



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: TUESDAY, 1 OCTOBER 2019 at 5:30 pm

P R E S E N T:

Councillor Dr Barton (Chair)

Councillor Dr Moore

Councillor Rae Bhatia

Also present:

Ms Fiona Barber	Independent Member
Mr Mike Galvin	Independent Member
Ms Jayne Kelly	Independent Member
Ms Alison Lockley	Independent Member
Mr Mick Edwards	Independent Person
Mr David Lindley	Independent Person

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Shelton and Mr Simon Smith.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda.

There were no declarations of interest.

3. TERMS OF REFERENCE

NOTED:

The Terms of Reference for the Standards Committee and its sub-committees.

4. MEMBERSHIP OF THE STANDARDS COMMITTEE

NOTED:

The Membership of the Standards Committee 2019-20 as below:

Councillors:

Chair - Councillor Dr Barton

Vice-Chair - Councillor Shelton

Councillor Dr Moore

Councillor Rae Bhatia

Independent Members:

Ms Fiona Barber

Mr Mike Galvin

Ms Jayne Kelly

Mr Simon Smith

Ms Alison Lockley

Standing Invitees:

Mr Michael Edwards – Independent Person

Mr David Lindley – Independent Person

5. DATES OF MEETINGS OF THE STANDARDS COMMITTEE 2019-20

There was a brief discussion around the frequency of meetings. The Monitoring Officer referred to a previous discussion on the topic at which it was determined there would be at least two meetings of the Standards Committee each year and it was clarified there was also provision for the Standards Committee to convene meetings for its sub-committees as they became necessary.

NOTED:

The dates of Standard Committee meetings for 2019/20 as follows:

- Tuesday 1st October 2019 at 5.30pm
- Tuesday 28th April 2020 at 5.30pm

6. MINUTES OF PREVIOUS MEETING HELD 13TH NOVEMBER 2018

RESOLVED:

That the minutes of the Standards Committee meeting held on 13th November 2018 be confirmed as a correct record.

7. PROGRESS AGAINST ACTIONS OF PREVIOUS MEETINGS

The Monitoring Officer gave an update against the actions of the previous meeting as follows:

Item 11: AOB 1

Following the meeting the Monitoring Officer had opened an investigation into the matters discussed and in consultation with the Independent Person it was decided to pursue the matter through the standards regime. The Monitoring Officer engaged in evidence gathering, this involved considerable liaison with the police, crown prosecution service (CPS) and ultimately Crown Court and it was not until April 2019 that credible

information was obtained that would enable matters to be pursued. However, due to the council being in the pre-election period for local council elections taking place in May 2019, and the councillor in question not subsequently being re-elected, the Monitoring Officer advised the Independent Persons and the Chair that it was no-longer in the public or council interest to pursue the matter as the standards regime was not primarily designed to deal with former councillors and could only deal with holding serving councillors to account for their conduct.

The Monitoring Officer advised that as a lesson learnt, in future he would inform the relevant police/CPS officers whilst the criminal investigation was pending that the council would want to follow up matters in parallel.

Mr David Lindley, Independent Person recapped the point made previously that the Code of Conduct for Employees required disclosure of criminal convictions but there was no such requirement on councillors.

There was a brief discussion around eligibility to stand as a councillor and it was noted that strict criteria were set out in the Local Government Act 1972, and a conviction was only relevant if the sentence was to a term of imprisonment for 3 months or more.

Item 12: Hearing Panel Recommendations

The Monitoring Officer confirmed that the 3 outcomes set out in the resolutions had been enacted, namely the Labour Group/Elected Mayor had withdrawn Councillor C's appointment to any outside bodies; the decision notice and redacted version of report had been published on the council's website and finally Councillor C had written an open letter apologising to the Standards committee and public and specifically the two people who were offended, Councillor C had also emailed Councillor Z and Mr X to apologise for the offence caused.

8. BI-ANNUAL REPORT OF COMPLAINTS RECEIVED (JULY 2017 TO END JUNE 2019)

The Monitoring Officer submitted the draft Bi-Annual report on complaints received for the period July 2017 to end June 2019.

Members of the Committee complimented the Monitoring Officer and staff for their support and sensitive handling of these matters.

The Monitoring Officer advised that 23 referrals were made to the Monitoring Officer in 2017/18 and 22 referrals were made in 2018/19; of those only 14 were complaints that progressed.

The ensuing discussion of the report included comments that:

- Paragraph 3.3 could be elaborated to emphasise the comparatively low number of complaints against all councillors and that business was mostly done well.

- There may be a general lack of awareness by the public of how to pursue a complaint? The Monitoring Officer advised that the complaints process was easily accessible on the council's website and included options to complete an online form or write to the Monitoring Officer with his address and email both provided.
- Induction training for all councillors took place every four years and the Monitoring Officer took responsibility for delivering the Code of Conduct training.
- There were no issues in terms of the time taken to deal with complaints. Elected members at this authority were very responsive and the process was taken seriously.

RESOLVED:

1. That the draft Bi-Annual report of Complaints Received (July 2017 to end June 2019) be received and noted,
2. That the final report be submitted to a future meeting of full Council.

9. CSPL - REVIEW INTO LOCAL GOVERNMENT ETHICAL STANDARDS AND REFRESH OF LEICESTER CITY COUNCIL'S CODE OF CONDUCT AND ARRANGEMENTS

Members of the Committee received a summary of the findings, recommendations and best practice suggestions from the Committee of Standards in Public Life (CSPL) – Review into Local Government Ethical Standards.

The Monitoring Officer introduced the item and explained the background leading to the review by CSPL. It was noted that the CSPL report contained a list of recommendations for the Government but the government position on adopting any of the recommendations was not yet known and some of the recommendations would require primary legislation to be put in place.

Attention was drawn to several comments in the report:

- there was a lack of consistency between local authorities Codes of Conduct;
- the scope of the Code of Conduct should be widened with a rebuttable presumption that any act by a councillor is in their official capacity;
- current arrangements for declaring and managing interests were unclear and requirements should be updated to include categories of non-pecuniary interests;

It was noted that other key recommendations related to topics such as a clear register of gifts, tighter rules around when members should be barred from undertaking business of the authority when they have a specific interest and a

requirement for councils to report annually on the number of complaints received.

Members of the Committee noted that social media continued to be an area where ethical stance was tested regularly and many of the complaints rejected in recent years were matters related to councillor's social media postings and it was likely there would be national guidance on that before long.

The Monitoring Officer advised there was a list of Best Practice recommendations directed to local authorities and it was clear that this authority already applied a number of those practices.

Members of the Committee considered the Best Practice recommendations in conjunction with the council's own Code of Conduct and Arrangements:

Best Practice 1: There was a discussion around defining conduct that amounted to harassment and bullying. The Monitoring Officer advised that it had been made clear through case law that the political arena was a harsh one and it was clear the courts would tolerate a more robust debate and challenge than might exist in normal life. Members felt there had to be an objective ability to measure to be able to make a finding.

The Monitoring Officer advised that there were prohibitions on harassment and bullying within the Code of Conduct but there was no definition with examples. The Monitoring Officer agreed to explore better definitions of bullying/harassment and examples to include in the code on understanding those examples would not confine or exclude other behaviour that may amount to bullying/harassment.

Best Practice 2: Leicester's Code of Conduct did not include provisions requiring councillors to comply with any formal standards investigation. There had been no difficulty experienced locally with compliance and all councillors had been responsive. It was also not a dominant feature of complaints received that there were malicious allegations councillor on councillor. However, there was provision through appendices to the Code of Conduct to deal with potential councillor's non-compliance.

Best Practice 3: The Code of Conduct was reviewed each year. Although the views of the public were not sought, this was a large local authority and the Standards Committee had been deliberately set up with a majority of independent members and it was felt that aspect was therefore addressed. It was noted that the Code of Conduct and arrangements had evolved following discussions with the inclusion of appendices over time.

Best Practice 4: The authority's code of conduct was readily accessible to all in several places and on the council's website.

Best Practice 5: There was a gifts and hospitality section within the code of conduct that required councillors within 28 days to notify details of gifts/hospitality, however this was a councillor responsibility and obligation was

on councillors to notify changes.

Best Practice 6: The authority had a public interest test and the Code of Conduct included a definition of Other Disclosable Interest's.

Best Practice 7: The authority had access to two independent persons.

Best Practice 8: The Monitoring Officer consulted the independent persons on whether to undertake a formal investigation on allegations, the only exception to this was when a complaint was very vague, in which case the complainant is asked to provide more detail. Very often they do not write back.

Best Practice 9: Decision notices were published to the council's website together with an anonymised version of investigative reports.

Best Practice 10: Guidance on complaints was easily accessible on the council's website and included options to complete an online form, write to the Monitoring Officer or email to a dedicated email address.

Best Practices 11 and 12 related to Parish Council's so not applicable.

Best Practice 13: This authority had the advantage of a Deputy Monitoring Officer who could undertake investigations if there was a conflict of interest.

Best Practice 14: This related to governance arrangements for outside bodies and Members were assured that outside bodies had their own codes of conduct.

Best Practice 15: The Monitoring Officer confirmed there were good levels of discussion and co-operation between senior officers and the group whip.

It was queried what recourse councillors had if members of the public acted inappropriately towards them and the Monitoring Officer explained that the standards regime did not allow the authority to deal with that, however the Monitoring Officer could give advice to councillors about handling for example vexatious public.

It was noted that while there were reminders about conduct at meetings it did not seem to be within the Code of Conduct and there may be merit in importing that.

RESOLVED:

1. that the Monitoring Officer should explore better definitions of bullying/harassment and examples to include in the code of conduct;
2. that the Monitoring Officer consider including "conduct at meetings" within the Code of Conduct;
3. that the Monitoring Officer should incorporate the best practices discussed into the Code of Conduct or lay out reasons against that if

applicable and bring a report to the next meeting of the Standards Committee.

10. COMPLAINT AGAINST COUNCILLORS - UPDATE

The Monitoring Officer submitted a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors.

There had been 14 complaints since the log was last referred to the Committee and all but the two most recent had been dealt with. The two most recent complaints were pending investigation.

Members of the Commission asked about the process followed for each complaint. The Monitoring Officer clarified that all of the cases on the log had reached the level where they had been reviewed by the Monitoring Officer and an Independent Person. In terms of progression of complaints, only those that were so serious that they were investigated would eventually come before Councillors as part of the Standards regime for determination. Most of the complaints on the log had been handled at officer level. Complaint number 2019/15 on the log was the most recent complaint received just a matter of weeks ago and had gone to investigation, once the investigation was complete a report with findings would be brought to a Standards sub-committee to scrutinise.

RESOLVED:

That the report be received and noted.

11. PRIVATE SESSION

There was no private session.

12. ANY OTHER URGENT BUSINESS

There being no other business the meeting closed at 18.58pm.