



**Report of: Assistant Chief Executive – Governance and Human Resources**

Meeting of	Date	Ward(s)
Audit Committee	22 <sup>nd</sup> September 2015	All

Delete as appropriate		<b>Non-exempt</b>
-----------------------	--	-------------------

## **Subject: ANNUAL REPORT ON STANDARDS AND MEMBER CONDUCT**

### **1. Synopsis**

This report provides the annual report from the Monitoring Officer on issues concerning member conduct and complaints, training and promoting high standards of conduct amongst Members.

### **2. Recommendations**

- 2.1 The Audit Committee note the contents of the annual report and consider whether it would be useful for Members to receive briefings both in written form and via brief updates to them before Group meetings and directly to the Green Party Member on Standards and Governance issues.

### **3. Details**

- 3.1 When the Standards Committee used to meet on a regular basis it produced an annual report on its activities. Following changes to the Constitution the Monitoring Officer is now obliged to produce an annual report to Audit Committee covering issues of member conduct and complaints received, training and promoting high standards of conduct amongst Members.

#### **Member Training and Development**

- 3.2 Following the June 2014 Local Elections an induction weekend was held for all Councillors which covered issues such as the Code of Conduct, Data Protection and IT. A Corporate Induction evening was also arranged to meet key officers from the main

departments and our partner organisations. Ward walks were also offered to new Councillors and a few Ward Councillors took this opportunity up.

- 3.3 Specific briefings on Planning, Licensing and Scrutiny took place at the first meetings of those committees for new Councillors.
- 3.4 Labour Group also had their away weekend which concentrated on the Council's budget. Two specific training days were arranged on public speaking for 17 Councillors together with media training for new Executive councillors.
- 3.5 Councillors have attended a number of conferences over the last year as well as attending LGA Leadership Academy modules.

### **Briefings and Updates**

- 3.6 Members have been provided with occasional specific briefings on conduct or governance issues. An overview of the Member Code of Conduct was circulated not long after the induction weekend and as part of the preparations for the Information Commissioners visit earlier this year, a briefing on Data Protection was circulated.
- 3.7 The committee is asked to consider whether it would be useful for Councillors to be provided with a short quarterly written briefing on governance and conduct issues particularly relevant to them. These briefings could also be provided as short updates before Group meetings to allow any questions and answers. The Committee is asked to consider these suggestions and any other ideas the committee may have for keeping councillors up to date on these issues.

### **Financial Declarations**

- 3.7 All Members completed their financial declarations in line with the Code of Conduct when first elected. They are also reminded about updating any changes to their circumstances as they occur.
- 3.7 Members were also advised that the question on the financial declarations form relating to licences to occupy land in the borough would cover those Members who rented garages or held parking permits for specific spaces on estates, rather than a general residents parking permit
- 3.8 Copies of these declarations, along with any declarations made at meetings, declarations regarding gifts and hospitality and councillors attendance record at committees are all available on the Council's website.

### **Complaints**

- 3.9 All complaints under the Members Code of Conduct are referred to the Monitoring Officer (the Assistant Chief Executive, Governance and HR) who under the council's procedures for dealing with these complaints has a discretion to decide whether it is appropriate to seek an informal resolution. Where there is no informal resolution, the Monitoring Officer may:
  - decide not to investigate further;
  - decide that the matter requires investigation.
  - decide to refer the decision as to whether or not there is to be an investigation to the Standards Committee.

3.10 Set out below are the four complaints received against Members in 2014 and their outcomes. Only one of these complaints was formally dealt with as a complaint under the procedure and none resulted in an investigation... The Independent Person was consulted about each of the complaints and agreed with the approach taken. There have been no complaints received so far in 2015.

Members involved	Complainant	Topic	Formal complaint	Outcome
3	Member of the public	Rudeness and bullying of the public by chair. Misleading information given by Executive Members	Y	Letter of apology written by chair. Complaint was withdrawn in respect of Executive members after service complaint responded to by department
1	Member of staff	Not treating with respect	N	Dealt with under the Member and Officer Protocol
1	Member of the public	Poor chairing and procedural impropriety. Not treating with respect	N	Complaint withdrawn after department responded in relation to service issues.
2	Member of the public	Poor chairing. Failure to treat with respect <ul style="list-style-type: none"> <li>• Rudeness to complainants solicitor</li> <li>• Dismissal of views of applicants</li> <li>• Cavalier attitude to process</li> </ul>	N	Service responded on service issues.  No formal complaint received against members.

### Recent Legal Case

3.10 Set out below for the committees information are the details of a case reported in the local government press in April this year of the first Councillor to be convicted of a discloseable pecuniary interest offence under the Localism Act 2011.

The charge against the former leader of Dorset County Council, who is also a Councillor at East Dorset District Council, was that he was present at a meeting about the East Dorset Core Strategy and had a disclosable pecuniary interest in a matter considered at that meeting and without reasonable excuse, participated in the vote taken at that meeting.

At the time Flower was a non-executive director of Synergy Housing, a charity that exists to provide homes for those in need. Although not paid a salary, he received remuneration payments of £29,920 for the years 2010 to 2013. Flower listed this interest in pecuniary interests forms submitted to East Dorset and the county council in July 2012.

Flower's view that that the matters at the relevant meeting in relation to the Core Strategy were of a broader nature and did not concern detailed issues of planning and ownership.

The judge concluded that the defendant should – prior to the meeting – have taken time to consider his position and that the 2011 Act made it clear that having declared his interest in Synergy Housing, the defendant could not take part in that meeting.

Flower could have tried to obtain a dispensation, and could have consulted the monitoring officer. The judge emphasized the onus remained on the member to deal with matters.

The meeting was to consider the Core Strategy Synergy had responded to the consultation, owned land (that was being considered and was a part of the details contained in the Core Strategy).

Flower had previously attended a meeting of Synergy where the long-term use of the land had been discussed. District Judge Nicholls said that whilst Flower's participation in the meeting could not on the evidence before the court lead to any direct benefit to him, the 2011 Act made it clear he should not take part or vote at that meeting.

Flower was given a six-month conditional discharge and ordered to pay £930 in costs."

This case highlights the importance of considering registered interests before participating in discussion and voting at formal council meetings and of being cautious before assuming that the matter under discussion is too broad for the interest to be a problem even if there is no likelihood of any direct benefit arising for the councillor concerned.

## **4. Implications**

### **4.1 Financial Implications**

None.

### **4.2 Legal Implications**

None.

### **4.3 Resident Impact Assessment**

No resident impacts arise directly from this report..

### **Background papers:**

None.

Final Report Clearance

Signed by



Assistant Chief Executive (Governance & HR)

Date

Report author  
Tel

John Lynch, Head of Democratic Services  
020 7527 3002