



# MEMBER CONDUCT ANNUAL REPORT 2021-22

This is the Member Conduct Annual Report of North West Leicestershire District Council's Audit and Governance Committee and covers the period from 1 April 2021 to 31 March 2022.

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.

On 24 February 2022, the Council adopted a new Members' Code of Conduct and Arrangements for dealing with complaints about Councillors. The new Code was based on the Local Government Association's model Members' Code of Conduct, published in 2021, which was reviewed and amended following a collaborative piece of work with the other Leicestershire MOs (District/Borough and County). Those authorities all now share a common code.

## 2. Audit and Governance Committee Terms of Reference

**Membership:** Ten District Councillors

**Quorum:** Three District Councillors

### Terms of Reference during the 2021-2022 financial year:

#### Statement of purpose

1. The Audit & Governance Committee is a key component of North West Leicestershire District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit & Governance Committee is to provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment. It provides independent review of North West Leicestershire District Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit arrangements, helping to ensure efficient and effective assurance mechanisms are in place.

#### Governance, risk and control

3. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
7. To monitor and provide scrutiny over the effective development and operation of risk management in the council.
8. To monitor progress in addressing risk-related issues reported to the committee such as the Corporate Risk Register.

9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
11. To monitor the Anti-Fraud and Corruption strategy, actions and resources.

#### Internal audit

12. To approve the internal audit charter.
13. To approve (but not direct) the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
15. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
17. To consider progress reports from the head of internal audit on internal audit's performance during the year
18. To consider the head of internal audit's annual report, including the statement of the level of conformance with the Public Sector Internal Audit Standards and the results of the Quality Assurance and Improvement Programme that supports the statement. Fundamental to the annual report is the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion. These will assist the committee in reviewing the Annual Governance Statement.
19. To consider summaries of specific internal audit reports in accordance with agreed protocols.
20. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
21. To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
22. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

#### External audit

23. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised.
24. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
25. To consider specific reports as agreed with the external auditor.

26. To comment on the scope and depth of external audit work and to ensure it gives value for money.

Financial reporting

27. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
28. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
29. To seek assurances that the council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.

Accountability arrangements

30. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
31. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
32. To publish an annual report on the work of the committee.

<b>Functions</b>	<b>Matters reserved for a Decision</b>
The Council has determined under the powers conferred on it by Section 28(6) of the Localism Act 2011 to appoint an Audit and Governance Committee and it has the following roles and functions:	To determine any issues referred to the Committee (except for any matter reserved to the Council).
Promoting and maintaining high standards of conduct by councillors and co-optees  Assisting the councillors and co-optees to observe the Members' Code of Conduct  Advising the Council on the adoption or revision of the Members' Code of Conduct  Monitoring the operation of the Members' Code of Conduct  Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct  Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set	

<p>out in the Members Code of Conduct as appropriate</p> <p>Dealing with any report from the Monitoring Officer on any matter concerning Governance</p> <p>To establish Sub-committees for the Assessment of Determination of matters concerning allegations of Members Conduct</p> <p>And in addition the Audit and Governance Committee also oversees the ethical framework of the Council including oversight of:</p> <ul style="list-style-type: none"> <li>• the Whistle Blowing Policy</li> <li>• complaints handling</li> <li>• Ombudsman investigations</li> </ul>	
<p>To exercise the above functions for the parish councils wholly or mainly in its area and the members of those parish councils</p>	

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

All Audit and Governance Committee members 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:

- Refer the complaint to the Monitoring officer to take other action.
- Request further information from the parties.
- Refer the complaint to the Monitoring Officer for investigation.
- Take no action to be taken in respect of the complaint.

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

Consideration of requests for a review in accordance with the Council's Guidance. The Arrangements state that a review of a decision of the Assessment Sub-committee will not be allowed unless new evidence is submitted.

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

To receive reports from the Monitoring Officer or her appointed 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

in accordance with the Council Guidance.

### 3. Composition

#### **District Councillors**

All appointed by Council on 25 May 2021

**Chairman:** Councillor S Gillard

**Deputy Chairman:** Councillor N Smith

Councillor E Allman

Councillor C Benfield

Councillor J Clarke

Councillor M Hay

Councillor R Morris

Councillor V Richichi

Councillor S Sheahan

Councillor M Wyatt

#### **Parish Representatives**

The following parish councillors were appointed as Parish Representatives with effect from 8 September 2020 for the remainder of the Administration (May 2023):

Councillor Patricia Thomas – Ashby Woulds Town Council

Councillor Ray Woodward – Whitwick Parish Council

Councillor Brian Beggan – Ashby Town Council

Vacancy

#### **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:

Michael Pearson

Mark Shaw

Gordon Grimes

Richard Gough

Michael Gibson

Laurence Faulkner

The main officer support for the Committee is provided by the Monitoring Officer (Elizabeth Warhurst), the Deputy Monitoring Officer (Kate Hiller) and the Democratic 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 2021/22, there were no applications received for a dispensation from either District or Parish members. Under the new Members' Code of Conduct, Dispensations for Parish Councillors will be dealt with by the Parish Council.

### (b) Complaints made to the Monitoring Officer under the Code of Conduct during 2021/22

Qtr	Complaint From	About District/Parish Councillor	Regarding	Status
Q1 21/22	Member of the public (4 complainants)	District Councillor	BREXIT and the pandemic	No action taken – not acting in capacity as Cllr
	Member of the public	Parish Councillor	Comments made on social media	No action taken – not acting in capacity as Cllr
	Member of the public	Parish Councillor	Comments made in a local public house regarding Covid	No action taken – not acting in capacity as Cllr
Q2 21/22	Member of the public	District Councillor	Lack of communications about a bin replacement	Partial not acting in capacity as Cllr and did not amount to a breach of the Code of Conduct
Q3 21/22	Member of public	Parish Cllr	Comments made on social media	No action taken – not acting in capacity as Cllr
	Member of public	Parish Cllr	Comments made on social media	No action taken – not acting in capacity as Cllr
	Member of public	Parish Cllr	Comments made on social media	No action taken – not acting in capacity as Cllr
Q4 21/22	Member of the public	Parish Cllr	Allegation of exchange of words in public place	No action taken – not acting in capacity as Cllr
	Member of the public	District Cllr	Allegation of making comments and taking photographs	No action taken – not acting in capacity as Cllr

	Parish Cllr	Parish Cllr	Allegation of disrespect due to language used in public meeting	Apology to be made at Council meeting on 16 May – hoped that this should resolve the complaint
	Parish Cllr	District Cllr	Disrespect in an email exchange	Resolved informally
	Member of the public	Parish Cllr	Comments made regarding member of the public	Resolved informally

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

From the above-mentioned complaints: 0

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

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

**(e) Advice and Training**

The Monitoring Officer and Deputy Monitoring Officer continue to provide both parish and district members with advice, both proactively and on request, on member's interests and governance.

Following the adoption of the Members' Code of Conduct by Council on 24 February 2022, the Monitoring Officer provided training to District and Parish Members. An external trainer was engaged to provide training over 4 sessions (one in person, 2 hybrid and one wholly virtual session). The sessions were well attended and the feedback has been positive. The training slides and a recording of the virtual session will be posted on the Members' hub for ease of reference.

## 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.
- Freedom of Information and Data Protection
- Anti Fraud and Corruption Policy\*
- Anti Money Laundering Policy\*
- Risk Management Policy\*
- RIPA Policy\*
- Information Management Policy\*
- Data Protection Policy\*
- ICT & Cyber Security Policy\*
- Local Code of Corporate Governance\*

The policies marked with an \* were reviewed as part of the annual governance policy review process in 2021/22. They were considered by Audit and Governance Committee on 21 July 2021 and approved by Cabinet on 21 September 2021.

**Elizabeth Warhurst  
Monitoring Officer**

**Councillor S Gillard 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**