

DECISION-MAKER:	GOVERNANCE COMMITTEE
SUBJECT:	ANNUAL REPORT ON THE MEMBERS' CODE OF CONDUCT
DATE OF DECISION:	26 TH SEPTEMBER 2022
REPORT OF:	DIRECTOR OF LEGAL AND BUSINESS SERVICES

<u>CONTACT DETAILS</u>			
Executive Director	Title	DIRECTOR OF LEGAL & BUSINESS SERVICES	
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Author:	Title	DIRECTOR OF LEGAL & BUSINESS SERVICES AND MONITORING OFFICER	
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STATEMENT OF CONFIDENTIALITY

None.

BRIEF SUMMARY

At the time of the adoption of the current Code of Conduct for Members in 2012 the Council requested the Monitoring Officer (currently the Director of Legal & Business Services) to produce an annual report outlining the impact of the Code, a summary of the complaints received and any action taken.

RECOMMENDATIONS:

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| (i) | The Committee is asked to note this annual report for the year 2021/22. |
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REASONS FOR REPORT RECOMMENDATIONS

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| 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 |
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

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| 2. | None. |
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DETAIL (Including consultation carried out)

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| 3. | The Governance Committee has the following terms of reference in relation to corporate governance and the Code of Conduct issues: |
| | <ul style="list-style-type: none"> 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. |

	<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer on the operation of the register from time to time
	<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> 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
	<ul style="list-style-type: none"> 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
	<ul style="list-style-type: none"> To establish a Standards Sub-Committee to investigate and determine appropriate action in respect of alleged breaches of the Members Code of Conduct.
	<ul style="list-style-type: none"> To support the Monitoring Officer and Executive Director: Finance & Commercialisation in their statutory roles and the issuing of guidance on them from time to time
	<ul style="list-style-type: none"> To receive regular reports on the performance of the Corporate Complaints process, Local Government & Social Care Ombudsman referrals, Annual Governance Statement and Code of Corporate Governance and to recommend revisions to related policies and procedures as appropriate.
4.	The Council has a responsibility for making arrangements to receive and consider complaints against Councillors in Southampton. Stage 1 is receipt and initial consideration and, where appropriate, informal resolution by the Monitoring Officer. Where warranted, at Stage 2, the Governance Committee will determine the complaint following a detailed investigation by the Monitoring Officer or someone on his behalf.
5.	Since the adoption of the current Members' Code of Conduct, the Standards Sub-Committee has not had cause to meet to consider any allegations of breach of the Members' Code of Conduct
Complaints Received	
6.	The Council adopted a revised Members' Code of Conduct consistent with the requirements of the Localism Act 2011 on 11 th July 2012.
7.	In summary, the regime remains low key. All members have completed their Register of Interests, are reminded annually of the need to keep it updated (the Register is publicly accessible and viewable online) and a few complaints have been received. All issues / complaints have been resolved by the Monitoring Officer, investigated as appropriate and/or rejected and

	advice given to the complainant 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.
8.	The Monitoring Officer received 1 written complaint about Councillors in 2021/22 which required preliminary investigation.
9.	All complaints, formal and informal, are taken seriously and investigated proportionately 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 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. Occasionally, due to capacity or other reasons that the Monitoring Officer deems appropriate, independent external assistance may be sought to assist in determining complaints, however this is rare.
10.	When a complaint is submitted which provides the relevant information, the Monitoring Officer will consider and decide as to whether it will be treated as a valid complaint or not. Where it is considered valid, the Monitoring Officer may deal with the matter under delegated powers unless, after consultation with the Designated Independent Person, it is considered that the breach is potentially serious enough to merit putting before the Standards Sub Committee for determination. None met that threshold. All complaints received were determined at an early stage and the complainant advised of the reasons. Members against whom a complaint is made are generally not advised at this preliminary stage.
<u>Applications for Dispensation</u>	
11.	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.
12.	The Localism Act 2011 substantially changed the rules on interests. Regrettably, it was incomplete to order to permit members to carry out their full duties in relation to being able to vote on the budget. Annually before Full Council, all members are granted a blanket dispensation by the Monitoring Officer to allow them to take part in the decision to approve the Council's budget and set the Council Tax bands. No other dispensations have been applied for.
<u>Supporting Members of the Council</u>	
13.	Training has previously been provided to newly elected members, and as required for new Cabinet Members and those members who sit on regulatory bodies such as Licensing Committee and the Planning & Rights of Way Panel. 14. Importantly, the adopted Member Learning & Development Strategy has been implemented and member training via external partners, such as the LGA and SEE, has gradually increased. Group Leaders have committed to increasing member development at all levels of office to better support members in discharging their roles. The planned induction and training

	programme has been implemented and ongoing development is currently being discussed. Attendance at the members induction and refresher programme post the May elections was however generally poorly attended. However, all core training to ensure the lawful discharge of licensing and planning meetings was delivered. As a result discussions have taken place with Group Leaders to redesign the programme including the times of the sessions to try and accommodate members wishes and ensure better access and take up.
14.	It is essential that all councillors are equipped with the skills and knowledge required to enable them to fulfil their various roles effectively and the programme will offer a range of learning and development opportunities utilising external training events, online resources and support via the Local Government Association and other third party providers. The programme will continue to offer a mix of in-house training, external mentoring and development opportunities via officer led training, e-learning packages, and briefings.
15.	Presently bespoke training sessions are offered to support councillors with their roles on committees and panels (including specific training around planning and licensing legislation, as well as opportunities around effective scrutiny and charring skills).
16.	To coincide with the redesigned Member Development and Induction programme in 2023 following the all out elections, we are looking to achieve cross-party support to establish a minimum/ mandatory attendance requirement.
17.	In addition, the Head of Business Operations and the Head of Organisational Development have developed and are implementing individual and team development for Cabinet Members and then with the Executive Management Team that includes use of psychometric and 360-degree feedback tools to support them.
18.	Lastly, members will be aware that the CfGS were commissioned to undertake a light touch governance review. Unfortunately, the final report has been delayed due to a combination of factors and other priorities but the draft report has been socialised with Group Leaders. An action plan covering both officers and members is being finalised and is intended to be tabled at the next Governance Committee.
<u>Gifts & Hospitality</u>	
19.	The requirement for members to register any gifts or hospitality received in their capacity as an elected member is currently set at a minimum of £50. Minimal notifications have been made which probably reflects the limited quantity and value of any received. This requirement does, however, exclude anything relevant to elected members who are the Lord Mayor or Sherriff when acting in those capacities.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
20.	None.
<u>Property/Other</u>	

21.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
22.	Chapter 7 Localism Act 2011.
<u>Other Legal Implications:</u>	
23.	None.
RISK MANAGEMENT IMPLICATIONS	
24.	None.
POLICY FRAMEWORK IMPLICATIONS	
25.	None.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	None

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
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
2.	