

Lancashire County Council

Conduct Committee

Tuesday, 13th August, 2013 in The Diamond Jubilee Room (Formerly Cabinet Room 'B') - County Hall, Preston, at 2.00 pm

Agenda

Part 1 (Open to Press and Public)

1. Apologies

2. Disclosure of Pecuniary and Non-Pecuniary Interests

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3. Constitution: Chair and Deputy Chair; Membership; Terms of Reference (Pages 1 - 4)

4. Summary of Code of Conduct Complaints Received 2012-13 (Pages 5 - 6)

5. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

6. Date of Next Meeting

The next meeting of the Committee is to be confirmed.

7. Exclusion of Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading to the item.

Part II (Not open to Press and Public)

8. Complaint against a County Councillor: Report of the Deputy Monitoring Officer (Pages 7 - 20)

(Not for Publication – Exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Conduct Committee

Meeting to be held on 13 August 2013

Electoral Division affected: All

Conduct Committee

Constitution, Membership and Terms of Reference

(Appendix 'A' refers)

Contact for further information:

Josh Mynott, 01772 534580, Office of the Chief Executive

josh.mynott@lancashire.gov.uk

Executive Summary

The Constitution, Membership and Terms of Reference of the Conduct Committee.

Recommendation – Summary

That the Constitution, Membership and Terms of Reference of the Conduct Committee be noted.

Background and Advice

The County Council at its annual meeting on 23 May 2013 approved the constitution of the committee on the basis of 2 members of the Labour Group, 2 members of the Conservative Group and 1 Liberal Democrat Group member. The following members were appointed by their respective groups:

County Councillors:

Albert Atkinson

David Borrow

David Howarth

Jennifer Mein

John Shedwick

The Urgency Committee on 24 May appointed County Councillor Jennifer Mein as Chair of the Committee, and County Councillor David Borrow as Deputy Chair for the municipal year 2013/14

A copy of the committee's current Terms of Reference is attached at Appendix 'A'.

Consultations

N/A

Risk Management

N/A

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
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N/A

Reason for inclusion in Part II, if appropriate – N/A

Conduct Committee

Composition and role

The Committee shall consist of five County Councillors.

The Committee shall meet as and when required at the request of the Monitoring Officer to undertake its functions set out in these Terms of Reference.

Terms of Reference

1. To determine whether a councillor or co-opted member has failed to comply with the Council's Code of Conduct,
2. Where it finds that a failure to comply with the Code of Conduct has occurred to determine what action, if any, to take,

PROVIDED THAT before a decision under 1 or 2 is taken the Committee must have regard to the views of an Independent Person appointed by the Full Council who shall attend meetings of the Committee for that purpose as an observer.

3. To consider whether to grant a dispensation to a member or co-opted member under section 33 of the Localism Act 2011 relieving the member/co-opted member from either or both of the restrictions in Section 31(4) of the Act by allowing him/her to participate in any discussion at a meeting or vote in relation to any matter in which they have a disclosable pecuniary interest.

Conduct Committee

Meeting to be held on Tuesday 13 August 2013

Electoral Division affected: None

Summary of Code of Conduct Complaints dealt with by the Monitoring Officer or Deputy Monitoring Officer

Contact for further information:

Josh Mynott, (01772) 534580, Office of the Chief Executive,
josh.mynott@lancashire.gov.uk

Executive Summary

The new arrangements for handling complaints against County Councillors under the Code of Conduct include provision for initial consideration by the Monitoring Officer or Deputy Monitoring Officer. The procedure allows for the Monitoring Officer or Deputy Monitoring Officer to deal with complaints that are outside the scope of the code; which are frivolous, vexatious or without merit, or which could be dealt with informally. It was agreed by Full Council that any complaints dealt with in this way would be reported on an annual basis to the Conduct Committee.

Recommendation

That the committee note the summary of complaints dealt with by the Monitoring Officer or Deputy Monitoring Officer in the period July 2012 – July 2013

Background and Advice

In July 2012, a new Code of Conduct for County Councillors came into effect. Alongside the new code, the Council agreed new arrangements for handling complaints made against members under the code. These arrangements included provision for an initial consideration by the Monitoring Officer or Deputy Monitoring Officer in order to identify and deal with complaints that were outside the scope of the code; which were frivolous, vexatious or without merit, or which could be dealt with informally. It was agreed that a report of any complaints dealt with by the Monitoring Officer or Deputy Monitoring Officer in the year would be reported to the Conduct Committee.

In the year up to the end of July 2013, the council has received eight complaints which have been dealt with by the Monitoring Officer or Deputy Monitoring Officer.

The following table briefly summarises the eight complaints

No	Date	Complaint	Monitoring Officer Response
1	Jul 12	Failure to treat with respect	No Breach - No further action
2	Jan 13	Use of resources for political purposes	No Breach - No further Action
3	Jan 13	Failure to treat with respect	No Breach - No further Action
4	Feb 13	Misuse of resources	No Breach - No further action
5	Feb 13	Failure to treat with respect Failure to promote high standards Failure to be as open as possible in decisions and actions	No Breach - No further action
6	Mar 13	Failure to treat with respect Failure to behave in accordance with policies, protocols & procedures	Informal Resolution - apology from Councillor
7	Apr 13	Failure to treat with respect	Informal Resolution - apology from Councillor
8	May 13	Failure to treat with respect	No Breach – No further action

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

The County Council is required by the Localism Act 2011 to operate a procedure for handling complaints against members under the Code of Conduct.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Agenda Item 8

(NOT FOR PUBLICATION: By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

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