

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	ANNUAL REPORT ON THE MEMBERS' CODE OF CONDUCT		
DATE OF DECISION:	30 th SEPTEMBER 2019		
REPORT OF:	DIRECTOR OF LEGAL & GOVERNANCE AND MONITORING OFFICER		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
At the time of the adoption of current code of conduct for members in 2012 the Council requested the Monitoring Officer (Director of Legal and Governance) to produce an annual report outlining the impact of the code, a summary of the complaints received, and any action taken.			
RECOMMENDATIONS:			
	(i)	The Committee is asked to note this annual report for the year 2018/19.	
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.	None.		
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 of the 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.	

	<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.
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	<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 and Service Director: Legal and Governance 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 Chief Financial Officer 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 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 11th July 2012.

7.	In summary, the regime remains fairly 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 2 complaints about Councillors in 2018/9 which required preliminary investigation. There are no trends in terms of the subjects specified in complaints.		
9.	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 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. This did not arise last year.		
10.	When a written 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.		
11.	The complaints submitted about Southampton City Councillors in 2018/9 related to the following matters:		
	Behaviour alleged	Outcomes & reasons	Source of complaint
	Data breach	No evidence of breach submitted	Public
	Conflict of interest	No evidence of breach	Public
DESIGNATED INDEPENDENT PERSON			
12.	The former Designated Independent Person appointed under the Act (David Basson) was consulted on emerging issues and complaints as appropriate and met regularly with the Monitoring Officer to talk through issues arising. Training was been provided to him as necessary. Mr Basson resigned from the role at the last AGM and Mr Andrew Day was appointed as the new DIP. Mr Day has a standing invitation to attend Council and Governance Committee.		

APPLICATIONS FOR DISPENSATION	
13.	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.
14.	The Localism Act 2011 substantially changed the rules on interests. Regretfully it was incomplete in 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. No other dispensations have been applied for.
15.	<p>REVISIONS TO THE MEMBERS CODE OF CONDUCT REGIME</p> <p>Members will be aware that in January 2019 the Committee on Standards in Public Life published its report on the current national arrangements. A link to the report is below:-</p> <p>https://www.gov.uk/government/collections/local-government-ethical-standards</p> <p>The main recommendations to the Government in summary were as follows:-</p> <ul style="list-style-type: none"> • Suspension of elected members for up to 6 months and a consequent removal of Members Allowances • An appeal against sanctions to the Local Government Ombudsman • Clarity of which sanctions against Members are lawful • A model Code of Conduct • Strengthening the role of the Designated Independent Person • Reinstatement of the statutory protection for Monitoring Officers <p>As you may expect numerous legal nuances have arisen as a result and clarification and revisions to legislation will need needed in respect of many of the recommendations. It is important that Governance Committee members are aware of the report.</p> <p>We now await the next steps from the Government which had 3 months to respond i.e. by April. Whilst the Government acknowledged the report nothing further has happened formally, or a timescale set for consideration of the report. It should be noted there is no obligation on the Government to change anything, the Government only resolved to review the Localism Act Code after its first 5 years of operation. Members will be kept updated as to as parliamentary progress.</p>
SUPPORTING MEMBERS OF THE COUNCIL	
16.	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 and Rights of Way Panel.
17.	Importantly, the adopted Member Learning and Development strategy has been implemented and member training via external partners, such as the LGA and SEE, has increased. Group Leaders have committed to increasing member development at all levels of office to better support members in discharging their roles.
GIFTS AND HOSPITALITY	
18.	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 Mayor or Sherriff when acting in those capacities.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
19.	None.
<u>Property/Other</u>	
20.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
21.	Chapter 7 Localism Act 2011.
<u>Other Legal Implications:</u>	
22.	None.
RISK MANAGEMENT IMPLICATIONS	
23.	None.
POLICY FRAMEWORK IMPLICATIONS	
24.	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	