

# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## AUDIT AND GOVERNANCE COMMITTEE – 27 MARCH 2013

Title of report	<b>DRAFT MEMBER CONDUCT ANNUAL REPORT 2012/13</b>
Contacts	Councillor Nicholas Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a>  Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a>  Head of Legal & Support Services and Monitoring Officer 01530 454762 <a href="mailto:elizabeth.warhurst@nwleicestershire.gov.uk">elizabeth.warhurst@nwleicestershire.gov.uk</a>
Purpose of report	To receive and note the draft Annual Report and authorise the Head of Legal & Support Services and Monitoring Officer to make any minor amendments before being recommended to Council.
Council Priorities	Value for Money
Implications:	
Financial/Staff	N/A
Link to relevant CAT	N/A
Risk Management	By receiving this information members will be able to manage risks of misconduct.
Equalities Impact Assessment	N/A
Human Rights	N/A
Transformational Government	N/A
Consultees	N/A
Background papers	Localism Act 2011 <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted">http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</a>  <a href="#">Current NWL Code of Conduct</a> Available on the Council's website and in the Constitution <a href="http://www.nwleics.gov.uk">www.nwleics.gov.uk</a> .

Recommendations	<p>(1) THAT THE DRAFT MEMBER CONDUCT ANNUAL REPORT 2012/13 BE RECEIVED AND NOTED;</p> <p>(2) THAT AUTHORITY BE DELEGATED TO THE HEAD OF LEGAL &amp; SUPPORT SERVICES AND MONITORING OFFICER TO MAKE ANY MINOR AMENDMENTS TO THE REPORT FOLLOWING COMMENTS FROM THE AUDIT AND GOVERNANCE COMMITTEE;</p> <p>(3) THAT COUNCIL BE RECOMMENDED TO ENDORSE THE MEMBER CONDUCT ANNUAL REPORT 2012/13.</p>
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## 1. INTRODUCTION

- 1.1 It is important that the work of the Audit and Governance Committee should be visible to the Authority and wider public. It is felt that the annual report acts as a helpful tool in communicating the work undertaken by the Audit and Governance Committee to the public and to Members.
- 1.2 The Committee is recommended to receive and note the draft Member Conduct Annual Report and authorise the Head of Legal and Support Services and Monitoring Officer to make any necessary amendments following comments from this Committee before being recommended to Council for endorsement.



# MEMBER CONDUCT ANNUAL REPORT 2012-2013

## 1. Introduction

This is the Member Conduct Annual Report of North West Leicestershire District Council's Audit and Governance Committee and covers the period from 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.

The Localism Act 2011 made fundamental changes to the system of regulating standards of conduct for elected and co-opted Members making each Authority responsible for its own Members, for adopting its own Code of Conduct and its own Arrangements for dealing with complaints. The duty now lies with the individual authorities (and their Monitoring Officer) to investigate and hold to account Members accused of breaches. These changes came into force on 1 July 2012.

In addition to the responsibilities detailed in the Terms of Reference below, the Audit and Governance Committee promotes high standards of conduct by District Council Members and Members of Town/ Parish Councils in North West Leicestershire. The Audit and Governance Committee complies with the requirements of the Localism Act 2011, the regulations and the guidance provided under that legislation, together with Council's adopted Arrangements.

On 27 June 2012 Council adopted the North West Leicestershire Code of Conduct for Members which had been drafted by Members for Members. The Code incorporates all the legislative requirements under the Localism Act 2011 in relation to Disclosable Pecuniary Interests together with retaining the personal obligations in existence under the previous regime.

In drafting the new Code the Monitoring Officer engaged with the Parish Councils keeping them well informed of the progress of the District Council and offering them the opportunity to comment on the contents of the Code.

As a result of this work the Code was adopted by our Town and Parish Councils in time for 1 July 2012 and all are now operating successfully under the Council's adopted Arrangements for dealing with Member conduct. Representatives from each Parish Council have also attended one of the numerous training sessions offered throughout July – September 2012.

## 2. Terms of Reference

**Membership:** Ten councillors

**Quorum:** Three District councillors

### **Terms of Reference:**

To act as the Authority's Audit Committee, to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to be responsible for the financial reporting process. In particular:

- Consider the effectiveness of the Authority's risk management arrangements, the control environment, and anti fraud and corruption arrangements
- Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors
- Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it
- Approve (but not direct) Internal Audit's strategy and plans and monitor performance
- Review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- Receive the annual report of Internal Audit

- Consider plans of External Audit and inspection agencies
- Monitoring of relevant reports and action plans
- Ensure there are effective relationships between Internal and External Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- Approve the Council's statement of accounts, income and expenditure and balance sheet and receive the External Auditor's opinion and reports to members, and monitor management action in response to the issues raised by External Audit
- To deal with the Annual Audit and Inspection letter and in particular to:
  - consider matters raised in the annual governance report
  - agree, if necessary, to adjust the financial statements
  - approve the representation letter on behalf of the Council
  - consider and agree, if considered appropriate, any actions proposed in the annual governance report and statement
- To have delegated authority to deal with all matters relating to the Council's final accounts

### **Sub-committees of the Audit and Governance Committee**

All Audit and Governance Committee members will form a pool from which members will be drawn based on their availability and the requirements of the particular Sub-committee as and when required.

#### **Assessment Sub-committee**

Assessment of complaints in accordance with the Council's Guidance and to either:

- Determine that there should be no further action
- refer the matter for full investigation
- refer the matter for other action

#### **Review Sub-committee**

Consideration of requests for a review in accordance with the Council's Guidance.

#### **Determinations Sub-committee**

To receive reports from the investigating officer and to decide either:

- to determine finding of no failure to comply with the Code of Conduct
- to determine finding of failure to comply with the Code of Conduct and impose relevant sanctions
- refer the matter for other action

## **3. Composition**

The membership prior to July 2012 was as follows:

### **Independent Representatives**

Sylvia Williams  
Appointed by Council 23<sup>rd</sup> September 2008

John Betteridge  
Appointed by Council 24<sup>th</sup> February 2009

David Knight  
Appointed by Council 26<sup>th</sup> January 2010

David Lakin  
Appointed by Council 25<sup>th</sup> January 2011

Jim Wheeler  
Appointed by Council 24<sup>th</sup> February 2011

### **Parish Representatives**

Caroline Andrews  
Appointed by Council 11<sup>th</sup> November 2008

Lavinia Mann  
Appointed by Council 11<sup>th</sup> November 2008

Steve Peace  
Appointed by Council 25<sup>th</sup> January 2012

Patricia Thomas  
Appointed by Council 25<sup>th</sup> January 2012

### **District Councillors**

All appointed by Council on 24<sup>th</sup> May 2011 and 15 May 2012

Councillor G Allman  
Councillor J Cotterill  
Councillor C Large  
Councillor T Neilson  
Councillor R Woodward

The membership after July 2012 was as follows:

### **District Councillors**

All appointed by Council on 26 June 2012

Councillor G Allman  
Councillor A Bridges  
Councillor J Cotterill  
Councillor D De Lacy  
Councillor D Everitt  
Councillor G Jones  
Councillor C Large  
Councillor T Neilson  
Councillor N Smith  
Councillor R Woodward

### **Parish Representatives**

All appointed by Council on 26 June 2012

Caroline Andrews (until February 2013)  
Councillor L Mann  
Councillor S Peace  
Councillor P Thomas

## **Independent Persons**

The legislation requires the Council to appoint at least one Independent person who potentially advises all those involved in a Standards complaint, including the Monitoring Officer, and who must be consulted prior to the determination of a complaint.

Through an open advertising process conducted with partner authorities the Council appointed a pool of independent persons from whom one can be drawn as and when required.

The main officer support for the Committee is provided by the Monitoring Officer (Elizabeth Warhurst), the Deputy Monitoring Officer (Dave Gill) and the Local Member Support Officer (Michelle Meredith).

## **4. Meetings and Work Programme**

The Audit and Governance Committee meets a minimum of four times per annum. In addition to its scheduled meetings, sub committees still meet on an ad hoc basis in order to consider and determine allegations of Member conduct. The Committee has its main work planned in advance through a Work Programme which enables it to be more proactive, strategic and focused in its approach to key issues.

## **5. Reporting Arrangements**

The Audit and Governance Committee receives quarterly reports which have enabled Members to be reminded of the issues it has dealt with during each quarter and address any issues which this has highlighted.

## **6. Procedures and Workloads**

### **(a) Dispensations**

During 2012/13, there were no applications received for a dispensation from either District or Parish members.

The Monitoring Officer was asked for and offered advice to Parishes with regards to the setting of the Parish precept and how that might impact on Member's duty in relation to Disclosable Pecuniary Interests. The advice provided was consistent with the position of local authorities across the County and was confirmed in follow-up guidance issued by Government.

### **(b) Complaints made to the Monitoring Officer under the Old Code of Conduct prior 1 July 2012**

There were 9 complaints referred to the Monitoring Officer and the details are set out below:-

<u>Complaints made:-</u>	4
by Members of the Public	1
by Parish Councillors	0
by District Councillors	3
by Parish Clerk	0

#### Complaints against:-

a Parish Councillor	0
against a District Councillor	6

**(c) Complaints referred to the Standards Assessment Sub Committee**

From the above-mentioned complaints 3 were referred to the Standards Assessment Sub Committee and the decisions are set out below:-

Referred to the Monitoring Officer for investigation	1
Referred to the Monitoring Officer for further action	2
No further action.	2
Complaints withdrawn	1

**(d) Complaints made to the Monitoring Officer under the New Code of Conduct after 1 July 2012**

<u>Complaints made:-</u>	5
by Members of the Public	2
by Parish Councillors	1
by District Councillors	2
by Parish Clerk	0

Complaints against:-

a Parish Councillor	2
against a District Councillor	5

**(e) Complaints referred to the Standards Assessment Sub Committee**

From the above-mentioned complaints:-

1 was referred to the Standards Assessment Sub Committee who determined no further action

1 complaints was withdrawn

3 complaints are still at informal resolution stage.

**(f) Members' Register of Interests**

The Local Member Support Officers undertake regular checks of the Register of Members' Interests and provide advice and assistance to Parish Councils on the completion of the Registers.

**(g) Training**

Code of Conduct training took place on 16 and 27 July 2012 for District Council members together with three sessions on 31 July, 10 and 14 August 2012 for Parish Council members with an additional session on 10 September 2012 for all members who were unable to attend any of the scheduled dates.

The Monitoring Officer has received a further request for training from Castle Donington Parish Council due to the unavailability of some of there members last year and this is being organised through their clerk.

The Monitoring Officer is also organising refresher training for all members of both District and Parish Councils later in the year.



## 7. Policies & Procedures

The Audit and Governance Committee oversees the ethical framework of the Council including oversight of:

- the Whistle Blowing Policy
- complaints handling
- Ombudsman investigations.

**Elizabeth Warhurst**  
**Monitoring Officer**

**Councillor T Neilson**  
**Chairman**

### **OUR VISION**

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

**Legal and Support Services**  
**North West Leicestershire District Council**  
**Council Offices, Whitwick Road, Coalville, Leicestershire, LE67 3FJ**