

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ANNUAL COUNCIL – 13 MAY 2014

Title of report	MEMBER CONDUCT ANNUAL REPORT 2013/14
Contacts	<p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal & Support Services and Monitoring Officer 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To receive and endorse the Annual Report.
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
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.

Consultees	Members of the Audit and Governance Committee
Background papers	Localism Act 2011 http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted Current NWL Code of Conduct Available on the Council's website and in the Constitution www.nwleics.gov.uk .
Recommendations	THAT THE MEMBER CONDUCT ANNUAL REPORT 2013/14 BE RECEIVED AND ENDORSED.

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 Annual Report of North West Leicestershire District Council's Audit and Governance Committee covering the period 1 April 2013 to 31 March 2014 was considered by the Audit and Governance Committee at its meeting on 26 March 2014 and is appended.
- 1.3 The Chairman of the Audit and Governance Committee for 2013/14 was Councillor T Neilson. He will be invited to speak on the Annual Report at the meeting.



MEMBER CONDUCT ANNUAL REPORT 2013-2014

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 1st April 2013 to 31st March 2014.

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.

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

District Councillors

All appointed by Council on 21 May 2013

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

Parish Representatives

Councillor P Thomas

To be formally appointed at the Audit and Governance Committee on 26 March 2014:

Councillor K Grove
 Councillor R Martin
 Councillor S McKendrick

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 the following pool of independent persons from whom one can be drawn as and when required:

Colin Headley
Christine Howell
Desmond Henderson
David Lamb
Gordon Grimes
Hugh Pearson
Lee Hughes
Ruth Auton
Richard Gough

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 (Rachel Wallace).

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 2013/14, 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 New Code of Conduct 2013/14

<u>Complaints made:</u>	8
by Members of the Public	2
by Parish Councillors	0
by District Councillors	3
by Parish Clerk	1
by Council Officer	2

Complaints against:

a Parish Councillor	3
a District Councillor	5

(c) Complaints referred to the Standards Assessment Sub-committee

From the above mentioned complaints:

2 were referred to the Standards Assessment Sub-committee who determined one case of no further action and one case be referred to the Monitoring Officer for other action.

3 complaints were withdrawn:

The first complaint was received during 2012/13 but was not withdrawn until August 2013. It related to a failure to treat the clerk and members with respect, carry out actions not in the public interest, breach of confidentiality and bringing the office into disrepute.

The second complaint was, again, received during 2012/13 but not withdrawn until May 2013. It related to a failure to represent constituents in connection with a planning application which amounted to a dereliction of duty as a councillor.

The third complaint was received in April 2013 and related to a failure to declare interests on the Register of Interests form.

5 complaints were resolved informally:

All of these complaints related to unprofessional conduct of councillors.

1 complaint is still at informal resolution stage:

This complaint also relates to unprofessional conduct of councillors.

(d) 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.

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**