



Chelmsford City Council Governance Committee

8 March 2023

Monitoring Officer's Report

Report by:
Monitoring Officer

Officer Contact:
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Purpose

To update members on recent standards complaints, to consider the training policy for councillors in relation to code of conduct and proposed training for Governance Committee members.

Recommendations

1. To note the current statistical information as to complaints made and agree this should be published on the Council's website as set out in Appendix 1.
 2. To approve city councillor training requirements relating to the Code of Conduct. A draft proposed policy for consideration is contained in Appendix 2.
 3. To note the content of the proposed annotated guidance to city and parish tier councillors post-election as to completion of the register(s) of interest(s).
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1. Standards Complaints

- 1.1. The Appendix to this report sets out the latest statistical data related to complaints under the Standards regime.
- 1.2. Members will note that there has been 5 new complaints in 2023.
- 1.3. In relation to outstanding investigations from complaints received in 2021, members will also note that the one outstanding hearing following investigation has now been completed.
- 1.4. Subject to any questions raised, the Committee is asked to confirm that this information should be published as set out in Recommendation 1.
- 1.5. The Committee is asked to consider the proposed policy for training requirements for City Councillors in relation to the code of conduct which is set out in Appendix 2.
- 1.6. The next programmed meeting of the Governance Committee in June 2023, which takes place after the Joint Audit and Risk and Governance Committee meeting, will be turned into a training session for all members of the Governance Committee. The workplan for the committee will be considered at the October committee meeting together with the usual annual assurance reports due at that time. It would also be timely to review the Independent Person protocol at the October meeting.
- 1.7. In relation to the register of interests a new online system for completing the forms will be available in May 2023. A copy of the proposed annotated notes to be used to assist members in completing the forms is set out in Appendix 3.

List of Appendices

Appendix 1 – Statistical information regarding complaints made

Appendix 2 – Training policy for councillors in relation to Code of Conduct

Appendix 3 – Annotated notes for councillors in completing the register of interests form

Background papers: Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

Complaints Procedure

Standards Enquiries and Investigations Statistics – Localism Act 2011

January 2023 – to March 2023

| Status of Complaint Categories | Total No. | Case No. | City, Parish tier Councillor | Date Issue First Raised | Alleged Breach or Issue Raised | Current Position |
|---|-----------|----------|------------------------------|-------------------------|--|--|
| 1. No formal complaint or withdrawn | 0 | | | | | |
| 2. No further action required after consultation with one of the Independent Persons | 2 | 1/23 | Parish tier | 24/1/23 | Alleged disrespect and disrepute arising from social media post | NFA – councillor was acting in official capacity but actions unlikely to give rise to a breach of the code of conduct. |
| | | 5/23 | Parish tier | 16/2/23 | Allegation that the councillor had failed to remove an old interest from their register of interest form | Register of interest form updated to remove previous interest. NFA |

| Status of Complaint Categories | Total No. | Case No. | City, Parish tier Councillor | Date Issue First Raised | Alleged Breach or Issue Raised | Current Position |
|--|-----------|----------|------------------------------|-------------------------|---|---|
| 3. Not able to legally pursue complaint | 3 | 2-4/23 | Parish tier | 15/2/23 | Various allegations concerning voting at meetings and seeking support to be chair | Complaints invalid – no breach of the code of conduct can arise on the facts. No further action |
| 4. Complaint on hold | 0 | | | | | |
| 5. Decision as to appropriate action still awaited | 0 | | | | | |
| 6. Complaints being investigated | 0 | | | | | |
| Total | 5 | | 5 parish tier complaint | | | |

Formal Complaint Outcomes

| | Case No. and Councillor | Committee Date and Decision | Date Issue First Raised | Current Position |
|----------------------------------|-------------------------|-----------------------------|-------------------------|---|
| Outcome of Investigations | 18 & 31-35/21 | 14/2/23 | 1/4/21 | <p>Various allegations relating to registration/declaration of interests by 7 councillors. 5 councillors dealt with administratively through warnings. 2 referred to committee for determination.</p> <p>Cllr Hart – accepted he had breached the code of conduct by failing to declare an interest as trustee. Outcome - formal warning</p> <p>Cllr Mark Fleming – disputed breach of code of conduct and improperly participating in an item of business where biased/predetermination arose. Committee concluded breach of the code of conduct and improper participation in an item of parish business. Outcome - formal warning.</p> |
| Other Action | | | | |

Appendix 2 – Monitoring Officer report

Training policy for City Councillors in relation to the code of conduct

1. To maintain the high standards of conduct expected, it is imperative that all city councillors whether they are new, returning or existing councillors are aware of the requirements of the code of conduct. The Model Code of Conduct, which the City Council has adopted, includes a compliance requirement that city councillors undertake Code of Conduct training provided by the Council. This may require attendance at face-to-face, online or e-learning training session(s) as provided by the Council.
2. Councillors are expected to prioritise their attendance and ensure completion of any training provided which is mandatory. Reasonable notice will be given of any requirements which may include periodic refresher training or update training where changes have taken place. Reasonable alternatives will be provided in the event of genuine non-availability.
3. The Governance Committee will receive reports in relation to attendance of councillors at the mandatory code of conduct training.
4. Any councillor who fails to complete training provided may be in breach of the code of conduct and action may be taken against them.

REGISTER OF MEMBERS' INTERESTS
GENERAL NOTICE OF REGISTERABLE INTERESTS

I, a member of
 Chelmsford City Council ("the Council"), set out in the appropriate sections below the interests
 that I am required to disclose under the Localism Act 2011 and the Council's Code of Conduct
 and I have put "none" where I have no such interests under any heading.

DATED.....

IF YOU ARE UNSURE WHETHER SOMETHING IS RELEVANT IT IS ALWAYS SAFEST TO
 INCLUDE IT. THINK 'WHAT WOULD A REASONABLE MEMBER OF THE PUBLIC THINK
 OF THIS'.

e.g. if a member of your family owned a business that holds a contract with the council or an
 organisation that you work for or closely with may rent out a council premises.

| <u>SECTION 1</u> <u>Disclosable Pecuniary Interests (DPI)</u> <u>(Legal duty to provide this under the Localism Act 2011)</u> | |
|---|--|
| <ol style="list-style-type: none"> 1. Members, including co-opted Members, of the Council must include under categories 1 to 7 below: <ol style="list-style-type: none"> a) their own interests; b) those of their husband or wife, or civil partner; and c) those of any person with whom they are living as if husband and wife or as civil partners. 2. Reference to "you" or "your" in categories 1 to 7 below includes those of anyone referred to in paragraph 1(a) to (c) above. 3. You are only required to include interests that you know about. | |
| <p style="text-align: center;">DPI Category 1: EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION</p> <ul style="list-style-type: none"> - Any employment, office, trade, profession or vocation - Carried on by you for profit or gain | <p style="color: red;"><i>I own a business called by 'the Chelmsford book shop'</i></p> <p style="color: red;"><i>My spouse/partner is a self-employed carpenter</i></p> <p style="color: red;"><i>On a casual basis my spouse/partner works alongside the Chelmsford building company</i></p> |

| | |
|--|--|
| <p>DPI Category 2: SPONSORSHIP</p> <ul style="list-style-type: none"> - Any payment or provision of any other financial benefit (other than from your Council) - made or provided within the last 12 months - in respect of expenses you have incurred: <ul style="list-style-type: none"> a. in carrying out your duties as a councillor, or b. towards your election expenses. - This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. | <p><i>I received financial support from the gold party to help fund my election campaign</i></p> <p><i>The gold party pay for me to host my local surgeries at the community hall</i></p> <p><i>The workers union funded an event that I hosted in my ward alongside the other ward member</i></p> |
| <p>DPI Category 3: CONTRACTS</p> <ul style="list-style-type: none"> - Any contract made between: <ul style="list-style-type: none"> a. you and the Council; or b. a body in which you have a beneficial interest and the Council - under which goods or services are to be provided or works are to be executed; and - which has not been fully discharged | <p><i>My spouse/partner runs a local bakery which has a contract to supply the council's hospitality sites</i></p> <p><i>The book shop that I work at supplies stationery and other office equipment to the council</i></p> |
| <p>DPI Category 4: LAND</p> <ul style="list-style-type: none"> - Any land in which you have a beneficial interest and - that is within the Council's area | <p><i>I own my home at: 1 High Street Chelmsford Essex CM1 1CC</i></p> <p><i>My spouse/partner jointly owns and rents out a property with their sibling: 6 Main Road Chelmsford CM2 2CC</i></p> |

| | |
|---|---|
| <p style="text-align: center;">DPI Category 5: LICENCES</p> <ul style="list-style-type: none"> - Any land for which you have a licence (either alone or jointly with others) - that you are entitled to occupy - for a month or longer; and - which is within the Council's area | <p>My spouse/partner holds a licence to occupy a workshop: The workshop 1 Mill Street Chelmsford CM3 3CC</p> |
| <p style="text-align: center;">DPI Category 6: CORPORATE TENANCIES</p> <ul style="list-style-type: none"> - Any tenancy where, to your knowledge, - Your Council is the landlord - and the tenant is a body in which you have a beneficial interest | <p><i>The bookshop that I run is situated on land owned by the council</i></p> |
| <p style="text-align: center;">DPI Category 7: SECURITIES</p> <ul style="list-style-type: none"> - The name of any body - in which you have a beneficial interest in its securities where: <ul style="list-style-type: none"> a) that body, to your knowledge, has a place of business or land in the area of your authority; <p style="margin-left: 20px;">AND</p> b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; <p style="margin-left: 20px;">OR</p> (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest that exceeds one hundredth of the total issue share capital of that class | <p><i>I own shares of Chelmsford City football club</i></p> <p><i>My spouse/partner invests stock in E2V</i></p> <p><i>If you are unsure of the value of your stocks/shares, it is always best to include this anyway</i></p> |

SECTION 2

Other Registrable Interests (ORI)

(Required under the Code of Conduct not by legislation)

1. Members are only obliged to register their own interests under this heading.
2. They do not need to include the interests of husbands/wives/civil partners or those they are living with in such a capacity.

| | |
|---|--|
| <p>ORI Category 1: UNPAID DIRECTORSHIPS</p> <ul style="list-style-type: none">- The name of any company for which you are an unpaid director- The nature of your role in that company | <p><i>I hold an unpaid directorship with the Chelmsford reading society</i></p> <p><i>I organise events with schools to encourage children to read free of charge</i></p> |
| <p>ORI Category 2: APPOINTMENTS TO OUTSIDE BODIES BY YOUR AUTHORITY</p> <ul style="list-style-type: none">- Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority | <p><i>I have been appointed the council representative on the local farming panel</i></p> <p><i>I am a member of the international literacy association</i></p> <p><i>I am a chairman of the local community centre board</i></p> <p><i>I am a member of the LGA</i></p> |
| <p>ORI Category 3 OTHER BODIES</p> <p>Any body of which you are a member or in a position of general control or management which :</p> <ul style="list-style-type: none">(i) Exercises functions of a public nature(ii) Is directed to charitable purposes or(iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) | <p><i>I am a member of the gold party</i></p> <p><i>I am a member of the RSPB</i></p> <p><i>I am a member of the workers union</i></p> <p><i>I am a member of the national tenants association</i></p> <p><i>I am a member of the wildlife trust</i></p> |

GIFTS AND HOSPITALITY

I have received a gift or hospitality worth £50 or over from the following persons or bodies or other organisations

This section only applies to gifts or hospitality received in your capacity as a member of the Council.

If you are not sure of the value of the gift or hospitality please estimate it. You should register an accumulation of small gifts or hospitality from the same source over a short period.

I attended a formal event hosted by the local farming panel to which tickets were sold at a value of £65

I received a Christmas hamper from the local scouts group with an estimated cost of £50

Please read carefully before signing this document

I recognise that it may be an offence under the Localism Act 2011 to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice after my re-election or reappointment or to fail to declare a disclosable pecuniary interest that I acquire after the date of this notice and have to declare under the provisions of s. 31 (2) Localism Act 2011.

I also acknowledge that it may be a breach of the Code of Conduct to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to provide written notification to the authority's monitoring officer of any change in my interests contained in this notice within 28 days of my becoming aware of such change of circumstances

Signed by Councillor completing the form :

Date:

RECEIVED

Signed: Proper Officer of Chelmsford City Council

Date: