

## Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Ladies and Gentlemen,

A meeting of the **CONDUCT COMMITTEE** will be held via Zoom - <https://us06web.zoom.us/j/88070955814> on **Tuesday, 7th February, 2023** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews  
**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/my-council/have-your-say/](http://www.rutland.gov.uk/my-council/have-your-say/)

### **A G E N D A**

**1) APOLOGIES**

**2) MINUTES**

To confirm the minutes of the Conduct Committee held on 22 March 2022 and receive an update on actions agreed in the minutes of the previous meeting.  
(Pages 5 - 8)

**3) 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.

**4) PETITIONS, DEPUTATION AND QUESTIONS**

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rules 93 and 94.

**5) QUESTIONS FROM MEMBERS**

To consider any questions received from Members of the Council in accordance with the provisions of Procedure Rule 95.

**6) NOTICES OF MOTION**

To consider any Notices of Motion from Members submitted under Procedure Rule 97.

**7) EXCLUSION OF THE PRESS AND PUBLIC**

- a) The Committee is recommended to determine whether the public and press be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provisions of Procedure Rule 181, as the following item of business is likely to involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

Paragraph 1: Information relating to any individual.

- b) To resolve that if the Press and Public be excluded, then any Elected Members who may be present and who are not Members of the Committee, should too be excluded from the meeting in accordance with Procedure Rule 181.

**8) REPORT ON MEMBER CONDUCT COMPLAINTS**

To receive Report No. 24/2022 from the Director for Legal and Governance.  
(Pages 9 - 16)

**9) 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 them.

**10) DATE OF THE NEXT MEETING**

The next meeting will take place in the 2023-24 municipal year.

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**DISTRIBUTION**

**MEMBERS OF THE CONDUCT COMMITTEE:**

Councillor A Brown (Chairman)

Councillor K Bool

Councillor S Harvey

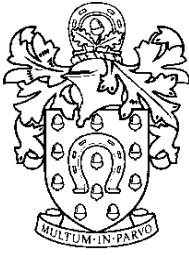
Councillor L Stephenson

Councillor J Burrows

Councillor O Hemsley

Councillor S Webb

**OTHER MEMBERS FOR INFORMATION**



# Rutland County Council

Catmose Oakham Rutland LE15 6HP

Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Minutes of the **MEETING of the CONDUCT COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 22nd March, 2022 at 7.00 pm

**PRESENT:** Councillor O Hemsley (Chair) Councillor A Brown (Vice-Chair)  
Councillor P Ainsley Councillor N Begy  
Councillor J Burrows Councillor S Harvey  
Councillor S Webb

**OFFICERS PRESENT:** Marie Rosenthal Monitoring Officer  
Sarah Khawaja Deputy Monitoring Officer  
Tom Delaney Governance Manager

**IN ATTENDANCE:** Gordon Grimes Independent Person

## 1 APOLOGIES

There were no apologies for absence.

## 2 MINUTES

Consideration was given to the minutes of the meeting held on 7 December 2022.

## RESOLVED

That the minutes of the meeting held on 7 December be **APPROVED**.

## 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 4 PETITIONS, DEPUTATION AND QUESTIONS

No petitions, deputations or questions were received.

## 5 QUESTIONS FROM MEMBERS

No questions from Members were received.

## 6 NOTICES OF MOTION

No notices of motion were received.

## 7 REVISED MEMBERS' CODE OF CONDUCT

Report No. 61/2022 was presented by Marie Rosenthal, Interim Deputy Director for Corporate Governance and Monitoring Officer, the report set out a revised Members' Code of Conduct for consideration prior to it being submitted to full Council on 11 April 2022 for approval. The revised Code was based on the new model code recently produced by the Local Government Association following recommendations made by the Committee on Standards in Public Life.

Following consideration the recommendations of Report No. 61/2022 were moved by and seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

### RESOLVED

That the Conduct Committee:

- 1) **RECOMMENDED** to Council that it approves the adoption of the revised Code of Conduct for Members as set out in Appendix A to the report.
- 2) **AGREED** the adoption of the 8 best practice recommendations of the Committee on Standards in Public Life set out in paragraph 5 of the report.
- 3) **AGREED** an all-member seminar would be arranged as soon as practicable to ensure Members were aware of the change and understood the terms of the new Code of Conduct.
- 4) **RECOMMENDED** the new Code of Conduct to Rutland Parish Councils.

## 8 REVISED ARRANGEMENTS FOR DEALING WITH CONDUCT ALLEGATIONS

Report No. 62/2022 was presented by Sarah Khawaja, Legal Services Manager and Deputy Monitoring Officer, the report set out revised Arrangements for Dealing with Conduct Allegations for consideration and submission to Council for approval.

It was noted and agreed that agreement of the arrangements would be subject to the inclusion of a public interest test and that where the Monitoring Officer, in consultation with the Independent Person, considers it necessary to take action without investigating a matter, the Monitoring Officer will notify the Chair as soon as practicable.

In response to concerns raised by Members on oversight of complaints resolved informally without a Committee hearing, it was agreed that the Monitoring Officer would present an annual report on complaints to the Committee. The Chair of the Committee would also be kept informed of complaints resolved informally as a check and balance.

The recommendations of Report No. 62/2022 were moved and seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

## **RESOLVED**

That the Committee **RECCOMENDED** that Council approves the adoption of the revised Arrangements for Dealing with Conduct Allegations in Appendix A to the report, subject to the amendments agreed at the meeting.

## **9 EXCLUSION OF THE PRESS AND PUBLIC**

Councillor O Hemsley moved from the Chair that the meeting exclude the press and public as consideration of the following items was likely to involve discussion of exempt information relating to the identities of the complainant and subject Councillor.

This was seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

## **RESOLVED**

That the press and public be excluded from the remainder of the meeting as the following items of businesses would involve discussion of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual.

## **10 ALLEGATION OF BREACH OF CODE OF CONDUCT - OAKHAM TOWN COUNCIL**

Report No. 63/2022 was received from the Monitoring Officer.

Sarah Khawaja, Deputy Monitoring Officer, presented the report and summarised the findings of the Independent Investigator

## **RESOLVED**

- 1) That the final report of the Independent Investigator be **NOTED**.

Consideration was then given to whether the Councillor concerned had breached Oakham Town Council's Code of Conduct, during its considerations the Committee was advised by Marie Rosenthal, Monitoring Officer, and also had the opportunity to receive the views of Gordon Grimes, the Council's Independent Person.

It was moved by Councillor A Brown that the Committee find the Councillor concerned in breach of Oakham Town Council's Code of Conduct. This was seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

## **RESOLVED**

- 2) That the Councillor concerned was found in breach of Oakham Town Council's Code of Conduct.

Consideration was then given to the potential sanctions available for the Committee to impose on the Councillor concerned. Following discussion, it was moved by Councillor O Hemsley that all available sanctions be imposed except the recommendation of training, which the Committee felt would not be of value. This was seconded and upon

being put to the vote, with six votes in favour and one abstention, the motion was carried.

**RESOLVED:**

- 3) That the subject Member be issued a formal letter.
- 4) That formal censure be imposed.
- 5) That Oakham Town Council be recommended to remove the Member the member from committee(s) and other appointments.
- 6) That a press release and other appropriate publicity be published.

A full copy of the decision notice in respect of the complaint can be found appended to these minutes.

**11 ANY OTHER URGENT BUSINESS**

There was no urgent business for consideration.

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**The Chair declared the meeting closed at 8.08pm**  
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**CONDUCT COMMITTEE**

7 February 2023

**REPORT ON MEMBER CONDUCT COMPLAINTS RECEIVED**

Report of the Director for Legal and Governance

Strategic Aim:	All	
Exempt Information	Appendix 1 - contains exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Angela Wakefield, Director for Legal and Governance, Monitoring Officer	<a href="mailto:awakefield@rutland.gov.uk">awakefield@rutland.gov.uk</a>
	Sarah Khawaja, (Solicitor) Legal Services Manager, Deputy Monitoring Officer	01572 827347 <a href="mailto:skhawaja@rutland.gov.uk">skhawaja@rutland.gov.uk</a>
Ward Councillors	N/A	

**DECISION RECOMMENDATIONS**

That the Committee notes the report.

**1 PURPOSE OF THE REPORT**

1.1 To report on the complaints received by the Monitoring Officer for the period 1/04/22-13/01/23

**2 BACKGROUND**

2.1 The Council’s Conduct Committee has an important role in relation to Member Code of Conduct complaints both for Rutland County Council and for parish and town councils.

2.2 Rutland County Council resolved to adopt the Local Government Association Model Councillor Code of Conduct and amended Arrangements for Dealing with Member Conduct Complaints in April 2022.

2.3 It was agreed by the Conduct Committee on 22 March 2022 that the Monitoring

Officer would submit an annual report to the Conduct Committee on the member conduct complaints received that municipal year.

- 2.4 In the period 01/04/22-13/01/23 the Monitoring officer accepted 11 complaints relating to members conduct relating to 8 different members.
- 2.5 Seven of the complaints relate to Oakham Town Councillors, two to RCC Councillors, One each to Uppingham Town Council and Stretton Parish Council.
- 2.6 There was an agreed informal resolution in relation to three of the complaints
- 2.7 Two complaints were referred to the police; there is no current update in respect of one and the police decided to take no further action in respect of the other.
- 2.8 There was no further action in relation to two of the complaints as the complaints were not made out when investigated.
- 2.9 There are currently two outstanding complaints which relate to the same member and incident.
- 2.10 The Monitoring Officer received two complaints from Oakham Town Councillors about each other on 11<sup>th</sup> January 2023. The Independent Person's view is currently being sought about them.
- 2.11 The Monitoring Officer was mindful that the majority of complaints related to parish and town councillors and agreed to fund training for parish clerks delivered by LRALC. Unfortunately, the take up for the training was relatively low.

### **3 CONSULTATION**

The Independent Person is consulted in relation to all member conduct complaints, accepted by the Monitoring Officer.

### **4 ALTERNATIVE OPTIONS**

It is beneficial to the Conduct Committee to have formal oversight of the member conduct complaints received by the Monitoring Officer and no alternative is proposed.

### **5 FINANCIAL IMPLICATIONS**

- 5.1 The Council has a small budget for Standards matters.
- 5.2 Where a member conduct complaint required investigating in the municipal year 2021/2, the investigation was undertaken by an external solicitor, at significant cost. With the development of the in-house legal service, this work will be undertaken internally unless there are particular reasons for the matter to be outsourced. To date there has been no external spend on the member standards budget in the year 2022/3. The officers carrying out the work will start to be time recorded so that there is an accurate picture of the cost even when there is no external spend.
- 5.3 There is a separate budget for training for RCC Members.

### **6 LEGAL AND GOVERNANCE CONSIDERATIONS**



- 6.1 Section 27(2) of the Localism Act 2011 places a duty on relevant authorities to ensure their members and co-opted members maintain high standards of conduct and requires such authorities to adopt a code of conduct for their members.
- 6.2 Section 28(2) requires a relevant authority to adopt a code whose contents must be consistent with the seven 'Nolan' principles of standards in public life to promote and maintain high standards of conduct by members.
- 6.3 Section 28(6) requires the Council to adopt arrangements for dealing with member code of conduct complaints for its own councillors and those of the parish and town councils within its area. The current arrangements were adopted by Council in April 2022.

## **7 DATA PROTECTION IMPLICATIONS**

A Data Protection Impact Assessments (DPIA) has not been completed

## **8 EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment (EqIA) has not been completed.

## **9 BACKGROUND PAPERS**

- 9.1 There are no background papers to the report.

## **10 APPENDICES**

- 10.1 Appendix 1: Log of Member Complaints (Exempt)

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

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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