

**MEMBER CONDUCT COMMITTEE**  
**17TH SEPTEMBER 2018**

PRESENT: The Chair (Councillor Tassell)

Councillors Bentley, Capleton, Draycott, Gerrard and Rollings  
Councillors Ball, Crick and Marchant (Parish Members)

Head of Strategic Support  
Democratic Services Manager  
Democratic Services Officer (NC)

APOLOGIES: Councillor Murphy, Gaskell and Hadji-Nikolaou

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

*Councillor Bentley entered the meeting.*

The minutes of the meeting held on 19th March 2018 were confirmed as a true record and signed.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

No disclosures were made.

In response to a question the Monitoring Officer advised that members could declare a personal interest if they wished in respect of a later report on the agenda, but the Committee were not being asked to make a decision, only to note the report.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

4. UPDATE ON COMPLAINTS RECEIVED

Considered a report of the Monitoring Officer providing an update on complaints received about breaches of the Members' Code of Conduct and any issues arising from those complaints (item 5 on the agenda).

It was noted that it was not possible to insist a councillor participated during an investigation and that the lack of cooperation could result in the Panel being unable to prove or disprove an allegation.

**RESOLVED** that the current position in respect of complaints about breaches of the Members' Code of Conduct that have been received by noted.

Reason

To keep the Committee informed about complaints.

5. REGISTER OF MEMBERS' INTERESTS

Considered a report of the Monitoring Officer providing an update regarding the Register of Members' Interests (item 6 on the agenda filed with these minutes).

The Democratic Service Manager updated the Committee that the 35% response rate for Borough Councillors was lower than reported in March 2018 and that the response rate for Parish Councillors had increased since it was reported in March 2018 to 37%.

**RESOLVED**

1. that the processes for keeping the Register of Members' Interest up to date be noted and with immediate effect e-mails about entries in the Registers of Members' Interest to Borough Councillors and Clerks of Parish and Town Councils be issued on a six monthly basis;
2. that the Committee schedule a future six monthly update of the Registers of Members' Interest and the processes for ensuring it is kept up to date be considered at the Committee's meeting to be held on 18th March 2018;

Reasons

1. Under the Localism Act 2011 (sections 29 and 30), the relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 and the Council's Code of Conduct, Members of the Council are required to disclose their own and partners disclosable pecuniary interests, and other interest. The Committee also wished to standardise the Council's approach to remind both Borough and Parish Councillors regarding their Registers of Members' Interests at six monthly intervals.
2. Although the Committee recognised that it was not a legal requirement for Councillors to respond to prompts to update their Register of Members' Interests it was disappointed with the response rate for Borough Councillors and wished to continue to monitor the situation to see if there was a downward trend that could require further action.

AGENDA VARIANCE

**RESOLVED** that the urgent item 8 – Member Grants Scheme be considered before item 7 – Work Programme on the agenda.

6. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 7 on the agenda filed with these minutes).

**RESOLVED**

1. that the Committee's current work programme be noted and updated in accordance with the decisions taken during the consideration of this item and other items on the agenda;
2. that at its meeting on 3rd December 2018 when the Committee considers the Planning Code of Good Practice it did not wish to invite the Chair and Vice-chair of the Plans Committee and the Head of Planning and Regeneration to that meeting;
3. that Chairs of Committees are reminded of their powers to ask other meeting participants to moderate their behaviour or to respond to other Members raising a point of order in particular, if filming or photographing during a meeting becomes disruptive, by including an article in the next Members Bulletin.

Reasons

1. To enable the Committee to fulfil its role in promoting and maintaining high standards of conduct by councillors and co-opted members.
2. The Committee wished to utilise member and officer time efficiently and would consider inviting the Chair and Vice-chair of the Plans Committee and the Head of Planning and Regeneration to a future meeting if possible amendments to the Planning Code of Good Practice had been suggested at its meeting on 3rd December 2018.
3. During the consideration of this item Members raised concerns regarding filming by a councillor during a recent meeting, which had become disruptive to other members being able to listen or respond to questions, and wished to ensure that Chairs of Committees were aware that it was within their powers as Chairs to ask other meeting participants to moderate their behaviour.

7. MEMBER GRANTS SCHEME

Considered an urgent report of the Monitoring Officer to seek views of the Committee regarding options for dealing with situations where individual ward councillors may have connections to organisations that they wish to award funding to under the Member Grants Scheme (item 8 on the agenda filed with the minutes).

The Monitoring Officer stated that after the report had been published, during a consultation with the Chief Executive, a third option had been put forward. Where there was a clear conflict of interest on the part of the ward councillor the decision making process would be removed from the councillor and the matter would be considered by the Cabinet. The advantages and disadvantages of the third option

were presented. He also drew the Committee's attention to the preference of the Lead Member for Communities, Safety and Wellbeing for Option 1, although it was noted she had not been aware of the third option at that point.

During the discussion the following points were made:

- other Local Authorities operated similar schemes and it would be beneficial to understand how they handled this situation.
- to involve the Cabinet in a decision regarding the expenditure of £1000 appeared to burdensome and could lengthen the time scales for organisations to obtain the grant monies, although similar issues could occur if the Member Conduct Committee was involved.
- it was unclear to what degree ward councillors were involved in making the final decision to award the grant to the organisation and whether they signed the form to approve payment.
- items were added to the Cabinet agenda at the request of the Leader or the Chief Executive and a standing item could be added for the consideration of Member Grants Scheme applications if and when required.

## **RESOLVED**

1. that the report be considered as an urgent additional item at this meeting in accordance with section 100B(4)(b) of the Local Government Act 1972;
2. that the Committee supports the Chief Executive's suggestion (third option) that in such cases where a ward councillor had a conflict of interest that the grants application be referred to the Cabinet and it requests the Chief Executive to add it to the Cabinet agenda as required, possibly through a standing item.

### Reasons

1. The Committee agreed with the Chair that this report be brought forward as an urgent additional item with respect to decisions on payments under the Member Grants Scheme are coming forward and delaying until the next meeting of the Committee would delay consideration of grant applications to the detriment of the organisations concerned.
2. the Committee considered the third option to be the best choice to ensure that the Member Grants Scheme process was transparent and in accordance with the values stated in the Members' Code of Conduct and the associated Nolan Principles. In such cases where the ward councillor might have a personal interest which might lead to bias the decision would be removed from their consideration and impartially considered by the Cabinet.

### NOTES:

1. No reference may be made to these minutes at the Council meeting on 5th November 2018 unless notice to that effect is given to the Democratic Services

Manager by five members of the Council by noon on the fifth working day following publication of these minutes.

2. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.