



**WARDS AFFECTED**  
All

Leicester  
City Council

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**STANDARDS COMMITTEE**

**20<sup>th</sup> June 2017**

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### **DISCUSSION PAPER – MEETINGS OF THE STANDARDS COMMITTEE**

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#### **Report of the Monitoring Officer**

#### **1. PURPOSE OF REPORT**

- 1.1. This paper seeks to generate discussion and develop proposals for the way in which the Standards Committee conducts its business. Currently, the Committee schedules three meetings per municipal year. Owing to the fact that the vast bulk of the work of adjudicating upon individual complaints is, since 2012, not undertaken at Committee level, it is prudent to reflect upon the meeting schedule.

#### **2. RECOMMENDATIONS**

- 2.1. For Standards Committee to note the report and make any recommendations.

#### **3. REPORT**

##### **The past**

- 3.1.1. The law concerning the ethical behaviour of Elected Members was substantially revised from 1<sup>st</sup> July 2012 as a result of the implementation of changes brought about by the Localism Act 2011. Prior to 2012 there existed one “Model” Code of Conduct throughout England. Complaints about misconduct had to be presented to, assessed by and adjudicated upon by a Council’s statutorily appointed Standards Committee. This Committee had to comprise “Independent” as well as “Elected Members” and had to be chaired by one of the “Independent” Members. The nature of this regime meant that in the course of any given year there would be dozens of Committee hearings (comprising Assessment Panels; Review Panels and Standards Committee hearings for the more serious allegations which had been independently investigated). Appeals lay to the Adjudication Panel for England.

## **The present**

- 3.1.2. The changes brought about with effect from 1<sup>st</sup> July 2012 abolished the Model Code of Conduct; abolished Standards Committees and abolished the Adjudication Panel for England. The only statutory requirements were that (i) Each Local Authority set up a mechanism by which “interests” could be registered (and published); (ii) each Local Authority devised a Local Code of Conduct and (iii) each Local Authority established arrangements by which allegations could be investigated and decided, with a requirement that at least one Independent Person be appointed to provide views on decisions on cases so investigated.
- 3.1.3. Like many Local Authorities, Leicester City Council chose to retain a Standards Committee (and the appointment of Independent Members thereto). However the ‘Code’ and the ‘Arrangements’ that have been in place since 1<sup>st</sup> July 2012 radically alter the way in which allegations are received and assessed. Over 90% of allegations are now decided by the Monitoring Officer in conjunction with one of the two statutory Independent Persons. The Standards Committee only plays a role in misconduct allegations (aside from receiving an anonymized update/log of complaints at each meeting) where a complaint is so serious that it has been independently investigated. At that stage a subcommittee (called a Standards Advisory Board) will consider the investigation and decide if the matter discloses a breach of the Code and (ii) if so a further subcommittee will sit (as a Hearing Panel) and decide upon that complaint. It is only after a case reaches the stage of a Hearing Panel that the main Standards Committee will be asked to endorse its findings in respect of a specific complaint. In the nearly five years of the regime to date, we have convened 5 Standards Advisory Boards and one Hearing Panel (out of approximately 50 complaints received over that timeframe).
- 3.1.4. The change of direction described above has not arisen unexpectedly. The Scheme was devised from its inception in 2012 to radically shift work away from the time consuming and expensive Committee system to a speedier system which also had informal resolution as one of its driving principles. The current Standards Committee was therefore designed on the understanding that the vast bulk of its work would be unrelated to actual complaints. Its Terms of Reference are attached hereto as Appendix A. Aside from its occasional role therefore in adjudicating upon complaints referred to it, the Committee largely oversees at policy level the various Codes that govern Elected Member behaviour, with the important caveat that it has jurisdiction to consider any matter that deals with probity and standards in Elected Member and Officer conduct.
- 3.1.5. In recent years the types of matters that have been discussed by the Standards Committee have included:
- The Annual Report into complaints
  - Revisions to the ‘Code’ and ‘Arrangements’

- The role of Elected Members in the Council’s Procurement activity
- The effectiveness of the Council’s Corporate Complaints system
- The Corporate Compensation Policy
- Guidance on the use of social media for Councillors
- Good Practice Guidance for Members in Planning Decisions
- Review of the Political Conventions
- The scheme for dealing with misconduct allegations against the Council’s statutory officers

### **The future**

3.1.6. The question arises whether the Committee, acknowledging the work that it does, needs to schedule regular meetings at all. Since 2012 there have been 21 diarised meetings of the (main) Standards Committee and 11 of these have been cancelled due to there being insufficient work to justify a meeting. All cancellations were at the request of the Monitoring Officer.

3.1.7. The cancellation of main Committee meetings risks creating a misconception amongst the public that the Council are not dealing with “complaints” or are otherwise not dealing with matters that affect ethical behaviour within the Council. It is submitted that this is not the case. Firstly, in addition to the 10 successful meetings of the main Committee there have been multiple meetings of the Standards Advisory Board and/or Hearing Panel, but these are not pertinent to the present debate because these can only be convened on a needs-led basis and there is no suggestion that this should not continue to be the case. Secondly, the list at 3.1.5. demonstrates that the Committee does undertake valuable work concerning standards and behaviour within the Council more generally. Thirdly, the Council also has an active Audit & Risk Committee (which meets six times per year) whose Terms of Reference (attached as Appendix B) overlap insofar as it also has a mandate to scrutinise probity and ethical standards in the way in which Elected Members and Officers conduct the business of the Council.

3.1.8. Options for the future could include:

- a) Abolishing the Standards Committee

Disadvantages - the Council needs responsible body to “own” the Code and the Arrangements, and a body to deal with the more serious allegations, and a body to deal with other important ethical policies

- b) Have a “virtual” Committee that deal with work by e-mail

Disadvantages – this model provides no public transparency

- c) Convening the Committee on an ad hoc basis

Disadvantages – we know we have some standards items such as the Annual Report

- d) Having one scheduled meeting per year (in the autumn) and arrange others on a needs-led basis

3.1.9. The recommendation of the Monitoring Officer is that for the Municipal Year 2017/18 the Committee trials model d) above.

#### **4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

##### **4.1. Financial Implications**

The convening of meetings on a needs-led basis will inevitably lead to a saving of resources of officer time.

The Independent Members and Independent Persons appointed to the Standards regime receive a fixed allowance per annum.

##### **4.2. Legal Implications**

The legal implications are dealt with in the body of the report (3.1.2).

##### **4.3. Climate Change Implications**

None

#### **5. OTHER IMPLICATIONS**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within the Report</b>
Equal Opportunities		
Policy		
Sustainable and Environmental		
Crime and Disorder		
Human Rights Act		

Elderly/People on Low Income		
Corporate Parenting		
Health Inequalities Impact		

**6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

**7. REPORT AUTHOR**

7.1. Kamal Adatia, City Barrister and Head of Standards.