

Report to: Audit & Governance Committee Meeting 14 June 2023

Director or Business Manager Lead: Sue Bearman, Assistant Director Legal & Democratic Services, Monitoring Officer
01636 655935, Sue.Bearman@nsdc.info

Lead Officer: Nigel Hill, Business Manager Elections & Democratic Services
01636 655243

Report Summary	
Report Title	Code of Conduct Annual Report for the Period 1 April 2022 – 31 March 2023
Purpose of Report	To consider that Code of Conduct Annual Report for the Period 1 April 2022 – 31 March 2023
Recommendations	That the annual report be noted. That a review of the process for dealing with Code of Conduct Complaints be added to the Committee’s work programme, including a review of the role of the Independent Persons.
Reason for Recommendation	To provide Members with details of Code of Conduct complaints received in 2022/23, and an update on related matters.

1.0 Background

The Audit & Governance Committee has responsibility for promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council. It is also responsible for maintaining an overview of the Member Code of Conduct and arrangements for dealing with complaints.

2.0 Code of Conduct Complaints

2.1 The Monitoring Officer recorded 13 formal complaints within the period 1 April 2022 to 31 March 2023; of these 1 related to a District Councillor and 12 related to Town or Parish Councillors. In relation to 11 complaints, it was determined following appropriate consultation with the Independent Persons that no further action was required. One complaint was closed when further information requested from the

complainant was never received. The Monitoring Officer, in consultation with the Independent Person, decided on informal resolution in relation to one complaint. Informal resolution being in person code of conduct and governance training for the relevant parish council.

2.2 The nature of complaints received can be summarised as follows: -

- Lack of transparency
- Harassment and intimidation
- Conduct of meetings
- Conflict of interest
- Bringing authority into disrepute
- Breach of confidentiality

3.0 Formal Investigation and Code of Conduct Hearings

3.1 There were no formal investigations or Code of Conduct Hearings required for the period 1 April 2022 to 31 March 2023.

4.0 Register of Members Interests

4.1 Register of Interests Forms for Newark & Sherwood District Council Members were issued to all Members following the District Council elections held on 4 May 2023. These were required to be completed and returned within 28 days of the election. These have now been returned and published on the Council's website: <https://democracy.newark-sherwooddc.gov.uk/mgMemberIndex.aspx?bcr=1>

4.2 Town and Parish Councillors are also required to complete a Register of Interests Form within 28 days of the election. These are also published on the Council's website: <https://www.newark-sherwooddc.gov.uk/parishcouncils/register-of-interests-for-parish-councillors>

4.3 Regular communication is held with parish councils to ensure, as far as possible, that all their Register of Member Interest Forms are sent to us for publication. Where forms are outstanding, regular reminders are sent to those parishes. Also, when we become aware of new Members who have been appointed through co-option to fill vacancies, the parishes are reminded of the requirement to submit the completed returns to us as soon as practicable.

5.0 Code of Conduct Induction Training

5.1 The Monitoring Officer delivered two induction sessions for all District Councillors in relation to the Code of Conduct following the May 2023 elections. A further 'mop-up' session is due to be delivered before the end of July, and a recording of the session is also available on the Council's Members' Intranet.

5.2 Two 'Teams' induction sessions for all town and parish councillors are also being delivered, together with in-person sessions for two parish councils.

- 5.3 This Committee was given an overview of the process for dealing with Code of Conduct complaints, at the Audit & Governance Committee induction training on 7 June.
- 5.4 A report is due to be brought to the next meeting of this Committee reflecting on the post-election induction programme generally and considering an annual training and development programme for Councillors. The Committee may wish to consider whether further, in depth, Code of Conduct training would be beneficial for District Councillors.

6.0 The process for dealing with Code of Conduct Complaints

- 6.1 The process for dealing with complaints has not been reviewed since the Council adopted its current Code of Conduct in July 2021. It is proposed that Audit & Governance Committee reviews the process in this municipal year and that a further report be brought to Committee in due course. Members may wish to establish a small working group of the Committee to undertake the review and make recommendations to the Committee.

7.0 Independent Persons

- 7.1 Following the recommendation of this Committee, the Council's two Independent Persons were appointed for a further 4-year term at the 23 May meeting of Full Council.
- 7.2 On 6 April this Committee discussed whether it would be appropriate to consider an inflationary increase for the Independent Persons, and concluded more information was needed. As the role of the Independent Person is integral to the process for dealing with complaints, it is proposed that this matter is incorporated into the terms of reference for the review of the process.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications (FIN23-24/7069)

- 8.1 The annual rate for Independent Persons is £1,500 per annum, Committee may wish to consider an inflationary increase for next financial year.
- 8.2 For the 2023/24 financial year £3,500 has been budget for in terms of the cost of Independent Persons and therefore could accommodate a slight increase in inflationary cost.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.2

27 July 2022 Annual Standards Report for the period 1 April 2021 – 31 March 2022 is published on the Council's [website](#).

6 April 2023 Appointment of Independent Persons is published on the Council's [website](#).