

Public Document Pack



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307 DX28340 Oakham

Ladies and Gentlemen,

A meeting of the **CONDUCT COMMITTEE** will be held in the Council Chamber, Catmose, Oakham on **TUESDAY 6 SEPTEMBER 2016** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

A G E N D A

1) APOLOGIES

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) MINUTES

To confirm the minutes of the Conduct Committee held on 16 February 2015, previously circulated.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rule 93. The total time allowed for this shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received.

Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting. The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes.

Any petitions, deputations and questions which have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions which are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

5) TERMS OF REFERENCE

To note the terms of reference, number of places and voting places, membership and dates of meetings of the Conduct Committee.
(Pages 5 - 6)

6) APPOINTMENT OF TOWN COUNCIL REPRESENTATIVE

To receive Report No.161/2016 from the Monitoring Officer.
(Pages 7 - 10)

7) ANNUAL REPORT TO THE CONDUCT COMMITTEE

To receive Report No. 171/2016 from the Monitoring Officer.
(Pages 11 - 14)

8) ANY OTHER URGENT BUSINESS

To consider any other urgent business at the discretion of the person presiding provided that it has been previously notified to him.

9) DATE OF NEXT MEETING

7 March 2017

---oOo---

DISTRIBUTION

MEMBERS OF THE CONDUCT COMMITTEE:

REPRESENTATIVES OF RUTLAND COUNTY COUNCIL

Mr A Stewart (Chairman)
Mr K Bool
Mr R Clifton
Mr R Gale
Mr T King
Mr M Oxley

INDEPENDENT CO-OPTED MEMBERS

Mr G Grimes
Mr I Shatford

PARISH/TOWN COUNCIL REPRESENTATIVES (Also Independent
Co-opted Members)

Mr S Aley

OTHER MEMBERS FOR INFORMATION

CLERKS OF PARISH COUNCILS IN RUTLAND - FOR INFORMATION

This page is intentionally left blank

Article 10 – The Conduct Committee

1) **Conduct Committee**

The Annual Council meeting will establish a Conduct Committee.

2) **Composition**

a) **Membership** The Conduct Committee will comprise 9 members:

- i) six councillors ;
- ii) two members of separate parish councils in Rutland, one of whom shall be a member of a town council (co-opted Parish Council Representatives);
- iii) one of the Independent Persons appointed under the Localism Act 2011 (co-opted Independent Person).

b) **Independent Person** If more than one Independent Person is in post, any one of them may attend any meeting as the co-opted Independent Person;

c) **Voting** The Parish Council Representatives and the Independent Person shall be non-voting co-opted members;

a) The Chairman and the Vice-Chairman of the Committee will be chosen from the councillor members on the Committee by the Council .

3) **Role and Function**

The Conduct Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct;
- e) assessing, considering and determining complaints of breaches of the Members' Code of Conduct;
- b) considering granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- c) advising the Council on maintaining high standards of ethics and probity and reviewing all codes of conduct relating to ethics and probity affecting officers and Members;

- d) considering reports which may come from Government, the Ombudsman or other external sources relating to standards of conduct and making recommendations to the Council;
- e) considering any report from the Monitoring Officer relating to Members' conduct and probity;
- f) carrying out all of the functions contained in (a) to (h) above in relation to the parish councils wholly in Rutland and their elected members.

CONDUCT COMMITTEE

8 September 2016

APPOINTMENT OF PARISH REPRESENTATIVE TO CONDUCT COMMITTEE

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Portfolio Holder for Resources (excluding Finance), Culture, Sport & Recreation, Tourism and Housing	
Contact Officer(s):	Diane Baker, Head of Corporate Governance	01572 720941 dbaker@rutland.gov.uk
	Debbie Mogg, Monitoring Officer	01572 758358 dmogg@rutland.gov.uk
Ward Councillors	Not applicable	

DECISION RECOMMENDATIONS

That the Committee:

1. Considers the appointment of Councillor Adam Lowe of Oakham Town Council to Conduct Committee and recommends formal approval of the appointment to Full Council with immediate effect. The appointment will be valid until Annual Council 2019.

1 PURPOSE OF THE REPORT

- 1.1 For Conduct Committee to consider and endorse the appointment of Councillor Adam Lowe as a Parish Council representative on Conduct Committee prior to approval by Full Council.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Conduct Committee is primarily responsible for promoting and maintaining high standards of conduct by councillors and co-opted members.
- 2.2 Membership of the Committee comprises six County Councillors, two members of separate Parish Councils in Rutland, one of whom shall be a member of a Town Council and one independent person, appointed under the Localism Act 2011. Parish Council representatives and the Independent Person are non-voting co-

opted members.

- 2.3 At present, the Committee has one vacancy for a Parish (Town) Councillor following the resignation of Councillor Alec Crombie of Uppingham Town Council.
- 2.4 If the vacancy continues, the Committee is failing to comply with its Terms of Reference in that it does not have full representation across its membership.
- 2.5 In order to address this, an exercise to appoint to the vacant seat has been undertaken. This entailed an invitation to Town Councillors to express their interest in the vacancy. Those who expressed an interest were invited to complete an application form, which was considered by a panel comprising of the Chair of the Conduct Committee Councillor Stewart, and two members of the Conduct Committee, Councillor Bool and the other Parish Council representative Councillor Aley.
- 2.6 Four Councillors applied for the vacancy and three attended interview on 23 August 2016. Following the interviews, the panel are recommending the appointment of Councillor Adam Lowe, of Oakham Town Council, on the basis that Councillor Lowe demonstrated a good knowledge of the ethical standards process. The panel request the Conduct Committee now consider and endorse this appointment prior to recommendation to Full Council for formal approval on 10 October 2016.
- 2.7 If appointed, Councillor Lowe will join the Conduct Committee with immediate effect and be able to participate in the full business of the Committee.

3 CONSULTATION

- 3.1 No consultation has been necessary in recruiting to this vacancy.

4 ALTERNATIVE OPTIONS

- 4.1 The vacancy could be left unfilled; if this is the case, the Committee will be operating out with its Terms of Reference and not properly fulfilling its function.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 Councillors play a critical role in local life. The people who elect them expect the highest standards of behaviour and all local authorities, must by law, adopt a national code of conduct and Committee to oversee the behaviour of their councillors and, when necessary, receive complaints. It is important, therefore, that the membership of the Conduct Committee is representative of the different types of local councillors within the unitary authority.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) has not been completed as this report concerns the membership of a Committee. The recruitment process accords with fair practice and there are no adverse impacts on any other body.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no community safety implications arising from this report.

9 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no Health and Wellbeing implications arising from this report.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

10.1 This report requests Conduct Committee to a) consider and endorse the appointment of Councillor Adam Lowe, of Oakham Town Council as a Parish (Town) Council representative on Conduct Committee and b) further recommend the appointment to Full Council. The Conduct Committee is responsible for the oversight of Councillor conduct and it is important, therefore, that the Committee retains full representation across its membership.

11 BACKGROUND PAPERS

11.1 No background papers.

12 APPENDICES

12.1 There are no appendices.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577

This page is intentionally left blank

CONDUCT COMMITTEE

6 September 2016

CONDUCT COMMITTEE ANNUAL REPORT

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Not relevant	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
Ward Councillors	Not relevant	

DECISION RECOMMENDATIONS

That the Committee notes the content of the report

1 PURPOSE OF THE REPORT

- 1.1 To inform the Committee of the work associated with the Code of Conduct during 2015/16 and the work planned for 2016/17.

2 BACKGROUND

- 2.1 The Localism Act 2011 places local authorities under a duty to promote high standards of conduct by Councillors. To that end, local authorities are required to adopt a code of conduct which is consistent with the seven Nolan Principles.
- 2.2 Local Authorities must also have arrangements in place for dealing with any allegations that the code has been breached, including the appointment of an independent person whose views must be sought as part of the decision making in respect of such allegations.
- 2.3 The Council's Monitoring Officer must maintain a register of interests for both County and Town/Parish Councillors, in which the disclosable pecuniary interests of each Councillor must be disclosed. All Councillors are obliged to register their disclosable and other interests within 28 days of becoming a councillor, and must also notify the Monitoring Officer of any changes as and when they arise.
- 2.4 The Council adopted a revised Code of Conduct for Councillors with effect from March 2015 and has arrangements in place for dealing with allegations that the

code has been breached. These arrangements, and the Conduct Committee apply to both County and Town/Parish Councillors within Rutland.

2.5 The Code is set out in the Council's constitution and the arrangements are published on the Council's website.

2.6 During 2015/16 the members of the Conduct Committee were:

County Council Members:	Mr E Baines (Chair), Mr K Bool (Vice-Chair), Mr R Clifton, Mr T King, Mr M Oxley, 1 vacancy.
Town/Parish Councillors:	Mr Alex Crombie, Mr Simon Aley

2.7 The Council has appointed Mr Ian Shatford and Mr Gordon Grimes as its two Independent Persons. The Independent Persons are not members of the Committee but assist in the assessment of allegations that a code of conduct has been breached.

2.8 Local Authorities have a statutory duty to appoint a Monitoring Officer. The Council's Monitoring Officer is the Director for Resources, Debbie Mogg. The Deputy Monitoring Officer is the Head of Corporate Governance, Diane Baker. The functions of Monitoring Officer are set out in Article 13 of the Council's constitution.

3 COMPLAINTS ABOUT COUNCILLORS

3.1 In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, it is the responsibility of the Monitoring Officer to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer has delegated authority to determine whether a complaint merits further investigation. Wherever possible and appropriate, the Monitoring Officer seeks informal resolution of the complaint.

3.2 During the period 1 April 2015 to 31 March 2016 a total of 40 complaints were received by the Monitoring Officer. This is significantly higher than in previous years and has had a significant impact on staff resources during the year.

a) Source of the complaints – 29 were received from councillors (town and parishes), and 11 received from members of the public.

b) Subjects by type – no complaints about county councillors, 36 complaints about town councillors and 4 about parish councillors.

c) Outcomes – 21 no further action, 3 resolved informally, 16 referred as a single investigation, breach of code found and recommendations made.

3.3 The complaints received during the year highlighted the need for a better understanding of the neighbourhood planning process within parish councils, particularly in respect of declarations of interest. As a result, guidance has been developed and published on the Council's website and this is shared with parish councils when they commence the neighbourhood planning process.

4 ADVICE AND TRAINING PROVIDED

4.1 During 2015/16 the Monitoring Officer and Deputy Monitoring Officer regularly provided advice on ethical, constitutional and procedural matters to:

- County Councillors
- Town/Parish Councillors
- County Council Officers
- Town/Parish Clerks

4.2 In partnership with the Leicestershire and Rutland Association of Local Councils (LRALC), training on ethical standards was offered to all parish clerks in 2015, however the turnout was disappointing with only three clerks attending.

5 WORK PLAN FOR 2016/17

5.1 The increase in the number of complaints has been sustained so far during 2016/17 and continues to impact upon resources. As such it is considered timely and necessary to review the arrangements for dealing with complaints to ensure that they remain fit for purpose and enable complaints to be efficiently and effectively managed. It is intended to present the findings of this review to the Committee at its next meeting in March 2017.

5.2 Further guidance and training is planned for Parish Councils in respect of the Members Planning Code of Good practice, starting with a briefing session at the Parish Council Forum in October.

6 BACKGROUND PAPERS

6.1 Complaint files for 2015/16

7 APPENDICES

7.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

This page is intentionally left blank