



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: TUESDAY, 20 JUNE 2017 at 5:30 pm

P R E S E N T :

Councillor Byrne (Chair)
Councillor Shelton (Vice Chair)

Councillor Dr Moore

Also present:

Ms Fiona Barber	Independent Member
Ms Jayne Kelly	Independent Member
Mr Simon Smith	Independent Member
Mr Mick Edwards	Independent Person

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1. INTRODUCTIONS

The Chair welcomed everyone to the meeting and asked everyone to introduce themselves.

The Chair also requested that the Monitoring Officer to write to the previous Chair to thank her for the work she undertook for the Committee during her period of office and to wish her well for the future.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rae Bhatia, Mr Mike Galvin, Mr David Lindley and Ms Alison Lockley.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed. No such declarations were made.

4. TERMS OF REFERENCE

The Terms of Reference for the Committee and Standards Advisory Board

were noted.

5. MEMBERSHIP OF THE COMMITTEE

The Committee noted the current membership of the Committee as follows:-

Councillors:

Chair: Councillor Byrne
Vice Chair: Councillor Shelton
Councillor Moore
Councillor Rae Bhatia

Independent Members:

Ms Fiona Barber
Mr Mike Galvin
Ms Jayne Kelly
Ms Alison Lockley
Mr Simon Smith

Standing Invitees:

Mr Michael Edwards (Independent Person)
Mr David Lindley (Independent Person)

6. DATES OF MEETINGS 2017-18

The Committee noted that Annual Council at its meeting on 11 May 2017 had reserved the following dates for meetings of the Committee in 2017-18:-

Wednesday 28 November 2017 5.30pm
Tuesday 13 March 2018 5.30pm

All meetings will be held at City Hall.

7. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Standards Committee, held on 22 November 2017, be confirmed as a correct record.

8. STANDARDS ARRANGEMENTS - REVISIONS

The Monitoring Officer submitted a report seeking the Committee's views on proposed changes to the 'Arrangements' for dealing with complaints against Members and co-opted Members under the Localism Act 2011 and a proposed change to the Committee's Terms of Reference.

The Monitoring Officer commented that the Arrangements had been reviewed arising from the experience of dealing with complaints since November 2014. The following amendments were proposed:-

- a) To add a new reason to reject a complaint on the grounds that it discloses no breach or potential breach of the Code of Conduct.
- b) To add a provision to refer a complaint to the Standards Advisory Board where there was clear evidence that a breach of the Code of Conduct had occurred and it would be disproportionate and unnecessary to commission an external independent investigation and that an informal resolution was not appropriate. Examples of clear evidence could be a webcast or an admission by the individual councillor that they had breached the Code of Conduct.
- c) A number of minor changes to reflect the changes in a) and b) above which required modification to references to 'investigations', clarify that Hearing Panels are a separate part of the process and that their determinations must be endorsed by the Standards Committee and clarifying references to 'sub-committee' to distinguish between the roles of Standards Advisory Board and the Hearing Panel.

All the proposed amendments were highlighted in Appendix 1 to the report.

RESOLVED:-

That the proposed changes to the 'Arrangements' as highlighted in Appendix 1 of the report be agreed.

9. DISCUSSION PAPER - MEETINGS OF THE STANDARDS COMMITTEE

The Monitoring Officer submitted a discussion paper seeking to generate discussion and develop proposals for the way in which the Standards Committee conducted its business. Currently, the Committee scheduled three meetings per municipal year. However, as the vast bulk of the work of adjudicating upon individual complaints had not been undertaken at Committee level since 2012, it was felt prudent to review the meeting schedule.

It was noted that since 2012, 11 out of the 21 scheduled meetings had been cancelled through insufficient work to justify a meeting. Following the changes in the Localism Act 2011, the Monitoring Officer and an Independent Person reviewed individual complaints under the robust procedures agreed by the Committee and this had reduced the work for the Committee. The Committee still had an important overarching role in reviewing and advising upon the principles and procedures for maintaining high standards relating to the Council's corporate governance and ethical framework.

Members considered the following options:-

- Abolishing the Committee.

- Dealing with work by e-mail – a ‘virtual’ committee.
- Convening the Committee on an ad hoc basis.
- Having one scheduled meeting a year (in the autumn) and arranging others on a needs-led basis.
- Having two meetings a year, one in the autumn and one in the Spring.
- Maintaining the existing arrangements for three meetings a year.

Members discussed the options and felt there should at least two meetings arranged so that the dates of meetings could be reserved in diaries, as this was easier than arranging a meeting later in the year when members may have other commitments. There was general consensus that having only one meeting per year may not allow the Committee to give the level of support to the Council on all the responsibilities in its Terms of Reference. There was support for dealing with minor amendments to codes and protocols etc by a ‘virtual’ committee through e-mails.

RESOLVED:-

- 1) That the Committee have two scheduled meetings per municipal year, one in November and one in March.
- 2) That the Committee review this decision in March 2017 to determine if any changes are required for the following municipal year.

10. COMPLAINT AGAINST COUNCILLORS - UPDATE

The Monitoring Officer submitted a report giving feedback on complaints against Councillors reviewed and/or determined from 15 November 2016 – 06 June 2017 and updated the Committee on progress with outstanding complaints against Councillors. Members commented that the addition of a short description in the report of any agreed reparation was a useful addition.

RESOLVED:-

That the report be received and noted.

11. 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 involves 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.

HEARING PANEL RECOMMENDATIONS – COMPLAINT 2016-17

Paragraph 1

Information relating to any individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7c

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

12. HEARING PANEL RECOMMENDATIONS - COMPLAINT 2016/11

The Monitoring Officer submitted a report seeking the Committee's acceptance of the recommendations of the Hearing Panel following their determination of the complaint 2016/11 by Councillor Thomas against Councillor Porter.

The Monitoring Officer stated that this was the first complaint that had been required to be dealt with by the Hearing Panel since the introduction of the Arrangements for Dealing with Standards Complaints under the Localism Act 2011.

The Hearing Panel had considered the Monitoring Officer's report on the complaint, Councillor Porter's written response to the Monitoring Officer's letter requesting that statement be put to the Standards Advisory Board, the documents submitted to the Standards Advisory Board's, the Standards Advisory Board's minutes, a series of correspondence between the Monitoring Officer and Councillor Porter in relation to the complaint and the arrangements for the Hearing Panel.

The Hearing Panel had found that there had been a breach of the Council's Code of Conduct for Elected Members and had recommended that:-

- A letter of censure be issued.
- The Standards Committee publish the findings, and
- That Councillor Porter be required to apologise to Councillor Thomas and the Full Council for his comments.

The findings of the Hearing Panel were advisory and the Standards Committee were now required to consider these findings and either endorse or reject them. If the Committee rejected the findings of the Hearing Panel then that would be

the end of the process for dealing with the complaint.

The Committee discussed the Monitoring Officer's report, which included the minutes of the Hearing Panel and a letter sent to Councillor Porter setting out the detailed findings of the Hearing Panel. The Monitoring Officer answered a number of questions relating to the complaints process and the options available to the Committee.

RESOLVED:-

- 1) That the findings of the Standards Hearing Sub-Committee held on 10 April, as recorded in the minutes of that meeting, be endorsed.
- 2) That a letter of reprimand issued to Councillor Porter on 3 May 2017 be endorsed.
- 3) That the Monitoring Officer be asked to publish the findings of the Hearing Panel and the report submitted to the Committee on the Council's website.
- 4) That Councillor Porter be required to apologise to Councillor Thomas and the Full Council for his comments.
- 5) That the Monitoring Officer inform Councillor Porter of the Committee's decision in writing and also informs him that the Committee expects a written apology to be issued to Councillor Thomas, with a copy to the Monitoring Officer, within 14 days of the date of the Monitoring Officer's letter. Councillor Porter should also be informed that a failure to comply with the Committee's decision would result in the Monitoring Officer raising a further complaint under the Code of Conduct for Elected Members.
- 6) That the Monitoring Officer also inform Councillor Porter that the Committee expects the apology to the Full Council to be made at the next Council Meeting on 6 July 2017.
- 7) That the Monitoring Officer be authorised to issue a press statement 14 days after informing Councillor Porter of the Committee's decision, detailing the findings of the Hearing Panel and the Committee's decision and also indicating whether Councillor Porter had complied with the requirement to issue and apology to both Councillor Thomas and the Full Council. Councillor Porter should be advised of this intention in the letter sent by the Monitoring Officer informing Councillor Porter of the Committee's decision.

13. ANY OTHER URGENT BUSINESS

There were no items of Any Other Urgent Business.

14. CLOSE OF MEETING

The Chair declared the meeting closed at 18.30 pm.