



Leicester  
City Council

Investigative Pack for Hearing Panel on 10 April 2017

MEETING OF THE STANDARDS COMMITTEE

TUESDAY, 20 JUNE 2017

**HEARING PANEL RECOMMENDATIONS - COMPLAINT  
2016/11**

The Standards Committee endorsed the recommendations of the Hearing Panel following their determination of the complaint 2016/11 by Councillor Thomas against Councillor Porter at the above meeting. The Standards Committee also resolved to publish to the Investigation Pack which had been considered by the Standards Hearings Sub-Committee.

The following documents are now attached.

**Appendix A**

Report to the Standards Advisory Board Report 22 November 2016

**Appendix B**

Appendices to the Standards Advisory Board Report

**Officer contact: Graham Carey**  
*Democratic Support, Leicester City Council*  
*City Hall, 115 Charles Street, Leicester, LE1 1FZ*  
*(Tel. 0116 454 6356)*



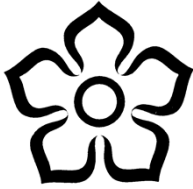
# Appendix 1

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NOT FOR PUBLICATION

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**NOTE:** The Standards Committee resolved at its meeting on 20 June 2017 to make this report public.



Leicester  
City Council

**WARDS AFFECTED**

Not Applicable

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

**Standards Advisory Board**

**22<sup>nd</sup> November 2016**

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## **CONSIDERATION OF COMPLAINT - 2016/11**

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### **Report of the City Barrister and Head of Standards**

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

- 1.1 To enable the Standards Advisory Board to consider the materials available in respect of the Code of Conduct complaint against Councillor Nigel Porter.

#### **2. RECOMMENDATION**

- 2.1 The Board is recommended to consider the materials for complaint 2016/11 and determine which of the options set out in section 4 of this report should be taken.

#### **3. SUMMARY AND HISTORY OF COMPLAINT**

- 3.1 On 10<sup>th</sup> October 2016 the Monitoring Officer received a complaint from Councillor John Thomas making an allegation of a breach of the Member Code of Conduct against Councillor Nigel Porter for remarks made at a meeting of Full Council which took place on Thursday 6<sup>th</sup> October 2016. (Appendix A)
- 3.2 The published procedures allow for a standard acknowledgement to be sent in the first instance, and a timeframe of a further 15 working days for the Monitoring Officer and the to consult the Independent Person and reach a decision regarding next steps. However this timeframe was not needed, and in order to avoid unnecessary delay and uncertainty the Monitoring Officer, having consulted with the Independent Person Mr David Lindley on 12<sup>th</sup> October, wrote to Councillor Porter that same day (Appendix B). The rationale for the path chosen, including the decision not to commission an independent investigator, is explained in that letter.

**NOTE:** The Standards Committee resolved at its meeting on 20 June 2017 to make this report public.

- 3.3 On 6<sup>th</sup> November 2016 Councillor Porter provided an account of his behaviour from the meeting on 6<sup>th</sup> October 2016 (Appendix C).
- 3.4 The Standards Advisory Board are asked to consider the following evidence in order to arrive at a decision in line with Section 4.1 (**note that the relevant exchange starts at Question 19, and the allegedly offensive comment is made at the beginning of Question 20**):
- i. Appendix A – 07.10.16 complaint from Councillor Thomas
  - ii. Appendix B – 12.10.16 letter from Monitoring Officer regarding next steps
  - iii. Appendix C – 06.11.16 written account from Councillor Porter
  - iv. Appendix D – 06.10.16 typed transcript from webcast of Questions 19 and 20
  - v. Appendix E – 06.10.16 link to Webcast of relevant meeting [http://leicester.public-i.tv/core/portal/webcast\\_interactive/245614](http://leicester.public-i.tv/core/portal/webcast_interactive/245614). Question 19 commences at around 1hour 4 minutes into the meeting. If you are unable to view this in advance it will be played at the meeting.
  - vi. Appendix F – Two newspaper articles (for context)
  - vii. Appendix G – Code of Conduct

#### **4. OPTIONS AVAILABLE TO THE ADVISORY BOARD**

- 4.1 The Board is asked to consider which of the following two options should follow:
- i. Take no further action, or**
  - ii. Refer to a hearing panel**
- 4.2 The relevant extract from the Council’s “Arrangements” clarifies as follows:

*If the matter is referred for hearing then a Hearing Panel will be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearing Panel is a sub-committee of the Council’s Standards Committee. The Independent Person is invited to attend all meetings of the Hearing Panel and his/her views are sought and taken into consideration before the Hearing Panel takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of misconduct.*

**NOTE:** The Standards Committee resolved at its meeting on 20 June 2017 to make this report public.

## **Outcomes**

*The Hearing Panel may make recommendations to the Standards Committee for:*

- a. Censure or reprimand the Member by letter*
- b. Press release of findings*
- c. Report findings to Council for information (with or without a subsequent motion of censure being proposed by Council)*
- d. Recommendation to Group (or Full Council in the case of ungrouped Members) of removal from Committees/subcommittees of Council*
- e. Recommendation to Elected Mayor that the Member be removed from The Executive, or from particular portfolio responsibilities*
- f. Recommendation that the Member be removed from outside bodies to which they have been appointed by the Council*
- g. Withdrawal of facilities provided to the Member by the Council*
- h. Excluding the Member from the Council's offices or other premises (with the exception of accessing meetings of Council, Committees and subcommittees)*
- i. Instructing the Monitoring Officer to arrange training for the Member*

- 4.3 Note that the Board are not asked to consider misconduct allegations against another other Councillors involved in the exchanges on 6<sup>th</sup> October 2016. Other complaints have been received, and these will each be dealt with separately according to a procedure that the Monitoring Officer and the Independent Person deem just and proportionate.

## **5. REASON REPORT MARKED NOT FOR PUBLICATION**

- 5.1 The report is marked as not for publication as it contains exempt information as set out in the following paragraphs of Schedule 12A of the Local Government Act 1972, as amended, and the public interest in maintaining the exemption 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

Paragraph 7A

Information which is subject to any obligation of confidentiality.

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

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NOT FOR PUBLICATION

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**NOTE:** The Standards Committee resolved at its meeting on 20 June 2017 to make this report public. 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.

**6. REPORT AUTHOR**

Kamal Adatia  
City Barrister & Head of Standards  
Monitoring Officer  
tel: 0116 454 1401  
e-mail: [Kamal.Adatia@leicester.gov.uk](mailto:Kamal.Adatia@leicester.gov.uk)

**Kamal Adatia**

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**From:** Kamal Adatia  
**Sent:** 14 November 2016 17:18  
**To:** Kamal Adatia  
**Subject:** FW: Cllr porter at last nights meeting of the council

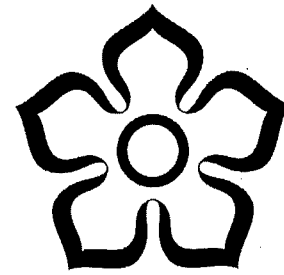
**SOL-ITEM-ID:** 2457708:21729::

**From:** Cllr John Thomas  
**Sent:** 07 October 2016 13:13  
**To:** Nicki Agalamanyi  
**Cc:** Cllr Paul Westley  
**Subject:** Cllr porter at last nights meeting of the council

Hi Nicki

I wish to make a complaint against Cllr Porter regarding comments directed to me and heard by the whole Council. To describe a fellow member as being named after the male appendage is not something for the Council and more suited to the gutter, I take exception to the remark and would wish Kamal to consider it with a view to taking it to standers and suspending Cllr Porter from the Council.

Please ask for: Kamal Adatia  
Direct line: 0116 454 1401  
E-mail: [Kamal.Adatia@leicester.gov.uk](mailto:Kamal.Adatia@leicester.gov.uk)  
Our ref: 2016/11  
Date: 12<sup>th</sup> October 2016



Leicester  
City Council

**PRIVATE – ADDRESSEE ONLY**

Councillor N Porter  
(By Courier and e-mail)

Dear Councillor Porter,

**Complaint regarding Conduct (Ref 2016/11)**

I write to inform you that I have received a complaint about you from Councillor John Thomas. It was received on 7<sup>th</sup> October and is in the following terms:

*I wish to make a complaint against Cllr Porter regarding comments directed to me and heard by the whole Council. To describe a fellow member as being named after the male appendage is not something for the Council and more suited to the gutter, I take exception to the remark and would wish Kamal to consider it with a view to taking it to Standards and suspending Cllr Porter from the Council.*

Under the Council's arrangements for dealing with complaints about Councillors I am obliged to take one of the following actions after consulting with the duly appointed Independent Person:-

- a) Revert to the complainant to seek further clarification.
- b) Refer the matter for further fact finding by Monitoring Officer (where further information is needed before deciding what route to follow).
- c) Reject the complaint on the grounds that it is not related to the Code of Conduct, or may be covered by another process
- d) Reject the complaint on the basis that it is (i) trivial or (ii) not in the public interest to pursue or (iii) vexatious (see Appendix 1 attached for definition).
- e) Recommend informal resolution where (i) Code engaged and not breached, but where some gesture of reparation would still be in the interests of fairness; or (ii) Code engaged but low-level breach only has occurred, such as not to warrant formal investigation
- f) Refer the matter for immediate further investigation.
- g) In exceptional cases, refer the matter to the Standards Committee or subcommittee thereof for a decision on a. to f. above on the grounds that the Monitoring Officer feels it would be inappropriate to make the decision himself/herself.



Having consulted with the Independent Person Mr David Lindley we have decided to utilise option f). This is a case where we are of the opinion that a potential breach of the Code of Conduct is evidenced concerning, but not limited to, the following behaviours:

*a. Respect others and not bully or intimidate any person*

*f. Uphold and promote these principles by leadership and by example, and act in a way that secures and preserves public confidence*

*i. Not conduct yourself in a manner which is likely to bring the Authority into disrepute*

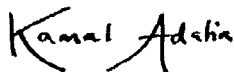
This is also a case in which the alleged misconduct was perpetrated during a highly public exchange, for which independent evidence is readily available. The webcast is available to view, and a full verbatim transcript of "Councillors Questions" is routinely obtained so will be available within days. The only key piece of evidence which remains is to obtain any further written accounts that either you or Councillor Thomas wish to make.

We therefore invite you to write to us within the next 14 days, telling us about anything which you feel is directly relevant to the complaint being investigated.

Thereafter I will assemble a pack of relevant materials and refer the matter to the Standards Advisory Board for an appropriate decision as to whether to (i) take no further action or (ii) refer the matter for hearing. If the matter is referred for hearing then a "hearing subcommittee" will be convened to determine whether a breach has occurred, and, if so, what consequences should follow.

In the meantime, if you have any queries about this process, please do not hesitate to contact me on 0116 454 1401 or [Kamal.Adatia@leicester.gov.uk](mailto:Kamal.Adatia@leicester.gov.uk)

Yours sincerely



Kamal Adatia  
City Barrister & Head of Standards

**Kamal Adatia**

---

**From:** Nigel Porter <nigel.porter87@yahoo.co.uk>  
**Sent:** 06 November 2016 14:18  
**To:** Kamal Adatia  
**Cc:** Joanne Cotterill; Porter Nigel  
**Subject:** Response to the complaint submitted by councillor John Thomas

**SOL-ITEM-ID:** 2457708:751242:103379:A01980075

Without Prejudice

Dear Sir,

I request that the following statement is presented to the Independent person and or the Independent members of the Standards advisory committee.

In response to the complaint submitted by councillor John Thomas, I wish to submit the following background information in my defence and to allow you to form a full and frank understanding of my experiences as an opposition councillor and thereby consider the complaint in it's true context.

Councillor John Thomas is always heckling and goading me at council meetings and I have not responded to his provocation before. I know precisely why John Thomas behaves in such an ill-mannered way towards me. For a number of years he has exhibited a pattern of abusive behaviour, of heckling and shouting at me. Even when he was the Lord Mayor he threatened me at a Council meeting saying that 'you should be careful, because there are lots of us and only one of you'.

John Thomas is a rabble rouser- he is part of a group of Labour councillors who always attempt to destabilise me; by trying to shout me down, attempting to knock me off track in order to prevent me from asking questions, making statements or holding the council to account. There are only two opposition councillors and whether Labour councillor John Thomas likes it or not I am elected to represent the people of Aylestone.

The October meeting was the first and only occasion that I have reacted to his taunts. John Thomas had been heckling me, shouting out 'you've bottled it'. Like most reasonable people I take great exception to wicked claims that 'I'd bottled it'. I'm most certainly not someone who would tremble or be afraid of a challenge and I am most certainly not a coward. If the Lord Mayor had done his job properly and dealt correctly with Labour members rather than deliberately making half-baked gestures then things might have been different. The fact that councillor John Thomas has now demanded that I should be suspended from the council, is clear evidence of hypocrisy. Councillor John Thomas' local Labour MP is currently under investigation by the Police

regarding allegations about the supply of drugs and John Thomas is the Chairman of Leicester East Labour Party, why is he not calling for the MP to be suspended or at the very least while the Police investigation takes place? However the very same man John Thomas is calling for me to be suspended, because I delivered a humorous anatomically referenced one-liner; only made in response to unacceptable provocation and tormenting from an offensive heckler. The Lord Mayor did nothing to stop John Thomas' heckling.

John Thomas says that he's been getting such comments all his life and that's why he's had broken knuckles since the age of five. So it makes you wonder just how many other people he has deliberately wound-up.

As I have outlined above this is the first time I have reacted to John Thomas's taunts and heckling. Hindsight is a wonderful thing and I recognise that I should have ignored him but the nature of his abusive heckling meant at the time that I momentarily shot back with a humorous remark. Thank you.

Yours Faithfully

Councillor N Porter.

Town Hall

Leicester

From: Cllr John Thomas

Sent: 07 October 2016 13:13

To: Nicki Agalamanyi

Cc: Cllr Paul Westley

Subject: Cllr porter at last nights meeting of the council

Hi Nicki

I wish to make a complaint against Cllr Porter regarding comments directed to me and heard by the whole Council. To describe a fellow member as being named after the male appendage is not something for the Council and more suited to the gutter, I take exception to the remark and would wish Kamal to consider it with a view to taking it to standers and suspending Cllr Porter from the Council.

**Lord Mayor:** Question 19 Councillor Porter.

**Councillor Porter:** Yes as for clarification regarding that, I did not ring them they rang me.

**Lord Mayor:** I don't need clarification just please get on with the question. Thank you.

**Councillor Porter:** And the question that I've got number 19 Lord Mayor is "has the Mayor made a decision to sell Franklyn Fields to Morris Homes"?

**Lord Mayor:** City Mayor please.

**City Mayor:** My Lord Mayor Franklyn Fields was openly marketed in 2014 and a decision notice was published on the 20<sup>th</sup> August last year, the effective date for that decision was the 28<sup>th</sup> August last year.

**Lord Mayor:** Thank you City Mayor. Councillor Porter your supplementary question please.

**Councillor Porter:** Yes thank you Lord Mayor. Can Sir Peter clarify if Morris Homes participated or not in the official sealed bidding process which closed in April 2014 or did they have their own separate deal organised with the City Council.

**Lord Mayor:** City Mayor.

**City Mayor:** My Lord Mayor that is something that I think has within it perhaps some rather serious allegation, and if Councillor Porter does have any evidence at all that there was any impropriety in the way in which that tender was dealt with he ought to submit it immediately to the Monitoring Officer.

**Lord Mayor:** Thank you City Mayor. Councillor Porter question 20 please.

**Lord Mayor:** Thank you City Mayor. Councillor Porter question 20 please.

**Councillor Porter:** It is a shame he was not able to clarify that.

**Lord Mayor:** Question please.

**Councillor Thomas:** Because you bottled it mate (*bit unclear*)

**Councillor Porter:** Sorry.

**Councillor Thomas:** I said you bottled it.

**Lord Mayor:** Councillor Porter your question please.

**Councillor Porter:** I'm not bottling it, you are the one, I tell you I won't be taking any lectures from somebody who is named after a male appendage. Now is the plan to sell Franklyn Fields for £750,000 per net developable acre.

**Lord Mayor:** Thank you Councillor Porter, can I just say that comment was inappropriate and I would prefer if you would retract that please. That comment was inappropriate.

**Councillor Porter:** If people are intent on heckling when I am trying to put stuff forward.

**Lord Mayor:** The comment is still inappropriate.

**Councillor Porter:** I don't believe... well there are lots of comments that are made that are inappropriate and I think it is unfair that you, for whatever reason at the moment, appear to be picking me out amongst other people who put forward, and I am sure if you go back over this website webcast and have a look, if it doesn't get deleted, you will find that they have a huge amount of opportunity to put forward statements and long winded questions whereas for some reason you won't let me. Now I think that is completely unfair and then to be heckled, I think I have got a right of reply.

**Lord Mayor:** Thank you Councillor Porter perhaps we can discuss this in the Lord Mayor's Parlour afterwards please. Thank you. Councillor Porter have you asked your question?

**Councillor Porter:** Yes.

**Lord Mayor:** Yes OK. City Mayor please.

**City Mayor:** My Lord Mayor Members do of course have a right to be heard in this chamber but they don't have a right to be rude, nasty and personal and Councillor Porter was all three of those things. My Lord Mayor the short answer to Councillor Porter is yes there is a plan to sell Franklyn Fields at that price. The decision notice I referred to in my previous answer I think makes that figure quite explicit.

**Lord Mayor:** Thank you City Mayor, Councillor Porter a supplementary?

**Councillor Porter:** Yes thank you Lord Mayor. Regarding the site itself I think it is about 18 or so acres, may be the Mayor can correct me if I have got that right or wrong. So could he confirm if the plan is to develop the whole site or not.

**Lord Mayor:** City Mayor please.

**City Mayor:** My Lord Mayor, and again I think it is probably in the notice that was put on record over 12 months ago now, the net development acreage at bid stage was assumed to be 8.36 acres.

# Leicester Mercury



75P

SATURDAY, OCTOBER 8, 2016

## Why Loros means so much to us Page 6-7



Standards probe into most bad-tempered meeting in a decade

# COUNCILLORS FACE INQUIRY AFTER JIBES AND INSULTS

BY DAN MARTIN  
Politics Correspondent

Councillors could face standards investigations after a council meeting described as the most bad-tempered in a decade.

Politicians traded insults and jibes across the council chamber during the meeting at Leicester Town Hall.

Liberal Democrat city councillor Nigel Porter could face sanctions after throwing a jibe about "a male appendage" at a Labour rival named John Thomas.

After the meeting, Coun Thomas said: "He (Coun Porter) has lost it. It's childish."

Coun Porter said he was considering his own complaint against Labour assistant mayor Andy Connelly who, while defending the mayor, suggested Coun Porter seek psychological assistance.

That comment drew shocked responses from some of his Labour colleagues of "totally unacceptable".

Coun Connelly later apologised. Deputy mayor Rory Palmer said: "It was by far the worst meeting I have seen in my 10 years as a councillor."

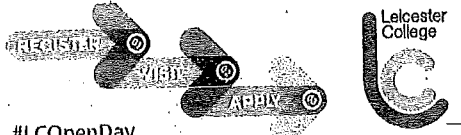
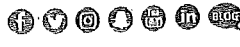
"As councillors there is a clear set of written rules about how you conduct yourself and also unwritten rules - what happened was well short of them."

Full story, Page 5

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# Complaints and recriminations after 'worst meeting in a decade' Personal jibes and insults in bad-tempered council row

Councillors' behaviour could come under investigation after what has been branded the worst bad-tempered city council meeting in a decade.

Politicians traded insults and bes across the council chamber in exchanges which are set to trigger standards investigations into the nature and the tone of comments made during an angry meeting at Leicester town Hall.

Leicester's Labour deputy mayor Rory Palmer summed up the mood of a number of councillors who watched on as some of their colleagues lashed.

## COMPLAINT

He said: "It was by far the worst meeting I have seen in my 10 years as a councillor. The sorts of things that were being said demeaned the office (being a councillor). As councillors there is a clear set of written rules about how you conduct yourself and also unwritten rules - what happened was well short of them."

Liberal Democrat city councillor Nigel Porter could face sanctions after throwing a jibe about "a male appendage" at a about rival named John Thomas.

A standards complaint is to be made about the conduct of Coun Porter, who represents Ylestone.

Coun Porter was debating with city mayor Sir Peter Oulby about a development in his ward when Labour veter-

BY DAN MARTIN  
Politics Correspondent

an Coun Thomas decided to heckle him.

Coun Porter immediately shot back: "I won't take any lectures from a man named after a male appendage."

The remark prompted protests from Coun Thomas's Labour colleagues - and some sniggers.

Lord mayor Steven Corral, who chaired the meeting, asked Coun Porter to retract the comment, but he did not.

"John Thomas" is a slang description of a penis, derived from DH Lawrence's novel *Lady Chatterley's Lover*.

After the meeting, Coun Thomas said he would report the Lib Dem politician to council barrister and monitoring officer Kamal Adatia because he



QUESTIONS: Nigel Porter

felt the comment amounted to a breach of the councillors' code of conduct, which requires them to be respectful to each other.

After the meeting, Coun Thomas said: "He (Coun Porter) has lost it. It's childish."



HECKLE: John Thomas

"I've been getting that kind of comment ever since *Lady Chatterley's Lover* was published and it's why I've had broken knuckles since the age of five."

Coun Porter later told the Mercury said: "It was a joke and Thomas knows it."



REGRET: Andy Connelly

"It's pathetic if he can't take it given the amount of rubbish they throw at me."

"They are just trying to gag me. It's like something out of *Stalinist Russia*."

"It is a smokescreen to hide the fact they don't like the may-

or being asked probing questions."

Coun Porter said he was considering his own complaint against Labour assistant mayor Andy Connelly who, while defending the mayor, suggested Coun Porter seek psychological assistance.

That comment drew shocked responses from some of his Labour colleagues of "totally unacceptable".

Coun Connelly later told the Mercury he spoke in the heat of the moment and regretted it.

He said: "My comment was inappropriate. I wasn't making light of mental health issues."

"I apologise to Nigel, whether he chooses to make a complaint or not, and my colleagues."

"I am not defending what I said but I was frustrated by the line of questioning he had taken and the bile in what he was saying."

## Mayor defends £70,000 investment in city bar

THERE were further angry exchanges after Councillor Porter asked Sir Peter about his £70,000 investment in the Exchange bar, run by his daughter Cassie, in the Cultural Quarter.

Sir Peter said: "Coun Porter knows the answer to this question because he has asked it several times before and because I have given a very full answer sev-

eral times before. Of course I lent my daughter a considerable amount of money to invest in a bar in Rutland Street.

"It has been on the record, it is in my declaration of interests."

"On numerous occasions I have referred to it in this chamber and elsewhere."

"I have always been careful to ensure that with anything to do with that part of

the city, I declare it and take no part in any decisions about it at all."

He said when politicians asked questions everyone else knew the answer to, they ended up looking "either silly or obsessive".

Sir Peter said: "Members will judge for themselves whether Coun Porter is silly or obsessive."

Coun Porter then asked if the Exchange bar employed

people on zero-hours contracts.

While Coun Porter raised the contract issue, Sir Peter said: "It's nasty, vicious, crude and intended to be hurtful."

Sir Peter said the loan was from "the Bank of Dad".


He said it is the bank that does not necessarily make commercial judgements.

"It's a bank that may one

day get some repayment, lives in hope of getting interest but is persistently not calling in the loan."

"I have been able to afford to do that because I benefited from my late wife's teacher's pension and the lump sum that came from it."

"Frankly, that's a benefit I would rather have done without, but at least I put it to good use supporting my daughter."



## De Lisle College

A Catholic Voluntary Academy

De Lisle College, Thorpe Hill, Loughborough  
T: 01509 208739  
enquiries@delisle.leics.sch.uk

# POST 16 INFORMATION EVENING

Tuesday 11th October 2016 6-8pm

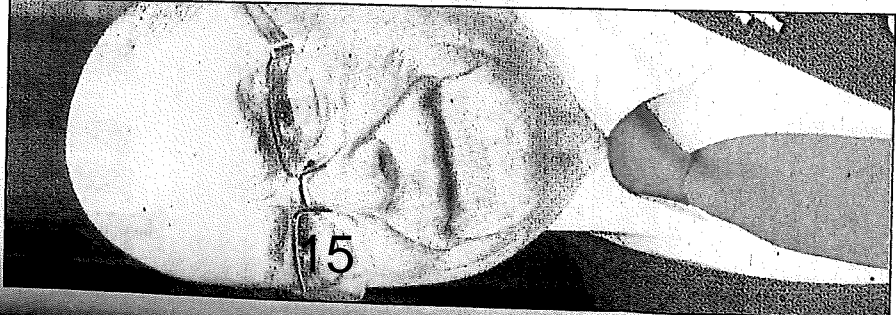
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# Complaint after 'male appendage' remark at stormy council meeting

# No suspension for jibe councillor



**That kind of comment does not belong in the council chamber. It belongs in the gutter**  
Coun John Thomas, left, about a comment by Coun Nigel Porter, right

**A Liberal Democrat who made a jibe about a rival being named after "a male appendage" during a stormy Town Hall meeting looks set to escape calls for him to be suspended.**

Leicester City Council's Labour group filed a complaint against Nigel Porter for a remark he made to Labour veteran John Thomas during a fractious council meeting last month.

Coun Porter was being heckled by Coun Thomas as he spoke and shot back: "I won't take any lectures from a man named after a male appendage."

The Mercury understands Coun Thomas called for Coun Porter to be barred from attending future meetings as a

**BY DAN MARTIN**  
Politics Correspondent

punishment but council lawyers have said that was not an option.

Coun Thomas said he could not talk about the investigation but did say: "That kind of comment does not belong in the council chamber."

"It belongs in the gutter," Coun Porter also said he was not allowed to talk about the complaint but again stressed that he had made a joke in the heat of the moment after Coun Thomas baited him.

The Mercury also understands that a complaint has been lodged against Labour assistant mayor Councillor Andy Connelly who, during the same meeting, suggested Coun Porter should seek psychiatric

help. The comment shocked his own Labour colleagues and Coun Connelly has since offered a full apology for what he said.

A Leicester City Council spokesman said: "The council's monitoring officer is now dealing with complaints arising from the council meeting that took place on October 6."

"The monitoring officer will work with an independent person to decide how the complaints should be progressed. "If any of the complaints proceed to a hearing this is likely to take place in public later this year or early in the new year. "It would be inappropriate to

make any further comment on the complaints at this time."

The meeting in question was described by Labour deputy mayor Rory Palmer as the most bad-tempered he had attended in a decade and one that "de- meant the office of being a councillor".

It involved Coun Porter asking city mayor Sir Peter Soulsby about his business interests in the Exchange bar run by his daughter Cassie.

Coun Porter insisted he was following a legitimate line of questioning. Sir Peter said Coun Porter seemed obsessed by the £70,000 investment he had made which was declared in his register of interests and was public knowledge. He stressed he was not involved in any decision making related to the Cultural Quarter where the bar is.

**WHAT DO YOU THINK?**  
leicestermercury.co.uk

**LEICESTER CITY COUNCIL**  
**CODE OF CONDUCT FOR MEMBERS**

**1. Application**

The Code of Conduct applies to you whenever you are acting in your capacity as a Member (to include co-opted Members and the Elected Mayor) of Leicester City Council, including:

- a. At formal meetings of the Council, its Committees and Sub-Committees, its Executive and Executive Committees
- b. When acting as a representative of the Authority
- c. In taking any decisions as a Member of the Executive or as a Ward Councillor
- d. In discharging your functions as a Ward Councillor
- e. At briefings meetings with officers
- f. At site visits
- g. When corresponding with the Authority other than in a private capacity
- h. At any other time when you conduct the business of your Authority

\* The Code therefore applies when performing your duties in meetings, or when acting alone, and it applies whether you are acting inside or outside of the City boundary

**2. Principles**

The Principles underpinning this Code of Conduct are that you will act with:

- a. Selflessness
- b. Integrity
- c. Objectivity
- d. Accountability
- e. Openness
- f. Honesty
- g. Leadership
- h. Respect for others
- i. A commitment to uphold the law

### **3. General conduct**

You must, therefore:

- a. Respect others and not bully or intimidate any person
- b. Respect the confidentiality of information which you receive as a Member. In addition you must (i) not disclose confidential information to third parties other than in accordance with the law and (ii) not act to prevent a third party gaining access to information to which they are entitled in law
- c. Exercise your own independent judgement, paying due regard to any advice provided to you by the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and giving reasons for your decisions as required by the law and the reasonable requirements of the Authority
- d. Uphold the law at all times
- e. Uphold and promote the Authority's discharge of its Equality obligations, in particular to (i) eliminate discrimination (ii) promote equality of opportunity (iii) foster good relations
- f. Uphold and promote these principles by leadership and by example, and act in a way that secures and preserves public confidence
- g. Comply with the requirements regarding registration, declaration and participation in the Authority's business where you have a Disclosable Pecuniary Interest (DPI) or "Other Disclosable Interest (ODI)"
- h. When using the Authority's resources, do so in accordance with the Authority's requirements, and not use such resources improperly
- i. Not conduct yourself in a manner which is likely to bring the Authority into disrepute
- j. Not use your position as a Member to improperly confer (or attempt to confer) upon yourself or any other person an advantage or disadvantage, but act only to further the public interest
- k. Not do anything which compromises, or is likely to compromise, the impartiality of those who work for (or work on behalf of) the Authority

(The above list is not exhaustive, and any conduct which breaches the principles set out in section 2 can constitute a breach of this Code)

### **4. Disclosable Pecuniary Interests (DPIs) (see Table 1 enclosed)**

In addition to conducting yourself in accordance with the principles set out in section 2 you must:

- a. Declare any and all DPIs on your Register of Interests.
- b. Ensure that your Register of Interests is kept fully up to date, and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPIs
- c. Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any DPI "in a matter" to be considered (unless it is already declared on your Register, in which case you must simply comply with point d. below).
- d. Comply with the statutory requirements to withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI), by either leaving the room (where the business is being conducted at a "meeting") or by ceasing further participation in the item (where acting alone outside of a meeting)
  - The requirements cover not only DPI's of Members but a DPI of any other "relevant person", defined as spouse/civil partner, or someone with whom the Member is living as though they were a spouse or civil partner
  - Separate provisions within the law provide for the circumstances in which a Member may seek a "dispensation", or may ask that the interest be treated as "sensitive"

**5. Other Disclosable Interests (ODIs) (pecuniary or non-pecuniary)**

Aside from the statutorily defined DPIs, you may have another type of interest in a matter being discussed. These will be of category A. or B. below and you will either:

- disclose that interest (regular ODI), or
- disclose and withdraw from the meeting (prejudicial ODI).

**A. Regular ODI**

You will have an "Other Disclosable Interest" in an item of business of the Authority where:

*A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family or a person with*

*whom you have a close association (see below), to a greater extent than it would affect the majority of Council Tax payers, ratepayers or inhabitants of the Ward or electoral area*

- You may need to register such “Other Disclosable Interest” into the Register of Interests operated by the Monitoring Officer
- If you attend a meeting at which any item of business is to be considered and you are aware that you have an “ODI” in that item, you should make verbal declaration of the existence and nature of that interest at or before the consideration of that item of business, or as soon as the interest becomes apparent

#### **B. Prejudicial ODI**

In addition to the above:

*Where your ODI is of a nature where a member of the public, who knows the relevant facts, would reasonably think your “other disclosable interest” is so significant that it is likely to prejudice your judgement of the public interest you should disclose and withdraw from participating in respect of that matter*

- “close association” is not defined in law but would reasonably include someone with whom you are in regular or irregular contact over a period of time, who is more than an acquaintance, and is someone whom a reasonable member of the public might think you were prepared to favour or disadvantage when discussing a matter that affects them.
- Note that that when a Member is acting as a decision-maker (but not in Scrutiny there is a relationship between “bias/predetermination” and “interests”. Sometimes they will be synonymous [e.g. sitting on Planning Committee for a development that could, if approved, lower the value of your home will (i) certainly constitute a prejudicial ODI; (ii) possibly constitute a DPI; (iii) likely amount to “apparent bias” in common law].

However you might be predetermined over a matter in a way which does not translate into a registerable or a declarable “interest” (e.g. you are a member of Licensing Committee and have an ethical objection to the consumption of alcohol and a closed mind to the granting of any/all Liquor Licensing applications. Whilst this (i) will not constitute a DPI; (ii) may not constitute an ODI; it will (iii) constitute bias in law and breach the Nolan principles of objectivity, openness and upholding the law. You could therefore breach the Code of Conduct even though you strictly had no “interest” to declare/register.

## **6. Gifts and Hospitality**

- a. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority
- b. The Monitoring Officer will place your notification on a public register of gifts and hospitality
- c. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

## **7. Other**

Breaches of this Code will be dealt with under the "Standards Arrangements" as approved by Council on 13.11.14

By virtue of section 28(4) Localism Act 2011 a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with this Code (though this does not mean that the decision cannot be impugned on other legal grounds e.g. judicial review)

Kamal Adatia  
City Barrister & Head of Standards  
October 2014

**Table 1****Categories of DPIs**

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.