decision of the Monitoring Officer or the Committee.

4.26 If the Complainant feels that the Council has failed to deal with the complaint properly, he/she may complain to the Local Government and Social Care Ombudsman.

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**Melton  
Borough  
Council**

**Complaints about Alleged Breaches of  
the Members Code of Conduct**

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10	Informal Resolution	
11	Investigation	
12	<p>11A Timescales for an investigation</p> <p>11.7 There are many factors that can affect the time it takes to complete an investigation. Nevertheless, it is important that there are realistic targets from the outset for the completion of an investigation. This allows the Monitoring Officer to monitor the progress of investigations and explore reasons for any delays where they have delegated the investigation. The LGA recommends that most investigations are carried out, and a report on the investigation completed, within a maximum of six months of the original complaint being referred for an investigation.</p> <p>11.8 This will not always be possible, particularly where there is overlapping jurisdiction or you are waiting</p>	



	<p>for a key piece of evidence from an external body but if it is to take longer than that, specific permission should be discussed between the monitoring officer and the Independent Person, and a note made as to the reasons why.</p> <p>11.9 Refusal by the subject member or other relevant party to cooperate, for example by not making themselves available for an interview without good reason, should not be a reason for delay but should be reflected in the report. If the subject member refuses to cooperate that of itself is a potential breach of the Model Code and may be something that any decision maker in a case may want to take account of.</p> <p>No evidence of a failure to comply with the Code of Conduct</p>	
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# Arrangements for dealing with complaints about breach of the Code of Conduct

## 1 Introduction

- 1.1 These arrangements set out how Melton Borough Council (“the Council”) will deal with allegations that an elected or co-opted member of the Council or of a Parish Council within its area has failed to comply with the Code of Conduct.
- 1.2 The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as “the Subject Member”.

## 2 The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for members, which is available for inspection in the Council’s Constitution at Chapter 4, Part 3 and also on the website: [\(Public Pack\)Agenda Document for Constitution, 12/05/2022 00:00 \(melton.gov.uk\)](#)
- 2.2 Each Parish Council is also required to adopt a Code of Conduct. If the Complainant wishes to review a Parish Council’s Code of Conduct, the Complainant should visit the website of the parish council or request the parish clerk to allow the Complainant to inspect the parish council’s Code of Conduct.
- 2.3 Councillors are required to cooperate with any Code of Conduct investigation and respect the impartiality of officers. This is in recognition of the key role monitoring officers have in ensuring what might be contentious and difficult issues are handled fairly.
- 2.4 Local authorities must have a Code of Conduct for councillors, which must be consistent with the “Seven Principles of Public Life”, selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
- 2.5 The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Under the Localism Act 2011, local authorities (other than parish and town councils) must have in place ‘arrangements’ under which allegations of a failure to comply with the authority’s Code of Conduct can be considered and decisions made on such allegations. This guidance sets out those arrangements.

- 2.6 The Principal Authority must also appoint at least one independent person. Melton Borough Council has appointed 6 Independent Persons. The view of an Independent Person will be taken into account before making a decision on a complaint we have decided to investigate.
- 2.7 Anyone who considers that a councillor may have breached the Code of Conduct may make a complaint to Council's Monitoring Officer. Each complaint must be assessed to see if it falls within the authority's legal jurisdiction, for example whether the subject member was acting as a councillor or representative of the authority at the time. A decision must then be made on whether or not some action should be taken, either as an investigation or some other form of action. In many cases it will be possible to resolve issues easily through a simple apology or through swift action from an officer, a political group or meeting chair. Reference to the Code of Conduct and a formal complaint are very much the last resort where issues remain unresolved.
- 2.8 In some cases a matter will be considered serious enough to refer for investigation or other action, this does not mean that a decision has been made about the validity of the allegation. It simply means that the authority believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct and that some action should be taken in response to the complaint.

### 3 Making a complaint

- 3.1 All complaints must be submitted in writing to:

The Monitoring Officer  
Melton Borough Council  
Parkside, Burton Street  
Melton Mowbray  
LE13 1GH

Or by emailing: [monitoringofficer@melton.gov.uk](mailto:monitoringofficer@melton.gov.uk)

Or by visiting the website: [Complaint against a Councillor \(melton.gov.uk\)](http://melton.gov.uk)

Where, due to a disability or other reason a person is unable to submit a written complaint the Monitoring Officer or person nominated by him/her may take appropriate steps to assist them in making their complaint, which may include making a recording of the complaint.

- 3.2 Your complaint should include:

- the Complainant's name and contact details;

- the name of the member(s) the Complainant believes has breached the Code of Conduct and the name of the authority/parish council;
  - what the Subject Member has allegedly done that the Complainant believes breaches the Code of Conduct; and
  - the remedy you are seeking;
  - details of why the Complainant believes their name and/or the details of the complaint should be withheld (if necessary).
- 3.3 In order to ensure that the Council has all the information to be able to process the complaint a complaint form is available on the Council's website and can be also be provided by request to [monitoringofficer@melton.gov.uk](mailto:monitoringofficer@melton.gov.uk) Support with completing the form can also be provided on request.
- 3.4 Formal complaints about the conduct of a Parish Councillor towards the Clerk can be made by either the Chair, an individual Parish Councillor, the Parish Council as a whole or the Clerk.

## **4 Criminal conduct**

- 4.1 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and other regulatory agencies.

## **5 Acknowledging the complaint**

- 5.1 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.
- 5.2 The Monitoring Officer may ask for further clarification or information if the complaint form submitted does not include sufficient detail.
- 5.3 The Monitoring Officer will write to the Subject Member where appropriate (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) with details of the allegations (subject to any representations from the Complainant about confidentiality or concerns that disclosure of the complaint would prejudice any potential investigation) and notifying the Subject Member of their right to consult the Independent Person.
- 5.4 The Subject Member may, within 10 working days of the date of the letter, or such longer period as the Monitoring Officer may agree, make written representations to the Monitoring Officer which will be taken into account when deciding how the complaint will be dealt with.

- 5.5 The Subject Member may wish to consult one of the Council's Independent Persons and this can be arranged at any stage of the process.

## 6 Initial filtering of complaints

- 6.1 The Monitoring Officer will make an initial assessment based on the criteria set out below:

6.1.1 Is the complaint against one or more named councillors of the authority or of a parish or town council the authority is responsible for;

6.1.2 Was the named councillor in office at the time of the alleged conduct;

6.1.3 Does the complaint relate to matters where the councillor was acting as a councillor or representative of the authority and it is not a private matter;

6.1.4 Would the complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.

- 6.2 If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant will be informed that no further action will be taken in respect of the complaint.

- 6.3 The Monitoring Officer will inform the Complainant, the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) of the decision and the reasons for that decision in writing.

- 6.4 Where the Monitoring Officer considers it appropriate to do so he or she may recuse themselves from taking the steps at 6.1 to 6.3, or from taking any other step under these arrangements, and refer the matter to the Audit and Standards Committee or Sub-committee to consider.

## 7 Confidentiality

- 7.1 As a matter of fairness and natural justice, the Subject Member should be told who has complained about them. There may be occasions where the Complainant requests that their identity is withheld. Such a request may be granted in circumstances that the Monitoring Officer considers to be exceptional, for example:

7.1.1 The Complainant has reasonable grounds for believing that they will be at real risk of intimidation, victimisation or physical harm if their identity is disclosed.

- 7.1.2 The Complainant is an officer who works closely with the Subject Member and they are afraid of the consequences to their employment if their identity is disclosed.
- 7.1.3 The Complainant suffers from a serious health condition, which might be adversely affected if their identity is disclosed.
- 7.2 If the Monitoring Officer decides to refuse a request by the Complainant for confidentiality, he/she will offer the Complainant the option to withdraw the complaint, rather than proceed with disclosure of the Complainant's identity.
- 7.3 As a matter of fairness and natural justice, the Subject Member should also be informed of the nature of the complaint. If however the Monitoring Officer considers that disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer can agree to delay notifying the Subject Member until consideration of the complaint has progressed sufficiently.
- 7.4 It is important, first, to preserve the integrity of the complaints process and, second, to minimise any negative impact of the complaint on all the people affected by it, that information relating to the complaint is treated as confidential.
- 7.5 In order to protect the integrity of the process parties should also refrain from discussing the matter in the public domain.

## **8 Additional Information**

- 8.1 If the Complainant does not submit sufficient information to enable the Monitoring Officer to come to a decision, the Monitoring Officer may ask the Complainant for such information, and may request additional information from the Subject Member.
- 8.2 The Monitoring Officer may also carry out pre-assessment enquiries, which will not amount to an investigation. This may include obtaining documentation, such as a copy of the relevant Code of Conduct or minutes of meetings.

## **9 Initial Assessment of the Complaint**

- 9.1 Where the complaint meets the criteria set out in section 6 or there is any doubt whether the initial criteria are met, the Monitoring Officer will review the complaint together with any representations received from the Subject Member and, after consultation with the Independent Person, take a decision as to whether the complaint merits formal investigation or should be dealt with informally or rejected.

- 9.2 This decision will normally be taken within 20 working days of receipt of the complaint or the Subject Member's written representation, whichever is the latter.
- 9.3 Where the Monitoring Officer has determined that if the complaint is proven, there would potentially be a breach of the Code and recommended an informal resolution, it is in the public interest for the Subject Member to be named, however where the Monitoring Officer has made a finding of no breach, the Subject Member will not be identified.
- 9.4 In order to determine what further action (if any) to take the Monitoring officer will consider the following criteria:
- 9.4.1 Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?
- 9.4.2 Is there an alternative, more appropriate remedy?
- 9.4.3 Where the complaint is by one councillor against another, does the behaviour complained of go beyond what would be considered robust political debate and/or the members right to freedom of expression?
- 9.4.4 Is the complaint malicious, politically motivated, or "tit for tat"?
- 9.4.5 Would an investigation be in the public interest, or the matter, if proven, would not be serious enough to warrant any sanction?
- 9.4.6 Has a substantially similar complaint already been considered and no new material evidence has been submitted?
- 9.4.7 Does the complaint relate to conduct in the distant past?
- 9.4.8 Has the behaviour complained of already been dealt with?
- 9.4.9 Is the complaint in relation to dissatisfaction with a local authority decision rather than the conduct of an individual member?
- 9.4.10 Is the complaint about someone who is no longer a councillor?
- 9.5 Following consideration of the criteria set out above the Monitoring Officer may reach one of the following decisions:
- 9.5.1 No further action should be taken on the allegation
- 9.5.2 The matter should be dealt with through informal resolution (see below)
- 9.5.3 The matter should be referred for formal investigation

9.5.4 A decision to take no further action may be made where the allegation discloses a potential breach of the Code but it is not considered to be in the public interest to pursue the matter further. The decision in these cases will set out the reasons for the taking no further action, but will not make a finding of fact in relation to the allegation(s).



## 10 Informal Resolution

- 10.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation.
- 10.2 Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable; and
  - 10.2.1 offering an apology;
  - 10.2.2 agreeing to attend a training course;
  - 10.2.3 agreeing to engage in a process of conciliation; or
  - the Council introducing some other remedial action such as
  - 10.2.4 changing procedures; or
  - 10.2.5 the Monitoring Officer providing written advice to the Subject Member.
- 10.3 Where the Subject Member makes a reasonable offer of informal resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 10.4 Where the Monitoring Officer recommends informal resolution, but the Subject Member is not willing to accept his/her conduct was unacceptable or not willing to accept the informal resolution proposed, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

## 11 Investigation

- 11.1 If the Monitoring Officer decides that the complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator.
- 11.2 The Investigating Officer will decide whether he/she needs to meet or speak to the Complainant to understand the nature of the complaint.
- 11.3 The Investigating Officer would normally write to the Subject Member and provide him/her with a copy of the complaint, and ask the Subject Member to provide his/her explanation of events, and to identify what documents the Investigating Officer needs to see and who she/he needs to interview.
- 11.4 In exceptional cases, where it is appropriate to keep the Complainant's identity confidential or the Monitoring Officer considers that disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Investigating Officer can delete the Complainant's name and address from the

papers given to the Subject Member, or delay notifying the Subject Member until the investigation has progressed sufficiently.

- 11.5 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Subject Member concerned, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration.
- 11.6 Both parties will be given 10 working days to make representations or, in exceptional circumstances, such other period as the Investigating Officer considers reasonable. Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

## **11A Timescales for an investigation**

- 11.7 There are many factors that can affect the time it takes to complete an investigation. Nevertheless, it is important that there are realistic targets from the outset for the completion of an investigation. This allows the Monitoring Officer to monitor the progress of investigations and explore reasons for any delays where they have delegated the investigation. The LGA recommends that most investigations are carried out, and a report on the investigation completed, within a maximum of six months of the original complaint being referred for an investigation.
- 11.8 This will not always be possible, particularly where there is overlapping jurisdiction or you are waiting for a key piece of evidence from an external body but if it is to take longer than that, specific permission should be discussed between the monitoring officer and the Independent Person, and a note made as to the reasons why.
- 11.9 Refusal by the subject member or other relevant party to cooperate, for example by not making themselves available for an interview without good reason, should not be a reason for delay but should be reflected in the report. If the subject member refuses to cooperate that of itself is a potential breach of the Model Code and may be something that any decision maker in a case may want to take account of.

## **12 No evidence of a failure to comply with the Code of Conduct**

- 12.1 The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, will send to the Complainant and the Subject Member (and the Parish Council, where the complaint relates to a Parish Councillor) a copy of the Investigating Officer's

final report and confirm the finding of no failure to comply with the Code of Conduct.

- 12.2 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

### **13 Evidence of a failure to comply with the Code of Conduct**

- 13.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearing Panel ("the Panel") where it is in the public interest or, after consulting the Independent Person, seek local resolution.
- 13.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree what the Complainant considers to be a fair resolution which also helps to ensure higher standards of conduct for the future.

#### **Informal Resolution:**

- 13.3 Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable; and
- 13.3.1 offering an apology;
  - 13.3.2 agreeing to attend a training course;
  - 13.3.3 agreeing to engage in a process of conciliation; or
  - 13.3.4 the Council introducing some other remedial action (such as changing procedures).
- 13.4 If the Subject Member complies with the suggested resolution, the Monitoring Officer will issue a decision notice. The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied.
- 13.5 A copy of the decision notice will be sent to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish Councillor], published on the Council's website and reported to the next convenient meeting of the Standards Committee.

- 13.6 However, if the Subject Member refuses to accept the resolution the Monitoring Officer will refer the matter for a local hearing where it is in the public interest to do so.

### Local Hearing:

- 13.7 If following consultation with the Independent Person and the Chair of the Audit and Standards Committee (where appropriate) the Monitoring Officer considers that local resolution is not appropriate, or the or the Monitoring Officer accepts the reasons the Complainant is not satisfied by the proposed resolution, or the Subject Member is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearing Panel which will conduct a local hearing before deciding whether the Subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action.
- 13.8 The Monitoring Officer will conduct a "pre-hearing process", requiring the Subject Member to give his/her response to the Investigating Officer's report in writing, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.
- 13.9 The Chairman of the Panel may issue directions as to the manner in which the hearing will be conducted.
- 13.10 At the hearing:
- 13.10.1 the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the Complainant to attend and give evidence to the Panel.
  - 13.10.2 The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
  - 13.10.3 The Panel can allow witnesses to be questioned and cross examined by the Subject Member, the Monitoring Officer, the Investigating Officer (or their representative(s)) directly or through the Chairman.
  - 13.10.4 The Panel can also question witnesses. The Independent Person will be invited to attend to observe, but will not participate in the hearing.

13.10.5 The Panel will seek the views of the Independent Person/Legal Adviser and take those views into account before making its decision.

13.10.6 The Panel may conclude that the Subject Member did not fail to comply with the Code of Conduct, and if so will dismiss the complaint.

13.10.7 If the Panel concludes that the Subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Subject Member of this finding and the Panel will then consider what action, if any, the Panel should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Panel will give the Subject Member an opportunity to make representations to the Panel and seek the views of the Independent Person and take those views into account before making its decision.

## **14 What action can the Hearing Panel take where a member has failed to comply with the Code of Conduct?**

14.1 The Council has delegated to the Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.

14.2 Accordingly the Panel may do one or a combination of the following:

14.2.1 Send a formal letter to the Subject Member;

14.2.2 Issue a formal Censure;

14.2.3 Publish its findings in respect of the Subject Member's conduct;

14.2.4 Report its findings to Council (or to the Parish Council) for information;

14.2.5 Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

14.2.6 Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

- 14.2.7 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member;
  - 14.2.8 Recommend to the Subject Member's Group Leader that he/she is removed ([or recommend to the Parish Council that the Subject Member be removed]) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
  - 14.2.9 In the case of a co-opted Member, recommend to Council (or to the Parish Council) that he/she be removed from the Council or any of its committees, sub-committees or working groups;
  - 14.2.10 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council (such as a computer, website and/or email and Internet access) for a specified period; or
  - 14.2.11 Exclude (or recommend that the Parish Council exclude) the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 14.3 The Hearings Panel has no power to suspend or disqualify the Subject Member or to withdraw members' or special responsibility allowances. It also has no power to impose a sanction which would fetter the otherwise appropriate activities of a democratically elected representative.

## **15 What happens at the end of the hearing?**

- 15.1 At the end of the hearing, the Chairman will state the decision of the Panel as to whether the Subject Member failed to comply with the Code of Conduct and as to any actions which the Panel resolves to take.
- 15.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Panel.
- 15.3 The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied.
- 15.4 A copy of the decision notice will be sent to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish

Councillor], published on the Council's website and reported to the next convenient meeting of the Standards Committee.

## **16 What is the Hearing Panel?**

- 16.1 The Hearing Panel is a sub-committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Panel and his/her views are sought and taken into consideration before the Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **17 Who is the Independent Person?**

- 17.1 The Independent Person is a person who has been appointed by the Council under Section 28 of the Localism Act 2011.
- 17.2 The Independent Person's views must be sought and taken into account before a decision on an allegation can be made. Their views may also be sought by the Subject Member.
- 17.3 The Monitoring Officer will consult the Independent Person as set out in these arrangements, but has the discretion to consult the Independent Person on any other issues arising out of an allegation that a member has failed to comply with the Code of Conduct.
- 17.4 The Council has access to a pool of Independent Persons which will provide resilience in the event a particular Independent Person is unable to act.

## **18 Revision of these arrangements**

- 18.1 The Monitoring Officer and the Audit & Standards Committee have the power to amend these arrangements.
- 18.2 The Council has delegated to the Panel and the Monitoring Officer the right to depart from these arrangements where it considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **19 Appeals**

- 19.1 There is no right of appeal against a decision of the Monitoring Officer or the Panel.

19.2 If the Complainant feels that the Council has failed to deal with the complaint properly, he/she may complain to the Local Government and Social Care Ombudsman.



## Governance Review

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<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Glancy</b> , Portfolio Holder for Governance, Environment & Regulatory Services

<b>Corporate Priority:</b>	Theme 5 – Right conditions to support delivery Theme 6 – Engaging and connected Council
<b>Wards Affected:</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	N

### 1 Summary

- 1.1 A report explaining the outcome of the Governance Review process and recommending amendments to the Constitution to include the Terms of Reference for the bodies concerned.

### 2 Recommendations

#### That Council:

- 2.1 **Notes the content of the report, and**
- 2.2 **Approves amendment of the Constitution to incorporate the outline Terms of Reference for the Portfolio Holder Liaison Groups.**
- 2.3 **Delegate authority to the Monitoring Officer to make the necessary amendments to the Constitution to facilitate establishment of the Groups.**

### **3 Reason for Recommendation**

- 3.1 To provide a structured and streamlined forum in which Cabinet Members may seek the views of the wider Council membership as part of an approach which encourages collaborative working, engagement and effective policy development.
- 3.2 To remove current duplication and uncertainty in Cabinet engagement with non-executive members.
- 3.3 To clarify the distinction between these bodies and the formal decision-making bodies appointed by the Council.

### **4 Background**

- 4.1 Members will be aware that, late in 2023 it was agreed that a review of the Council's Governance Arrangements should be undertaken to clarify the extent to which members can feed into the decision-making process and establish a more collaborative approach. This was driven in part by the number of ad hoc bodies which had formed and the different arrangements for each, which varied in their formality. The review was also driven by Cabinet's intention to facilitate wider member engagement in relation to executive functions. Following the election in 2023 Cabinet had taken initial action to establish informal groups to allow wider member engagement; the review also considered the effectiveness of those arrangements, and the positive lessons learnt from them.
- 4.2 The Council sought the support of the Local Government Association (LGA) who provided some initial advice on this process. In summary, the following steps were undertaken:
  - 4.2.1 an initial scoping exercise was undertaken to identify the issues,
  - 4.2.2 the LGA assisted in facilitating an all member engagement session early in 2024 at which members were invited to express their views on the current process, identify any areas in which they consider the process was deficient and suggest how this process could be developed,
  - 4.2.3 a briefing note was prepared which captured the views expressed during the all-member engagement session and set out the legal parameters which apply to decision-making and informal bodies, which was reviewed by the LGA,
  - 4.2.4 the briefing note was considered by the Portfolio Holder for Governance, Environment & Regulatory Services and it was agreed that the matter would be considered by the Constitution Review Working Group (CRWG),
  - 4.2.5 the snap General Election delayed this process, following which the CRWG's next two meetings had to focus on the Council's Boundary Review due to deadlines set down by the Local Government Boundary Commission for England,
  - 4.2.6 the CRWG was finally able to consider this matter at its meeting in January, refining the proposal at its meetings in February and March,
  - 4.2.7 the outline proposal is now in a form that can be considered by Council.

### **5 Main Considerations**

#### **5.1 The legal position**

- 5.1.1 Members will be aware that the Council currently operates a Leader and Cabinet form of Governance which complies with the Local Government Act 2000 (the 2000 Act). If the Council wished to change to another permitted form of governance, it would have to follow

a process set out in the 2000 Act which may include holding a referendum but also prohibits some changes within a specified period following an earlier change.

- 5.1.2 Rather than consider a change of form of governance, the review focussed on the arrangements which were in place for Cabinet to engage with non-executive members when formulating policy and making decisions on discharge of functions.
- 5.1.3 The 2000 Act states that when a local authority operates a Leader and Cabinet form of governance all that authority's functions are the responsibility of the Cabinet as executive unless that function is:
- a) specified in regulations made under the 2000 Act as being the responsibility of the Council,
  - b) specified in other legislation as being the responsibility of the Council,
  - c) a local choice function specified in regulations in respect of which the Council may choose for either the executive or the Council to discharge it, or
  - d) it is part of the policy framework or budget which must be jointly discharged by the executive and Council.
- 5.1.4 The Council's Constitution reflects these provisions, allocating the local choice functions and setting out the process for budget and policy framework decisions. Parts 1 and 2 of Chapter 2 of the Constitution set out how local choice functions are discharged, and Part 4 of Chapter 3 sets out the process for policy framework and budget decisions.

The 2000 Act also states that executive functions are discharged by the Leader unless they determine that a function should be discharged by an individual Cabinet member or by an officer; the Cabinet Scheme of Delegation contains details of these arrangements. The Act allows the Cabinet to establish a committee consisting only of Cabinet members (Melton does not currently have any such committees) and for executive functions to be discharged by other authorities (this provision has been used for some functions).

## 5.2 **Limitations**

- 5.2.1 Due to the matters set out at paragraphs 5.1.1 to 5.1.4 above, the proposed governance changes will not alter which body or individual discharges a function. The proposals would change how Cabinet members engage with other members when deciding how they exercise the functions which have been delegated to them. Cabinet members will not be obliged to use this process to engage on all matters but can choose to do so where they consider that it would be useful to seek the views of other members before discharging a function. The Groups established by the process will not therefore have any decision-making powers and Cabinet of individual Cabinet members with delegated powers will retain the legal power to make decisions.
- 5.2.2 It should also be noted that the proposals are not a replacement for a part of the formal scrutiny process which must as a matter of law be discharged by a formally appointed Scrutiny Committee.
- 5.2.3 The bodies which are proposed are not formal committees and therefore the Access to Information Rules will not apply and are not open to the public.

## 5.3 **Approach to process**

- 5.3.1 As briefly mentioned above, there are currently a number of bodies which meet on an ad hoc basis to cover a range of areas, some of which are referred to in the Constitution but some of which are not. Additionally, the original purpose for which some of these bodies

were established has been achieved and the body has continued to meet to consider related issues but without any clear mandate.

5.3.2 The current bodies are not centrally supported by Democratic Services meaning that there is no uniform process which is followed in relation to:

- a) adding items to the agendas,
- b) dispatching the agenda and reports to members,
- c) officer support at the meeting,
- d) recording of matters discussed at the meeting.

These inconsistencies can diminish the effectiveness of those bodies meaning that members may not be adequately prepared for these meetings and that their views may not be clearly captured.

### **Suggested changes to procedure rules**

5.3.3 It is proposed that the following steps should be taken to replace the current working groups and streamline and strengthen the process for engagement:

- a) Retain the following working groups, ensuring the terms of reference, political balance, and reporting arrangements are reflected within the Constitution.
  - (i) Constitutional Review Working Group,
  - (ii) Joint Staff Working Group,
  - (iii) Local Plan Working Group (until conclusion of the current Local Plan Review at which point the group would be disbanded).
- b) Amend the Constitution to reflect these Working Groups.
- c) Replace the other existing informal policy development working groups with the following:
  - i) Portfolio Holders' Liaison Group – Housing and Communities,
  - ii) Portfolio Holders' Liaison Group – Place and Prosperity.
- d) The new Liaison Groups to have their terms of reference enshrined in the Constitution, be politically balanced and appointed to at the Annual Meeting.

5.3.4 It is deliberately intended that these Groups remain flexible and are not overburdened with unnecessary procedural rules that could impact on their effectiveness, meaning a light touch approach can be taken when incorporating them in to the Constitution.

## **6 Options Considered**

6.1 The Council could leave the current arrangements in place however, this will not resolve the issues set out above and could impact upon the effective use of members' time.

## **7 Consultation**

7.1 Several members have raised concerns about the effectiveness of current arrangements for wider engagement in relation to executive functions. The all member briefing with the LGA drew out view of members and the proposed changes were also considered by the Constitution Review Working Group who support the recommended approach.

## **8 Next Steps – Implementation and Communication**

- 8.1 If Council approves the recommendations the Constitution will be updated prior to the Annual Meeting in May.
- 8.2 At the Annual Meeting the Council will formally establish the Groups and decide who determine their membership.

## **9 Financial Implications**

- 9.1 There are no financial implications arising from directly from this report. The costs of servicing the Groups will be met from existing budgets.

**Financial Implications reviewed by: Assistant Director for Resources – Deputy 151**

## **10 Legal and Governance Implications**

- 10.1 At present the Council's Constitution only refers to some of the informal bodies which have been set up to allow wider member engagement. Even though informal in nature and not subject to legal requirements relating to composition or access to meetings and they have no decision-making powers, it would be beneficial for these bodies to be clearly identified in the Constitution.
- 10.2 Whilst not legally obliged to, the Council may decide that the membership of these bodies should reflect the political balance of the Council. Doing so will ensure that all political groups have an opportunity to participate.

**Legal Implications reviewed by: Monitoring Officer.**

## **11 Equality and Safeguarding Implications**

- 11.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

## **12 Data Protection Implications (Mandatory)**

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks to the rights and freedoms of natural persons.

## **13 Community Safety Implications**

- 13.1 There are no community implications arising from this report.

## **14 Environmental and Climate Change Implications**

- 14.1 There are no environmental or climate change implications arising from this report.
- 14.2 Other Implications (where significant)
- 14.3 There are no other implications arising from this report.

## **15 Risk & Mitigation**

<b>Risk No</b>	<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Risk</b>
1	Failure to meet statutory and constitutional obligations.	Low	Negligible	3

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
<b>Likelihood</b>	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low	1			
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	To consider and adopt the proposal presented in this report which will.

## 16 Background Papers

16.1 Reports to Constitution Review Working Group.

## 17 Appendices

17.1 Appendix A – Draft Terms of Reference for Portfolio Holder Liaison Groups.

## Portfolio Holders' Liaison Group Terms of Reference

### Suggested Headline Terms of reference for Portfolio Liaison Groups

- **Purpose:** To support Portfolio Holders in policy pre-development work in an informal environment such that those proposals can be developed by the Portfolio Holder and referred to Scrutiny Committee if, and when, required.
- Portfolio Holders decide matters relevant to their portfolio which they want added to the agenda for each meeting and notify Scrutiny Chair for awareness and Liaison Group Chair (with input from SLT as required).
- **Membership:** 9 Members – at least 3 of whom are Scrutiny Committee members.
- For avoidance of doubt, Portfolio Holders:
  - need only add matters to the agenda on which they require input, and,
  - remain the lawful decision maker.
- Officers will be invited to support input and discussions as required.
- Portfolio Holders attend as associate members as required to present reports / issues on which they seek input.
- Membership of each Group to be determined and Chairs of each Group to be appointed at the Annual Meeting (not Portfolio Holders), as recommended above at least three members of each Group should be Scrutiny Committee members.
- There shall be no formal calendar of meetings, but the Groups will meet as required.
- Groups to be Politically balanced.
- Chairs of each Group shall liaise with Scrutiny Committee Chair on an ad hoc basis to enable identification of any matters requiring formal scrutiny / recommendations to Cabinet.
- Democratic Services will support the Liaison Groups, assisted by service areas as appropriate. Although not public meetings, subject to a legal requirement to publish agendas, papers will usually be circulated five (5) working days before meetings.
- No Special Responsibility Allowance for Chairs however, dependant on the frequency of meetings and workload, the Independent Remuneration Panel can be asked to review the position and make recommendations accordingly.

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## Procedure and rules for Members' Questions

<b>Report Author:</b>	<b>Clive Tobin</b> , Assistant Director for Governance and Democracy (Monitoring Officer) 01664 502541 ctobin@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Clive Tobin</b> , Assistant Director for Governance and Democracy (Monitoring Officer) 01664 502541 ctobin@melton.gov.uk
<b>Lead Member/Relevant Portfolio Holder</b>	Councillor Glancy, Portfolio Holder for Governance, Environment & Regulatory Services

<b>Corporate Priority:</b>	Theme 5 – Right conditions to support delivery Theme 6 – Engaging and connected Council
<b>Wards Affected:</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	N

### 1 Summary

- 1.1 To approve revisions to the procedure to be followed to allow questions to be asked at meetings of Full Council.

### 2 Recommendations

**That Council:**

- 2.1 **Approves the amendments to Rule 13 of the Meetings General Procedure Rules as set out in Appendix A.**

### 3 Reason for Recommendation

- 3.1 To provide a more effective and time efficient process for allowing Members of the Council to ask questions at meetings of Full Council.

## **4 Background**

- 4.1 Members will be aware that, in common with most local authorities, this Council's Constitution allows members of the Council to ask certain other members questions at ordinary meetings of the Council. That process is set out in Rule 13 of the Meetings General Procedure Rules.
- 4.2 In summary, the rule currently provides:
- a) notice of questions must be given at least 4 working days before the meeting,
  - b) questions must relate to a matter in relation to which the Council has powers or duties or affects the Borough,
  - c) answers may be oral, by reference to a published document, or in writing,
  - d) a supplemental question may be asked following the answer,
  - e) a maximum of 20 minutes is allowed for questions and answers,
  - f) members may ask a maximum of 2 questions each,
  - g) statements may not be made by those asking questions nor is there debate on the subject matter of questions or answers.
- 4.3 Members will also be aware that recently there has been an increase in the number of questions being asked at each Council meeting which, in turn, has increased the time taken for this agenda item. This increase in the time spent on questions creates a risk that a meeting will adjourn immediately after 3 hours in accordance with rule 5.1, meaning that any unfinished business is considered on a future date. In turn, this carries the risk that an important item of business is not considered which may have other consequences.
- 4.4 Several members have asked Officers whether the procedure relating to questions can be amended to be more efficient. Officers have reviewed the law and practice relating to Council meetings and considered the procedures in place at other authorities.
- 4.5 The Constitution Review Working Group has now considered this issue and proposes certain amendments which should make the process more efficient.

## **5 Main Considerations**

### **5.1 The legal position**

- 5.1.1 Unlike certain aspects of the Council's Constitution, there are no statutory provisions which prescribe a procedure to be followed for Members to ask questions. There are however, statutory limitations relating to other aspects of procedure which, by implication, restrict the purpose for which member questions can be used.
- 5.1.2 The Council's current procedure originates from the model constitution which was published soon after the Local Government Act 2000 became law. The model constitution had no legal status but was drafted with input from various experts and representative organisations based on the law at that time. Its purpose was not to set out the law, but to suggest how local authorities could operate effectively within the law as it then stood.
- 5.1.3 Local authorities were free to adopt the model with or without amendments or could choose not to do so. Authorities which adopted the model have since had to amend it to reflect changes in the law and many have also made changes to suit their own structure and requirements (within the law).

## 5.2 Limitations

- 5.2.1 In common with other local authorities Melton's rules do not allow debate on the content of a question or the reply, since the purpose is not to make decisions but obtain information. If a member wishes to formulate policy on an issue which is the responsibility of the Council, they can give notice of a motion allowing debate on the matter concerned, provided that the matter concerned is a Council function and subject to any legislation which determines how decisions on such issues are made.
- 5.2.2 Where Cabinet has decided a matter which is solely an executive function, Council has no legal power to change that decision meaning that debating it would serve no purpose.
- 5.2.3 Similarly, whilst the process can to some extent be used for the purpose of holding the Council, Cabinet or Committee to account, it does not and can not take the place of the statutory Scrutiny function.
- 5.2.4 The current process does not allow publication of the text of the questions in the summons/agenda for the meeting which is not helpful in assisting transparency and given the requirement that this must be published 5 working days ahead of the meeting concerned.

## 5.3 Approach of neighbouring authorities

- 5.3.1 Officers have considered the procedure followed by neighbouring authorities. As set out above, there are no specific legal requirements for the process and other authorities are likely to have had their own considerations when drafting their process however, this comparison may be useful for members.

	Melton	Leicestershire	Harborough	Charnwood	Rutland	South Kesteven
Deadline for submission	4 clear working days notice	5 clear days notice	Midday on seventh working day prior to meeting	Midday on eighth working day before meeting	Midday on the third working day before meeting	None - Open question section
Time Limit	20 minutes	No	No overall limit but limit of 5 minutes for questioner and 5 minutes for responder and then 3 minutes for supplementary and 1 minute for response.	No	30 minutes	45 minutes
No of questions that can be asked per Member	2	No limit	No limit but every Members' first questions must be asked first.	No limit	1	1
Questions and answers circulated	No	Yes	No	Yes	No	No

	Melton	Leicestershire	Harborough	Charnwood	Rutland	South Kesteven
prior to meeting						
Supplementary questions	Yes	Yes (so long as Dem Services are notified prior to meeting)	Yes	Yes (so long as Dem Services are notified prior to meeting)	Yes	No
Can ask Committee Chairs questions	No	Yes	Yes	Yes	Yes	No (although can ask Chair or Vice Chair of Scrutiny and Opposition Group Leaders)

### Suggested changes to procedure rules

- 5.3.2 Since the last date for questions to be received is currently after publication of the agenda, the detail of any questions is notified to members later, sometimes not until the meeting itself. The law states that an item of business may not be considered at a Council meeting unless it is set out in the agenda which must be published at least five days before that meeting. Any changes should therefore ensure that this rule is not breached.
- 5.3.3 Additionally, allowing questions to be submitted after the agenda is published limits the time available for the member to whom the question is addressed to prepare a response, a process which usually requires officer input. It is therefore suggested that the deadline for receipt of questions is the day before publication of the agenda so that:
- the text of the question can be included in the agenda, and,
  - more time is available to prepare a response.
- 5.3.4 It is suggested that a written answer is prepared and provided to members at or shortly before the meeting so that all members have an opportunity to read this. There may still be some cases in which it is appropriate to direct the questioner to a publication or where it is not possible to obtain the relevant information before the meeting, that a written answer is sent later.
- 5.3.5 It is further suggested that, if a written answer is circulated at or shortly before the meeting, this can be taken as read and the member asking the question may ask a supplemental question if they choose to do so. This will reduce the amount of time required to be spent on questions yet still allow a member who asks one to ask a supplemental question to obtain additional information.
- 5.3.6 Finally, it is suggested that the rules also provide clarification on two points:

- a) where a member addresses a question to a specified member, but the question does not fall within the specified member's remit, it will be referred to the appropriate member; and
- b) if a member has an interest in the subject matter of the question, that question will be referred to an appropriate member to respond.

5.3.7 No other changes are proposed in relation to the process summarised at 4.2 above which will otherwise remain as it is currently.

## **6 Options Considered**

6.1 The Council could leave the rule as it is however, there is significant justification for updating the process to remain effective for the purpose for which it is designed.

## **7 Consultation**

7.1 As indicated above, several members have suggested changes to the process, each of which have been considered in proposing the above changes. The proposed changes were also considered by the Constitution Review Working Group who support the recommended approach.

## **8 Next Steps – Implementation and Communication**

8.1 Any changes would take effect from the meeting immediately following the meeting at which they are approved.

8.2 The published version of the Constitution will be updated to reflect the changes made and the Monitoring Officer will also make any consequential changes which may be required to ensure that the new provisions are not inconsistent with any other reference.

## **9 Financial Implications**

9.1 There are no financial implications arising from this report.

**Financial Implications reviewed by: Assistant Director for Resources – Deputy 151**

## **10 Legal and Governance Implications**

10.1 The Council's Constitution (Chapter 2, Part 1 - Section 4) sets out the process which allows members to ask questions at ordinary meetings of the Council.

10.2 As indicated above, there are no mandatory legal rules which must be followed to allow questions to be asked at meetings of the Council. This means that the Council has a broad discretion as to whether members may ask questions at meetings and, if so, the process to be followed. Any procedure which is put in place to allow questions to be asked must however, be compliant with the law generally and not contradict or undermine the law applying to other Council processes.

10.3 The proposed changes seek to provide a fair process which gives all members an opportunity to obtain information on business transacted by the Council, its Cabinet or Committees or which otherwise affects the Borough.

**Legal Implications reviewed by: Monitoring Officer.**

## **11 Equality and Safeguarding Implications**

11.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

## 12 Data Protection Implications (Mandatory)

12.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks or issues to the rights and freedoms of natural persons.

## 13 Community Safety Implications

13.1 There are no community implications arising from this report.

## 14 Environmental and Climate Change Implications

14.1 There are no environmental or climate change implications arising from this report.

14.2 Other Implications (where significant)

14.3 There are no other implications arising from this report.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to meet statutory and constitutional obligations.	Low	Marginal	6

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	To consider and adopt the proposal presented in this report which will.

## 16 Background Papers

16.1 Report to Constitution Review Working Group

## **17 Appendices**

17.1 Appendix A – Draft Amendments to Rule 13 of Chapter 3 Part 1 of Constitution.

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### Proposed amendments to rule 13 of Chapter 3 Part 1 of the Constitution

Add wording in red and delete wording with strikethrough.

#### **13.0 Questions by Councillors at Meetings of Council**

- 13.1 A Member of the Council may ask the Leader, the relevant Portfolio Holder ~~or the Chair of any of the Council's Committees~~, questions without notice about an item in a report of the Cabinet or that Committee when it is being considered by ~~Council~~.

Questions on notice at Meetings of Council

- 13.2 A Member of the Council may ask the Leader, the relevant Portfolio Holder or the Chair of ~~any of the Council's Committees~~ a question about any matter in relation to which the Council has powers or duties or which affects the Borough.

Notice of questions

- 13.3 A Member may only ask a question under Rule 13.2 if either:

(a) they have given at least ~~six four~~ **clear\*** working days' notice in writing of the question to the Proper Officer; or

(b) **if** the question relates to urgent matters, they have the consent of the Member to whom the question is put and the content of the question is given to the Monitoring Officer by 10.00 a.m. on the day of the meeting Response

**(\* excluding the day of the meeting and the day on which the question is received by the Proper Officer.)**

- 13.4 An answer may take the form of:

a) ~~a written answer circulated at the meeting~~ **a written answer circulated at the meeting** ~~direct oral answer~~;

b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

c) where the reply cannot conveniently be given ~~at the meeting orally~~, a written answer circulated ~~later~~ to the questioner within 14 days of the date of the Meeting

- 13.5 Where a question:**

**a) relates to a matter which is not within the responsibility of the Leader, or Portfolio Holder or Chair to whom it is addressed, the answer may be given by**

either the Leader, or a Portfolio Holder or Chair who does have responsibility for that matter.

b) is directed to a Member who has an interest in the matter concerned, the answer may be given by an appropriate Member who does not have an interest in the matter.

#### Supplementary question

- 13.6 A Member asking a question under Rule 13.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question, or the reply **circulated at the meeting**.

#### Number of Questions

- 13.7 Questions on notice are limited to two questions per Member per meeting plus one supplemental question **in relation to each of those two questions**.

#### Time for Questions

- 13.8 There will be an overall time limit of 20 minutes on Members' questions with no extension of time **to allow further supplemental questions to be asked**. ~~and questions not dealt with by written response~~

#### Format of Questions

- 13.9 Members must confine their contributions to questions and answers and not make statements or attempt to debate. The Chair shall decide if **a** ~~the~~ Member is contravening this Rule and stop the Member(s) concerned. The Chair's ruling is final.

## Devolution White Paper Update

<b>Report Author:</b>	<b>Edd de Coverly</b> , Chief Executive edecoverly@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Edd de Coverly</b> , Chief Executive edecoverly@melton.gov.uk
<b>Lead Member / Relevant Portfolio Holder:</b>	<b>Cllr Pip Allnatt</b> – Leader of the Council

<b>Corporate Priority:</b>	All Corporate Priorities
<b>Relevant Ward Member(s):</b>	All wards
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 On 16th December 2024 the English Devolution White Paper was published. The document sets out the Government’s ambition to devolve powers and funding to the regions and establish Strategic Mayoral Authorities in all areas where they are not currently in place. Alongside plans for devolution, the Government has confirmed that it wishes to simplify local government structures below these new regional strategic authorities, and for two-tier areas, invite reorganisation proposals which facilitate unitary local government.
- 1.2 This report provides a further update to Council on work undertaken since the last Council meeting and provides, as appendices (to follow), the ‘Interim Plan’ documents submitted to Government prior to the 21<sup>st</sup> March deadline.

### 2 Recommendations

<b>That Council:</b>	
2.1	<b>Notes the work undertaken since the last Council meeting, including meetings and engagement activity which has taken place.</b>
2.2	<b>Notes the ‘Interim Plan’ documents submitted to Government prior to the 21<sup>st</sup> March deadline.</b>

### **3 Reason for Recommendations**

- 3.1 To provide a further update in relation to work undertaken regarding devolution and local government reorganisation, in accordance with the Council resolution at the 27<sup>th</sup> February 2025 meeting.
- 3.2 To raise formal awareness of the interim plan documents submitted to Government on 21<sup>st</sup> March 2025.
- 3.3 No decision is required at this stage.

### **4 Background**

- 4.1 The [English Devolution White Paper](#) was published on 16 December 2024. The White Paper sets out the Government's aspirations to devolve powers and funding from central government to the new regional Strategic Authorities which would be overseen by a directly elected Mayor. The White Paper also confirms the Government's ambition to simplify local government structures by replacing existing two-tier structures of County and District councils with unitary councils which would deliver all council services.
- 4.2 On 27<sup>th</sup> February, the Council received a [report](#) which set out a summary of the contents of the White Paper. This report provides council with an update on work undertaken since that meeting and specifically provides an opportunity to share the documents submitted to Government on 21<sup>st</sup> March. These documents will be marked to follow pending finalisation prior to submission.

### **5 Main Considerations**

- 5.1 At the Council meeting on 27<sup>th</sup> February, [Council resolved](#) that the Leader should, inter alia, work together with all partners to secure the best possible structure of local government, and as part of establishing the Council's preferred option. It was also agreed that progress should be reported at each council meeting until the final submission is made in November, and that this should include details of work commissioned from outside agencies and costs associated with it.
- 5.2 This report provides an update in relation to those matters.
- 5.3 Since the publication of the 27<sup>th</sup> February Council report, on 21<sup>st</sup> February, the 8 Leaders of the Leicestershire Districts and Rutland issued a [Joint Statement](#) reiterating their concern regarding the County Council's proposal for a single unitary council for Leicestershire, and setting out their belief that to both unlock devolution and ensure the right balance between scale and connection with communities, that there is a strong case for three unitary councils to serve the region - one to serve North Leicestershire and Rutland, one for South Leicestershire and the third for the City of Leicester. The statement also confirmed that a period of public and stakeholder engagement would commence w/c 24<sup>th</sup> February.
- 5.4 On 28<sup>th</sup> February 2025, the District and Rutland Leaders met with a number of Leicestershire MPs or their representatives to set out the process that the 8 Councils were undertaking, including the consideration of options and evidence to support them, their current thinking and rationale to support the current preferred option. A further meeting with a number of MPs unable to make the earlier meeting took place on 11<sup>th</sup> March. The Leader held a similar engagement meeting with the Police and Crime Commissioner on 18<sup>th</sup> February.

- 5.5 On 6<sup>th</sup> March 2025, the Leaders and Chief Executives (or their representatives) of all 10 local authorities in Leicester, Leicestershire and Rutland (LLR) met to discuss Devolution and local government reorganisation. At the meeting it was established that there remains a broad consensus that LLR remains the most appropriate geography for a future Mayoral Strategic Authority and devolution agreement. A request has been made by the District Councils as to whether a joint letter could be signed by all 10 Leaders and Mayors and included within the submission to Government made on 21<sup>st</sup> March. A verbal update will be given at the meeting as to whether this was possible to achieve.
- 5.6 At the 6<sup>th</sup> March meeting, it was also acknowledged that at this point, there is not a consensus regarding reorganisation and the future size and shape of local government within LLR. It was recognised that it was likely three separate submissions are to be made to Government on 21<sup>st</sup> March; one from the County Council, one from the City Council, and one from the 7 Districts and Rutland. Feedback would then be awaited from Government, and it was agreed a further meeting of all 10 councils would then be reconvened. The 8 District and Rutland Leaders issued a [press statement](#) following this meeting.
- 5.7 On 11<sup>th</sup> March 2025, the District and Rutland Leaders met with Baroness Taylor, providing an opportunity to discuss the statutory invitation from Government and the way the Districts and Rutland are approaching the response. A [press statement](#) was issued following this meeting.
- 5.8 Alongside the above, the District and Rutland Leaders and Chief Executives have met a number of times both collectively and separately throughout this period as the work to refine the interim plan submissions has continued.
- 5.9 **Submission of Interim Plans to Government**
- 5.10 At the time of writing the submission to Government is still being finalised but when submitted, the documents will be published on 21<sup>st</sup> March. The submitted documents will then be provided as appendices to this report. This will include both the Interim Plans, and the engagement summary of the activity undertaken since 24<sup>th</sup> February.

## 6 Options Considered

- 6.1 The report asks Council to note the update since the last meeting. No decision is required and no alternative options have been considered.

## 7 Consultation/Engagement

- 7.1 Initial written briefings on the White Paper were provided to all members and staff in December 2024. Verbal all staff and all member briefings took place in January 2025. The Council meeting on 27<sup>th</sup> February provided an opportunity for members to discuss and debate the current position.

## 8 Next Steps – Implementation and Communication

- 8.1 The Leader and Chief Executive continue to meet and work with colleagues from across Leicester, Leicestershire and Rutland. Efforts will be made to establish a consensus for the region in line with the expectations set out within White Paper and subsequent guidance. Once feedback is received from Government, further discussion and refinement of proposals will be required and a stakeholder engagement will be undertaken during the summer.

## **9 Financial Implications**

- 9.1 The only direct financial implication to date has been the allocation of £30k from the Corporate Priorities Reserve which can be drawn down through a delegation to support the work required to enable an effective response to the White Paper. At this stage there has been no formal draw on this funding, although some resource has been commissioned on behalf of the Districts and Rutland to facilitate development of the documents submitted to Government. As invoices are received, the position will be updated as part of future reports.

**Financial Implications reviewed by: Assistant Director for Resources (Deputy s151)**

## **10 Legal and Governance Implications**

- 10.1 The Local Government Act 2000 states that, unless a function is specified in regulations setting out how it is to be exercised, all functions are the responsibility of the executive of a local authority, i.e., for Melton Borough Council, the Cabinet. At present there are no regulations specifying that matters relating to devolution or reorganisation are not to be an executive function, meaning that they fall within Cabinet's remit.
- 10.2 It may be that, as the proposals set out in the White Paper are refined and passed into law, that legislation prescribes how the process of making formal proposals is to be discharged by local authorities, in which case the Council will ensure that amended decision-making process is followed. Unless or until that time the function will be the responsibility of the Cabinet and, in the absence of any delegation to other Cabinet members or officers to the contrary, the responsibility of the leader.
- 10.3 Whilst currently the function sits with the Leader, it is a lawful and reasonable for him to consult with the Council as a whole (and other stakeholders) and consider the views raised when making any decision in relation to this issue. The update given in this report satisfies the decision at the previous Council meeting requiring the Leader to provide updates on progress.

**Legal Implications reviewed by: Monitoring Officer**

## **11 Equality and Safeguarding Implications**

- 11.1 There are no direct equality and safeguarding implications arising from the recommendations in this report, though any proposals for devolution or LGR will require impact assessments to be undertaken

## **12 Community Safety Implications**

- 12.1 There are no direct community safety implications arising from the recommendations in this report, though any proposals for devolution or LGR will need to consider the impacts on community safety and demonstrate the obligations under section 17 of the Crime and Disorder Act continue to be met.

## **13 Environmental and Climate Change Implications**

- 13.1 There are no direct environmental and climate change implications arising from the recommendations in this report, though any proposals for devolution or LGR will need to consider the impacts and ensure obligations continue to be met.

## 14 Human Resources Implications

- 14.1 The White Paper represents the biggest proposed change to local government for 50 years. Any change to local government, and the organisational structures within it, will have significant HR implications. These will need to be set out and considered in detail in relation to any proposals which are developed. All staff will need to be properly engaged and supported through any changes and the Council must focus on ensuring continued delivery of services and projects and a business as usual approach until and unless such as a time any transition or change is required.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	No consensus can be reached on the right approach for devolution and LGR across LLR, and the benefits of devolution locally are not realised.	Significant	Critical	Medium
2	Focus and resources diverted to support the development of devolution and LGR proposals lead to an inability to deliver existing corporate priorities.	High	Critical	High
3	Uncertainty relating to any potential changes leads to loss of key staff erosion of organisational integrity and effectiveness.	High	Critical	High
4	Perception from residents that any proposals will create organisations which are too remote and reduce accessibility	Significant	Marginal	Medium
5	Perception that any proposals will erode democratic accountability due to the reduction in elected members	Significant	Marginal	Medium

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
<b>Likelihood</b>	Score/ definition	1	2	3	4
	6 Very High				
	5 High			2,3	
	4 Significant		4,5	1	
	3 Low				
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	A number of initial meetings have taken place between various local authorities within LLR and further meetings will take place. Officer working groups will be established as required to jointly develop and shape proposals.
2	Additional resources will be initially allocated to support the development of any proposals but a review will also need to be undertaken of existing priorities and some work may have to be de-prioritised. A further update will be provided on the impact of this as part of a subsequent report. The impact of the Devolution White Paper will be added to the Council's Strategic Risk Register.
3	An effective communications plan will need to be developed and within that the opportunities created for development and career diversification by any potential changes will need to be emphasised. The importance of engagement and opportunities for colleagues to shape any proposals will also be key as will the recognition that whatever the shape of local government in future, the services provided today will still be required. Visible, consistent and effective professional and political leadership will need to be maintained throughout.
4	Any proposals will need to consider the impact on community access and engagement and be able to demonstrate how services will continue to be tailored to local areas, even when delivered more remotely.
5	Any proposals will need to demonstrate how local democratic accountability and connection will be maintained

## 16 Background Papers

### 16.1 [English Devolution White Paper](#)



16.2 [Letter from Minister to Leaders formally inviting proposals for reorganisation.](#)

## **17 Appendices**

17.1 Interim Plan documents submitted to Government (to follow)

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