



MEMBER CONDUCT ANNUAL REPORT 2024-25

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 2024 to 31 March 2025.

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, applicable regulations and the guidance provided under that legislation, together with the Council's adopted Arrangements for Dealing with Complaints about Councillors.

In February 2022, Council adopted a new version of its Code of Conduct for Councillors, which was based on the Local Government Association Model Code of Conduct, and followed collaboration with other Leicestershire District and Borough Councils and Leicestershire County Council.

2. Audit and Governance Committee Terms of Reference

Membership: Ten District Councillors

Quorum: Three District Councillors

The Terms of Reference of the Audit and Governance Committee are set out in Section D7 of Part 2 of the Constitution and can be found via this link:

[The Councils Constitution](#)

The Audit and Governance Committee has responsibility for governance issues, including audit functions. Its scope is to provide independent assurance to those charged with governance on matters such as risk management, the internal control environment, financial reporting, internal and external audit and standards matters. It also oversees the work on reviewing the Council's Constitution, corporate governance policies, Councillors Code of Conduct and Arrangements for Dealing with Complaints about Councillors and receives the annual letter from the Local Government and Social Care Ombudsman. Sub-Committees of the Audit and Governance Committee are formed as required to deal with matters relating to complaints about Councillors.

3. Composition

District Councillors

The following Councillors were appointed to the Committee in May 2024:

Chairman: Councillor P Moulton

Deputy Chairman: Councillor D Everitt

Councillor A Barker

Councillor R Boam

Councillor D Cooper

Councillor Johnson

Councillor G Rodgers

Councillor J G Simmons

Councillor N Smith

Councillor R Sutton

Parish Representatives

The following parish councillors were appointed as Parish Representatives for the remainder of the Administration in June 2024:

Councillor M McIntyre – Lockington and Hemington Parish Council

Part of the role of the Audit and Governance Committee is to hold Sub-committees to investigate complaints against Councillors (District and Parish). As provided for in the Council's Constitution, the Sub Committees may co-opt at least one parish councillor when decisions are taken concerning a parish matter. This will be as and when required. The Parish representatives will not be required to attend the main meetings of the Audit and Governance Committee. The Sub-committees have not been required to co-opt a Parish Councillor in the last year.

Independent Persons

The legislation requires the Council to appoint at least one Independent Person (IP) 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 IPs were appointed by Full Council on the 25 May 2021 until Full Council meeting on 13 May 2025.

The Council is currently working with other districts on the recruitment of the new pool of Independent Persons for 2025-29. The recruitment is being led by Oadby and Wigston Borough Council. The report to recruit the new pool will be taken to Full Council on 13 May 2025.

The main officer support for the Committee is provided by the Monitoring Officer, the Governance Legal Team Leader and the Democratic Support Officer. Professional advice is provided to the Committee by the S151 Officer and Internal Audit Manager and other officers, as required.

4. Meetings and Work Programme

The Audit and Governance Committee meets in accordance with the programme set by Full Council. The Chair of the Committee, in their discretion, may convene an additional meeting not in the programme. 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. The work of the sub committees is not programmed as the meetings are called as and when needed.

5. Reporting Arrangements

The Audit and Governance Committee receives quarterly Standards and Ethics Reports which provide information in two categories: Local Determination of Complaints and Ethical Indicators.

The report enables the Audit and Governance Committee to keep track of how many complaints are received by the Monitoring Officer each quarter and how these are dealt with. Where the Councillor Code of Conduct has been breached, this will also be recorded to enable the Committee to determine whether there needs to be further targeted training.

The report also allows the Committee to have oversight on the quarterly data for Ethical Indicators. This includes reporting on instances of concern raised regarding Modern Slavery, reporting of

whistleblowing incidents, whether the Council has used its Regulation of Investigatory Powers Act (RIPA) powers, and several other indicators.

6. Procedures and Workloads

(a) **Dispensations**

During 2024/25, there was one dispensation granted to all Members at full Council on 5 November 2024. This was in relation to the Members' Allowance Scheme. As all members are entitled to receive allowances under the Members Allowance Scheme, if all members were to declare an interest and not take part in the discussion and vote, it would impede the transaction of the business (section 34(4)a) of the Localism Act 2011) and mean that the Council could not agree a scheme as required. A dispensation was, therefore, granted to all Members as it was considered in the interests of North West Leicestershire to agree a Members Allowance Scheme.

(b) **Complaints made to the Monitoring Officer under the Code of Conduct during 2024/25**

The Monitoring Officer deals with complaints in line with the Council's Arrangements for Dealing with Complaints about Councillors. The Arrangements can be found on the Council's website via the following link:

[Arrangements for Dealing with Complaints about Councillors 2024-25](#)

The Arrangements for Dealing with Complaints about Councillors were reviewed in 2024/25 and were adopted by Council on 5 November 2024.

The first stage of dealing with a complaint is a consideration of the initial tests. The Arrangements for Dealing with Complaints about Councillors provide that if the initial tests are not met, the complaint will not proceed.

If the complaint does proceed, the next step is informal resolution. This is where the Monitoring Officer works with the complainant and the subject member to see whether the complaint is one that can be resolved informally to the satisfaction of both parties. No finding is made in relation to the Code and parties can decide whether they wish to take part in this step.

If the complaint is not resolved informally, for whatever reason, the Monitoring Officer refers the complaint to the Assessment Sub-Committee. The Assessment Sub-Committee makes a decision about whether the press and public should be excluded from the meeting under Schedule 12A Local Government Act 1972. The Sub-Committee makes this decision having regard to the advice from the Monitoring Officer and an assessment of the public interest. Under the Council's Arrangements for Dealing with Complaints about Councillors. There is a presumption that the meeting will be held in private. This is in line with the Local Government Association Guidance on Member Code of Conduct Complaints Handling (2021).

On consideration of a complaint, the Assessment Sub-Committee has the following decisions available to it:

- Refer the complaint to the Monitoring Officer to take other action – this is fact specific to the matter being considered.
- Request further information from the parties.
- Refer the complaint to the Monitoring Officer for investigation.
- No action to be taken in respect of the complaint.

The table below summarises the complaints which have been received during 2024/25. This information is reported on quarterly basis to the Audit and Governance Committee.

<u>Qtr</u>	<u>Complaint from</u>	<u>About district/parish councillor</u>	<u>Regarding</u>	<u>Status</u>
Q1 24/25	Member of the public	District Councillor	Accusation of trespassing and fly-tipping	Initial tests not met
	Member of the public	Parish Councillor	Concerns around planning application and predetermination	Initial tests not met
Q2 24/25	Member of the public	Parish Councillor	Failing to follow procedures re calling an extraordinary meeting	Went to Assessment Sub-committee – no further action
Q3 24/25	District Councillor	District Councillor	Concerns raised regarding conduct at a Council meeting	Initial tests not met
	District Councillor	District Councillor	Concerns raised regarding conduct at a Council meeting	Went to Assessment Sub-committee – referred to the MO to take other action
	District Councillor	District Councillor	Concerns raised regarding conduct at a Council meeting	Resolved informally
	District Councillor	District Councillor	Concerns raised regarding conduct at a Council meeting	Went to Assessment Sub-committee – referred to the MO to take other action
	District Councillor	District Councillor	Concerns raised regarding conduct at a Council meeting	Resolved informally
Q4 24/25	District Councillor	District Councillor	Concerns raised regarding conduct at a Planning Committee meeting	Ongoing – referred to Assessment Sub-committee
	District Councillor	District Councillor	Concerns raised regarding conduct at a Planning Committee meeting	Initial tests not met
	District Councillor	District Councillor	Concerns raised regarding conduct at a Planning Committee meeting	Initial tests not met
	District Councillor	District Councillor	Concerns raised regarding conduct at a Planning Committee meeting	Initial tests not met
	Member of the public	District Councillor	Refusal to meet to discuss ASB issues	Ongoing – referred to the Assessment Sub-committee
	Member of the public	District Councillor	Concerns around connection to a planning application	Ongoing
	District	District	Misleading the public	Initial tests not met
	Member of the public	Parish / Town	Continuing to act as a Cllr following resignation	Initial tests not met

	Member of the public	Parish / Town	Allowing a Cllr to act following a resignation	Initial tests not met
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(c) Complaints referred to the Standards Assessment Sub Committee

From the complaints in the above table, five were referred to the Sub-Committee.

(d) Members' Register of Interests

The Democratic Services Officers send regular reminders to members to ensure that the Register of Members' Interests is up to date 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.

7. Policies & Procedures

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

- Anti Fraud and Corruption Policy
- Anti Money Laundering Policy
- Confidential Reporting (Whistle Blowing Policy)
- Risk Management Policy
- RIPA Policy
- Local Code of Corporate Governance
- Data Protection Policy
- Information Governance Framework
- Information Security Policy
- Information Rights Policy
- Records Management Policy

These corporate governance policies are reviewed annually by the Audit and Governance Committee before consideration and adopted by Cabinet. The Committee considered the policies at its meeting on 7 August 2024 and Cabinet adopted the policies at its meeting on 24 September 2024.

Councillor P Moulton
Chairman of Audit and Governance Committee

Councillor D Everitt
Deputy Chairman of Audit and Governance Committee

Kate Hillier
Head of Legal and Support Services and Monitoring Officer