



# **MEMBER CONDUCT ANNUAL REPORT 2015-16**

## 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 2015 to 31<sup>st</sup> March 2016.

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 26 May 2015

**Chairman:** Councillor J Cotterill

**Deputy Chairman:** Councillor D Harrison

Councillor R Adams

Councillor R Ashman

Councillor J Clarke

Councillor F Fenning

Councillor G Jones

Councillor K Merrie

Councillor T Neilson (Resigned 4 December 2015)

Councillor S Sheahan (Appointed 23 February 2016)

Councillor A C Saffell

#### **Parish Representatives**

Councillor P Thomas

The following were formally appointed at the Audit and Governance Committee on 26 March 2014:

Councillor K Grove

Councillor R Martin

## **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 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 2015/16, 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 2015/16**

Complaints made: 7

by Members of the Public	4
by Parish Councillors	0
by District Councillors	2
by Parish Clerk	0
by Council Officer	1

Complaints against:

a Parish Council	1
a District Councillor	6

From the above mentioned complaints:

4 complaints were resolved informally:

All of these complaints related to unprofessional conduct of councillors and the parish council.

3 complaints are still at informal resolution stage:

These complaints also relate to unprofessional conduct of councillors.

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

From the above-mentioned complaints:- None

**(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.

## **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 J Cotterill**  
**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**