



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: MONDAY, 8 NOVEMBER 2021 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 Alison Lockley

Independent Member

Mr Mick Edwards

Independent Person

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13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Jayne Kelly, Simon Smith and David Lindley.

14. 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.

15. TERMS OF REFERENCE

The Monitoring Officer submitted a copy of the Terms of Reference for the Standards Committee and its sub-committees.

NOTED:

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

16. MEMBERSHIP OF THE STANDARDS COMMITTEE

NOTED:

The membership of the Standards Committee for the 2021-22 municipal year 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

Ms Alison Lockley

Mr Simon Smith

Standing Invitees:

Mr Michael Edwards (Independent Person)

Mr David Lindley (Independent Person)

17. DATES OF MEETINGS OF THE STANDARDS COMMITTEE 2021-22

NOTED:

The dates of Standard Committee meetings for 2021-22 as follows:

- Monday 8th November 2021
- Tuesday 26th April 2022

All meetings to commence 5.30pm unless otherwise notified.

18. MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the Standards Committee meeting held on 1st October 2019 be confirmed as an accurate record.

19. LGA RECOMMENDED MODEL CODE

The Monitoring Officer submitted a report providing details of the LGA recommended Model Councillor Code of Conduct and associated guidance.

The Monitoring Officer introduced the item and reminded Members of the previous discussion following the Committee of Standards in Public Life (CSPL) review into Local Government Ethical Standards and the recommendations that flowed from that report which had led to the Local Government Association (LGA) developing and publishing a Model Councillor Code of Conduct.

The Monitoring Officer advised that whilst there was still no formal government response to the CSPL best practice recommendations this committee had

discussed those 13 recommendations at its last meeting and had audited itself and were comfortable about how the council were performing against those. The Monitoring Officer informed that he had also fed back nationally on that self-audit, making the point that national legislation would be necessary for some of the issues raised to be addressed.

Members noted that the Covid-19 pandemic had brought up interesting themes partly reflected in the model code and perhaps now overtaken by events, however it was crucial that the public had confidence in member conduct. The issue of lobbying and lobbying through media and social media was mentioned and noted that although the model code did not talk much about lobbying it was an issue that a parliamentary committee was watching. It was also noted that there was increased emphasis on robust provisions for protection against bullying and harassment arising from recent movements and campaigns such as “Me Too” and “Black Lives Matter” so the recommendation to move from more passive to active duty to root out unfairness or harassment was encouraging.

The Monitoring Officer explained the model code was a template for local authorities to adopt as a whole and/or with amendments taking account of local circumstances.

Members discussed the recommended model aligned to the guidance and reflected on insights and comparisons to the current code of conduct.

Regarding the general principles of councillor conduct, the Nolan principles were well enshrined and embedded in the council’s code of conduct. The council’s code also added three more principles which went beyond Nolan. It was felt best to retain the 10 principles that underpin the council’s code of conduct and for those to be set out in a clean and easy to read way then perhaps at a later point behaviour around those principles could be defined.

In terms of the application of the code and the distinction of conduct when acting on local authority business or on personal matters, Members discussed the issue of individuals being recognised and approached as councillors in their daily outgoings and also the misuse of council resources such as letter headed paper for private or political purposes. The Monitoring Officer advised that the Localism Act gave strict definition to when a councillor was on duty and that gave protection to councillors too, allowing them to express themselves as a private citizen, it was also noted that there were rules in place regarding misuse of resources too.

Members agreed that the council’s scope should be added to, to include the following: “The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- You misuse your position as a councillor;
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;”.

Discussion progressed onto categories of behaviour and included the following points:

Respect – Members agreed that the guidance on page 22 was helpful and some useful parts could be incorporated into the council's code.

Responding to comments about officers being criticised by Members it was noted that whilst the guidance gave clear reference to article 10 of the Human Rights Act that preserved the right to freedom of expression between elected officials, (and the fact therefore that politicians should be expected to have thicker skins than non-politicians) it would be unfair to treat officers in exactly the same way e.g. a criticism on Facebook naming an officer - since the officer hadn't chosen public life.

Bullying Harassment and Discrimination – Members agreed that the guidance on page 25 included useful suggestions for defining bullying that should be used to enhance the council's code by incorporating some of the definitions on bullying as the council's code did not define that currently.

Members discussed a point around protecting equality of treatment, referencing recent events and there was some concern where boundaries lay and exercising caution to avoid reducing freedom of speech e.g., controversy over supporting or not supporting taking the knee. The Monitoring Officer commented this was a good point as people had gone on record of not supporting the knee and that did not make them racist. The key point was that each case was taken on its own merits and was about evidence and strength.

Impartiality of officers of the council and confidentiality – Members noted that the council had incorporated rules such as around relationships between councillors and officers that were quite detailed, and the Political Conventions set out in the Constitution dealt with this topic well.

Confidentiality and Access to Information - Members were reassured that there were robust arrangements in place for the treatment of confidential information already.

Disrepute – Members noted this was usually a consequence of other misconduct. There was a brief discussion around behaviour leading to disrepute, whether it would be a breach of the code of conduct if it were before they took public office and consequences if it were a course of conduct that continued into public office. The Monitoring Officer advised that the Nolan principles could not retrospectively be applied to someone that went into public life and any course of conduct would still have to be determined to be when they were acting as a councillor or not.

Use of position – Members agreed this was already largely covered in the council's code and did not require change.

Use of local authority resources and facilities – Members noted that the council

once again had clear rules around this e.g., when given resource it was only to be used for purpose given and not any other purpose. Likewise, facilities could not be used for private or party political purposes and there was no need for change.

Complying with the Code of Conduct – Members noted this was a new aspect and agreed it would be helpful to be expressed in the council's code as it was previously treated as implied.

Interests – There was a clear expectation in the council's code regarding interests and this included defining what was a Disclosable Pecuniary Interest, and Other Disclosable Interests etc.

Gifts and Hospitality - It was proposed that the threshold value for declaring gifts/hospitality be increased to those over £50 from £25 currently. Members of the Committee agreed there should be a threshold for gifts/hospitality and an expectation that by and large gifts were not accepted but if they were and were above £50, they should be declared.

Members considered whether they wished to adopt the model code in its entirety, in part or to take lessons learnt and improve the councils own code of conduct.

Members recognised there were some gaps in the council's code of conduct that could be enhanced with some of the definitions from the LGA model code of conduct guidance and agreed it would be preferable to take lessons learnt to improve the councils own code of conduct rather than to adopt the LGA model code of conduct in its entirety.

The Chair proposed that the Monitoring Officer in consultation with the Chair add any changes/definitions that would make the current code of conduct more robust and to report to the committee at its next meeting before taking a report to Full Council to approve changes to the Councils Code of Conduct which was agreed.

RESOLVED:

1. That the Monitoring Officer should incorporate the agreed changes and definitions to the council's code of conduct as set out above,
2. That the Monitoring Officer provide an update report to the next meeting with a view to taking a report to Full Council thereafter to approve the changes to the Council's Code of Conduct.

20. COMPLAINTS AGAINST COUNCILLORS - UPDATE

The Monitoring Officer submitted a report providing an update on complaints received against councillors since the last meeting.

Members noted that this information was usually circulated as routine however due to the Covid-19 pandemic it had been a while since this had been

discussed as a committee.

The Monitoring Officer advised that an additional column was now included to show reparation/lessons learnt and for the benefit of any lay reader there was a note to reflect that there was more work than just these complaints listed however, complainants were often very vague and more specific detail had to be sought. Members agreed that it was not fair to subject a councillor to a complaints process if a complainant was vague and not specific.

The Monitoring Officer advised there were several complaints made during the pandemic and specific to lockdown and the point was made the code of conduct was not an all-encompassing document. Many people had written to say they felt let down by their councillor and while that was important it was not a code of conduct issue because the conduct that was complained about was not conducted in their capacity as Councillors but as private individuals. The Monitoring Officer had also received several party political type complaints following-on from allegations that individual Councillors had failed to show leadership by their conduct during the pandemic.

In terms of social media related complaints, it was noted this was an area where the question of whether a councillor was on or off duty at the time of posting was more difficult to determine. Members discussed the issues around using social media accounts and it was suggested that if a councillor had a verified account and used their council account it made them liable for any inappropriate posts. Another issue highlighted with social media was that often councillors referred to the fact they were a councillor in their profile or used a verified account for all types of business and personal messaging and people could often be seen blending their private and public façade. This posed the question of whether they should always be seen to be on duty or only expressly when they say they are acting as a councillor. Members recognised it was a difficult area but were satisfied the councils guidance on social media was regularly reviewed and did advise caution.

Members welcomed the layout of the report and agreed the information provided was helpful. The Monitoring Officer and Independent Persons were thanked for their work and sensitive handling of these matters.

RESOLVED:

That the draft bi-annual report on complaints received end June 2019 to end June 2021 be brought to the next meeting.

21. ANY OTHER URGENT BUSINESS

None notified.

22. DATE OF NEXT MEETING

The next scheduled meeting of the Standards Committee will take place on Tuesday 26th April 2022 at 5.30pm

There being no further business the meeting closed at 7.18pm.