



Leicester
City Council

Minutes of the Meeting of the
STANDARDS ADVISORY BOARD

Held: WEDNESDAY, 14 NOVEMBER 2012 at 6.50pm

P R E S E N T :

Mr Desmond Henderson	Independent Member
Ms Joanne Holland	Independent Member
Ms Glynis Middleton	Independent Member
Councillor Shelton	
Councillor Sood	
Councillor Waddington	
Mr David Lindley	Independent Person

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms Amanda Fitchett (Independent Member), Councillor Grant and Ms Caroline Roberts (Independent Person).

2. MEMBERSHIP OF THE STANDARDS ADVISORY BOARD

The Monitoring Officer reported that the membership of the Board was as follows:-

Independent Members

Ms Amanda Fitchett
Mr Desmond Henderson
Ms Joanne Holland
Ms Glynis Middleton
One Vacancy

Councillors

Councillor Grant
Councillor Shelton
Councillor Sood
Councillor Waddington

Independent Persons

Mr David Lindley
Ms Caroline Roberts

RESOLVED:

That the Membership of the Board be noted.

3. APPOINTMENT OF CHAIR

RESOLVED:

that Mr Desmond Henderson be appointed as Chair for the meeting.

Mr Henderson in the Chair.

4. METHOD OF OPERATION OF BOARD

The Monitoring Officer reported that the Board's terms of reference were set out within the Terms of Reference for the Standards Committee, as shown below:-

- Composition - The Standards Advisory Board shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted voting members of the Board, and it shall be chaired by an Independent Member.
- Quorum – The quorum for a meeting of the Board shall be three, with a majority or equal number of Independent Members (with the Independent Chair having the casting vote)
- Frequency of Meetings –The Standards Advisory Board will meet as and when required.

The Board was asked to consider how it wished to operate and specifically consider the following points:-

- Was there a preferred time and/or day for meetings?
- Should the four Councillors who are members of the Standards Committee all attend each Board meeting, or should a rota be established?
- Should efforts be made to fill the current vacancy for an Independent Member, or was there currently a sufficient number of Independent

Members to enable the Board to function effectively?

The Board noted that it would only meet on an Ad Hoc basis when it was required to consider a report on an investigation of a complaint. The Board did not feel there was a need to establish a rota of Councillors to attend meetings at the present time. It was felt that the requirements of the quorum stated above could be managed by ascertaining the attendance of independent members in advance of the meeting and then liaising with Councillors to ensure that their number would not exceed the number of independent members intending to be present. This would ensure that Councillors did not attend a meeting and then have to leave should their number exceed the number of independent members attending. It was also considered that the current vacancy for the independent member should remain unfilled at the present time but be kept under review and be reconsidered if the level of activity for the Board required it to be filled.

RESOLVED:

that the Board's comments be noted and implemented and the operation of the Board be reviewed in March to determine if any changes are required.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. ANY OTHER URGENT BUSINESS

There were no items of any other urgent business.

7. PRIVATE SESSION

RESOLVED:

“that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it would involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

8. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS

The Monitoring Officer submitted a report asking Members to consider the Investigator's report into complaint reference 2012/01 and determine which of the following options should be taken:-

- a) To agree with the investigator's findings that there was no breach of the Code of Conduct by the Councillor and that no further action be taken; or
- b) Not agree with the findings and determine whether:-
 - 1) To pass the matter to the Monitoring Officer for an informal resolution; or
 - 2) Refer the matter to a hearing panel.

Members asked why Complaint 'C' in the report had not been investigated by the Investigating Officer. The Monitoring Officer stated that the three complaints were originally made by the complainant. The Assessment Committee in February 2012 decided not to pursue complaints 'A' and 'B' but did refer complaint 'C' to the previous Monitoring Officer for resolution under 'Other Action' to discuss mentoring and the management of conflict issues in relation to the alleged breach with the Councillor. This was a method of resolution whereby it was acknowledged that a potential breach may have occurred, but, that in the particular circumstances, it can be resolved by action being taken short of referral for investigation. The Monitoring Officer at that time held discussions with the Councillor and the complainant and reported the outcome to the Standards Committee in March 2012.

The complainant subsequently asked for a review of the Assessment Committee's decision in relation to complaints 'A' and 'B' and these were referred to the Monitoring Officer for investigation in April 2012. The report now being considered was the result of the investigation into these two complaints.

Mr David Lindley, as the Independent Person advising the Board, stated that he agreed with the Investigating Officer's findings, and he contributed to the points addressed in Resolution 3 below.

General discussion also took place on whether it might ever be appropriate to invite an investigator to a meeting of the Board, in order to 'speak to' the findings. The Monitoring Officer commented that this would occur when the Board sat as a Hearing Sub-Committee, but if the Board wished he would

research whether this was appropriate at a general Board meeting and report back. Members indicated that they wished him to do this.

RESOLVED:

- 1) that the findings of the Investigating Officer as stated in paragraphs 6.1 and 6.2 of his report be endorsed and that no further formal action be taken in relation to the complaint;
- 2) that the Monitoring Officer write to the Councillor and the complainant to inform them of the outcome of the complaint;
- 3) that the following comments and observations also be conveyed to the Councillor and the complainant:-
 - a. that the lack of adequate recording keeping can lead to confusion and that best practice would be to have records of discussions with constituents wherever possible; and
 - b. the Board recognise the frustrations of the complainant in relation to the long standing nature of the on-going issues.

9. CLOSE OF MEETING

The Chair declared the meeting closed at 7.37pm