

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	ANNUAL REPORT ON THE NEW MEMBERS CODE OF CONDUCT / LOCALISM ACT 2011		
DATE OF DECISION:	23 SEPTEMBER 2013		
REPORT OF:	HEAD OF LEGAL, HR & DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
Director	Name:	Mark Heath	Tel: 023 8083 2371
	E-mail:	Mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None

BRIEF SUMMARY

At the time of the adoption of the new code of conduct in July 2012 the Council requested the Head of Legal, HR and Democratic Services to produce an annual report outlining the impact of the new code, a summary of the complaints received and any action taken.

RECOMMENDATIONS:

The Committee is asked to note this annual report.

REASONS FOR REPORT RECOMMENDATIONS

1. Unless there are any changes required to be made to either the Code or the procedures for investigation this report is only for noting.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. n/a

DETAIL (Including consultation carried out)

3. The Governance Committee has the following terms of reference in relation to corporate governance and Code of Conduct issues:
 - To lead on the Council's duties under Chapter 7 Localism Act 2011 and to design, implement, monitor, approve and review the standards of ethics and probity of the Council, both for Councillors and employees. The Committee's powers shall include responding to consultation documents and the promulgation of Codes of Conduct but the adoption and revisions to the local Members Code of Conduct shall be reserved to the Council.
 - To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.

- To lead on all aspects of Corporate Governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
 - To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Councillors and employees and on the Members Code of Conduct.
 - To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer and Head of Legal, HR and Democratic Services on the operation of the register from time to time.
 - To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
 - To establish, monitor, approve and issue advice and guidance to Councillors on a system of dispensations to speak on, or participate in, matters in which they have interests and give dispensation in appropriate cases.
 - To exercise the functions of the Council in relation to the ethical framework, corporate governance and standards of conduct of Joint Committees and other bodies.
 - To establish a Standards Sub-Committee to investigate and determine appropriate action in respect of alleged breaches of the Members Code of Conduct.
 - To support the Monitoring Officer and Chief Financial Officer in their statutory roles and the issuing of guidance on them from time to time.
 - To receive regular reports on the performance of the Corporate Complaints process, Local Government Ombudsman referrals, Annual Governance Statement and Code of Corporate Governance and to recommend revisions to related policies and procedures as appropriate.
4. Since the adoption of the new Members Code of Conduct in July 2012 it has not had cause to meet to consider any allegations of breach of the new code of conduct.

Applications for dispensations [*move to after the table*]

5. If a Member wishes to apply for a dispensation to allow them to take part in a meeting with a disclosable pecuniary interest they must submit a written application to the Monitoring Officer. Applications are then decided by him or by the Governance Committee.
6. The Localism Act 2011 substantially changed the rules on interests. Regrettably it was incomplete in order to permit members to carry out their full duties in relation to being able to vote on the budget. Therefore prior to the meeting of full Council on 15th February 2013 all Members applied (via Group Leaders) for a dispensation to allow them to take part in the decision to approve the Council's budget. The Monitoring Officer granted a blanket dispensation on

5th December 2012.

7. No other dispensations have been applied for since.

Reviewing the Members' Code of Conduct and the arrangements for dealing

8. The Council adopted a revised Members' Code of Conduct consistent with the requirements of the Localism Act 2011 on 11th July 2012.
9. In summary, the first year of operation has been fairly low key. All members have completed their Register of Interests (which are publicly accessible and viewable online) and a few minor complaints have been received. These are detailed below together with the action taken. So far, all complaints have been resolved or rejected either before or at Stage 1 of the complaints procedure meaning that there have been no determinations or findings of a failure to comply with the relevant Code of Conduct by the committee.

Complaint handling

10. The Council has a responsibility for making arrangements to receive and consider complaints against Councillors in Southampton. The flowchart showing the process is attached at appendix A. At Stage 2 of the complaints procedure the Governance Committee will determine the complaint following an investigation by the Monitoring Officer.

Complaints relating to Southampton City Councillors

11. Acting under delegated powers from the Monitoring Officer, the Deputy Monitoring Officer (Head of Legal, HR and Democratic Services) has received 5 separate complaints about Councillors since July 2012. Save for one, all of these complaints were submitted by members of the public. There are no trends in terms of the subjects specified in complaints.
12. All complaints are taken seriously and investigated as appropriate. In order to be considered under the formal complaints process complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking. When a complaint does not meet these criteria and does not reveal a potential breach of the Members' Code of Conduct it is treated as a 'general enquiry'. This means that the Deputy Monitoring Officer responds to the complainant in writing explaining why the matters complained of do not constitute a potential breach of the Members' Code of Conduct.
13. When a written complaint is submitted which provides the relevant information, the Deputy Monitoring Officer will consider the complaint and make a decision as to whether it will be treated as a valid complaint or not. Three complaints were treated as formal complaints and assessed against the criteria set out in the complaints procedure.
14. The complaints submitted about Southampton City Councillors since July 2012 relate to the following matters:

Behaviour alleged	Type of complaint	Outcome & reason	Source of complaint	Number of complaints
Misleading the public	Formal complaint	Following consultation with the DIP, no further action as complaint was vague, observational and not a breach of the Code of Conduct	Member of the public	2
Inappropriate correspondence	General inquiry	Regarded as “political cut and thrust” between elected members. No breach of the code.	Member	1
Misleading the public	General inquiry	Detail of complaint not forthcoming.	Member of the public	1
Not assisting or responding to constituents	Formal complaint	Matter complained of dealt with previously. No further action taken.	Member of the public	2
Inappropriate comments made at public meetings	Formal complaint	Two incidents were too long ago to warrant investigation. The other was informally resolved. Complainant written to by Member to clarify position. The complainant was satisfied with the response.	Member of the public	3

Independent Person

15. The two Designated Independent Persons appointed under the Act have been consulted on emerging issues and complaints as appropriate and meet every six months with the Head of Legal, HR and Democratic Services to talk through issues arising. Training has been provided to them as necessary. The members are part of the National network for DIPs.

Supporting Members of Southampton City Council

16. At the time of introduction of the new Code three seminars were provided during July 2012. Of the 48 members 22 attended. The presentation was emailed to all members afterwards.
17. Additional training has been provided to newly elected members, new Cabinet Members and those members who sit on regulatory bodies such as Licensing Committee and the Planning and Rights of Way Panel. Training has also been provided to all members (SCC and external partners) who sit on the Health and Well Being Board in light of the substantial new duties that Board

has had within its remit from 1st April 2013.

18. Importantly, a new Member Learning and Development Strategy has been drafted and is subject to a separate report on this agenda.

Internal Audit review

19. The Council's audit team, now part of the Southern Hampshire Audit Partnership hosted by Hampshire CC has recently undertaken a review of Members Code of Conduct and related matters. A copy of the report is attached at Appendix 2. In summary the Council's arrangements are sound; the recommendations from the report are as follows:
- i. refresh and redistribute the presentation on the Code of Conduct;
 - ii. ensure all Registers of Interests are complete; and
 - iii. that Governance Committee give consideration to adding a requirement that gifts and hospitality over £x are registered.
20. These are being actioned. The latter has been explored before but is worthy of reconsideration in the interests of both transparency and ensuring there is no undue criticism of members. There is no statutory requirement to include the provision as previously and not all authorities are doing so. It is therefore a local decision

RESOURCE IMPLICATIONS

Capital/Revenue

21. None

Property/Other

22. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

23. Chapter 7 Localism Act 2011

Other Legal Implications:

24. None

POLICY FRAMEWORK IMPLICATIONS

25. n/a

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None
------------------------------------	------

SUPPORTING DOCUMENTATION

Appendices

1.	Complaints Flowchart
2.	SHAP Audit Report July 2013

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
----------------------------------------------------------------------------------------------------------	----

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
----	------	--