

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	ANNUAL REPORT ON THE MEMBERS' CODE OF CONDUCT		
DATE OF DECISION:	24TH JULY 2017		
REPORT OF:	SERVICE DIRECTOR: LEGAL & GOVERNANCE		
<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 Service Director: Legal and Governance to produce an annual report outlining the impact of the new 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 2016/17.
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:
	<ul style="list-style-type: none"> • 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.
	<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 11 th 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 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 (Service Director: Legal & Governance) received eleven (11) complaints about Councillors in 2016/7 which required some preliminary investigation. There are no trends in terms of the subjects specified in complaints. One complaint remains ongoing.		
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.		
10.	When a written complaint is submitted which provides the relevant information, the Monitoring Officer will consider and make a decision 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.		
11.	The complaints submitted about Southampton City Councillors in 2016/7 relate to the following matters:		
	Behaviour alleged	Outcomes & reasons	Source of complaint
	Ongoing complaint	n/a	-
	Numerous linked allegations relating to Council / Cabinet decisions	No evidence or cause of action	Member of the public
	Divulging confidential information	Not proven	SCC employee
	Inappropriate language/wording	Informal resolution/apology	Member of the public
DESIGNATED INDEPENDENT PERSON			
12.	The Designated Independent Person appointed under the Act (David Basson) has been consulted on emerging issues and complaints as appropriate and meets regularly with the Monitoring Officer to talk through issues arising. Training has been provided to him as necessary. Mr Basson will be attending Governance Committee for this item.		

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. 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. Annually before Full Council in February 2017 all Members are granted a “standard” dispensation by the Monitoring Officer to allow them to take part in the decision to approve the Council’s budget.
15.	No other dispensations have been applied for.
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 has increased.
GIFTS & 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
2.	

Documents In Members' Rooms

1.	None
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
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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.	
2.	