



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: WEDNESDAY, 21 JANUARY 2015
TIME: 5:30 pm
**PLACE: G.01 Meeting Room 1 - Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Waddington (Chair)
Councillor Senior (Vice-Chair)
Councillor Shelton
Councillor Sood
One Unfilled Place for a Non-Grouped Member

Ms Fiona Barber (Independent Member)
Ms Amanda Fitchett (Independent Member)
Mr Desmond Henderson (Independent Member)
Mr Stephen Purser (Independent Member)
1 Independent Member Vacancy

Standing Invitees:

Mr David Lindley (Independent Person)
Ms Caroline Roberts (Independent Person)

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for the Monitoring Officer

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

Information for members of the public

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, City Mayor & Executive Public Briefing and Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Graham Carey, **Democratic Support on (0116) 454 6356 or email graham.carey@leicester.gov.uk** or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

For Press Enquiries - please phone the **Communications Unit on 454 4151**

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

3. MINUTES OF PREVIOUS MEETING

Appendix A

The minutes of the meeting of the Standards Committee, held on 8 October 2014 are attached and Members are asked to confirm them as a correct record.

4. CORPORATE COMPLAINTS SYSTEM/MONITORING

To receive a presentation on the review of the Corporate Complaints System and monitoring arrangements.

The Committee received a report and a briefing at its meeting on 9 July 2014 and asked for quarterly monitoring reports and an analysis of whether complaints were dealt with within the prescribed timescales. There has since been a review of the complaints system and monitoring arrangements and the presentation will focus on the outcomes of this.

5. ANNUAL REPORT OF COMPLAINTS RECEIVED

Appendix B

The Monitoring Officer to submit a draft Annual Report on the complaints received for the period July 2013 to June 2014. Members of the Committee are requested to make comments prior to it being submitted in its final form to a future Council meeting.

In accordance with Rule 1 of Part 4B of the Constitution (Access to Information – Procedure Rules) the report is not available in the public domain as it is in 'draft' form and is only circulated to Members of the Committee at this stage. Should Members wish to discuss specific individuals or circumstances, the Monitoring Officer may need to advise Members to exclude the public and press, in accordance with item 8 below, and discuss the issues in private session.

6. COMPLAINTS AGAINST COUNCILLORS - UPDATE

Appendix C

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

7. ANY OTHER URGENT BUSINESS

8. PRIVATE SESSION

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they 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.

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.



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Appendix A

Minutes of the Meeting of the STANDARDS COMMITTEE

Held: WEDNESDAY, 8 OCTOBER 2014 at 5:30 pm

P R E S E N T :

Waddington (Chair)
Councillor Senior (Vice Chair)

Councillor Shelton

Councillor Sood

Also present:

Ms Fiona Barber	Independent Member
Ms Amanda Fitchett	Independent Member
Mr Desmond Henderson	Independent Member
Mr Stephen Purser	Independent Member
Mr David Lindley	Independent Person
Ms Caroline Roberts	Independent Person

* * * * *

10. DECLARATIONS OF INTEREST

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

11. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Standards Committee, held on 9 July 2014, were confirmed as a correct record.

12. PROPOSED REVISIONS TO THE CODE AND ARRANGEMENTS

The Monitoring Officer submitted a report suggesting revisions to the Code of Conduct for Members together with revisions to the Arrangements for Dealing with Standards Complaints at Leicester City Council under the Localism Act 2011.

The Arrangements now included three Appendices:-

- Appendix 1 Vexatious Complaints – Member Misconduct Process
- Appendix 2 Protocol on the Role of the Independent Person meeting with Elected Members
- Appendix 3 Procedure for Dealing with subject (Elected) Member who fails to act upon an outcome of “informal resolution”

The suggested revisions were highlighted for ease of reference and Members were requested to make comments/observations and/or recommendations to the Council, which would be asked to approve the revised revisions at its meeting on 13 November 2014.

The Monitoring Officer stated that the revisions reflected the comments made by the Standards Committee during the previous year and from lessons learned from dealing with complaints.

The Monitoring Officer also submitted some further minor revisions which had arisen after the report had been written and published. Members discussed each suggested revision and made the following comments:-

Code of Conduct

- a) There was no benefit in adding Deputy City Mayor or Assistant City Mayors after ‘City Mayor’ in paragraph 1 as they were already covered by the term ‘Member’ earlier in the paragraph.
- b) Add ‘or attempt to confer’ after ‘to improperly confer’ on the first line of paragraph 3 (j) – General Conduct.
- c) Add a new paragraph 4 (a) ‘Declare any and all DPI’s on your Register of Interests.
- d) In paragraph 4 (c) replace ‘at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration’ with “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).”
- e) In paragraph 4 (d) after the words ‘by either leaving the room’ on the second line add the words “where the business is being conducted at a meeting”.
- f) Add new bullet point after paragraph 5 B – Prejudicial ODI as follows:-
 - Note that 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 could 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).

- g) After ‘comply with the Code’ on the last line of paragraph 7 add “(though this does not mean that the decision cannot be impugned on other legal grounds e.g. judicial review).”

Arrangements for Dealing with a Standards Complaints at Leicester City Council under the Localism Act 2011.

- a) Insert a new paragraph ‘f’ under subheading ‘Principles Underlying The Scheme’ to read “All Members and co-opted Members shall cooperate with the application of these Arrangements, recognising that failure to do so can result in the incurring of wasted costs and reputational damage to the Council.”
- b) Delete ‘New’ from the heading at subheading ‘D’ to Read ‘The Process’.
- c) After ‘Elected Members’ on the first line of paragraph 1 add “(to include the Elected Mayor).”
- d) In paragraph 2 delete “the Standards Committee c/o” on the first line and amend the address of Legal Services.
- e) At the end of paragraph 4 (d) after the word ‘vexatious’ add “(See Appendix 1 attached for definition).”
- f) Amend paragraph 4 (e) to read “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.”

- g) Add “By law the Subject Member has the right to consult with the Independent Person during the course of a complaint. Appendix 2 describes how this right is to be exercised. “ as the last paragraph under the heading ‘4 – What will happen to the complaint’
- h) Add new last paragraph under the heading ‘Informal Resolution’ to read “Non-compliance with “informal” outcomes will be dealt with in accordance with Appendix 3 attached.”
- i) Add a new last sentence under the heading ‘Review of a complaint’ to read “The Monitoring Officer will notify the Subject Member of the request for a “review” and the reasons given for it by the complainant. It will be a matter for the Monitoring Officer and the Independent Person if they wish to invite any comment or representations from the Subject Member at this point.
- j) Add a new last paragraph under the heading ‘Formal investigation’ to read “A Standards Advisory Board or a Hearing Panel may make a recommendation to the Standards Committee that an Investigative Report be made public, whether the Report concludes that breaches of the Code of Conduct have been established or not.”
- k) In the first line of paragraph 6 ‘Revision of Arrangements’ delete the words “at any time” after the words ‘The Council may by resolution agree to amend these arrangements’.
- l) At Appendix 3 – Procedure for dealing with subject (Elected) Member who fails to act upon an outcome of ‘informal resolution’ replace ‘political action’ on the second line of Step 2 to read ‘further action’

RESOLVED:

- 1) That the Code of Conduct for Members together with revisions to the Arrangements for Dealing with Standards Complaints at Leicester City Council under the Localism Act 2011 be amended in accordance with the comments made above.
- 2) That the Monitoring Officer circulate the amendments to Members for final comment and reflection prior to them being submitted to the Council meeting in November.

13. COMPLAINT AGAINST COUNCILLORS - UPDATE

The Monitoring Officer submitted a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against

Councillors.

RESOLVED:

The report received and noted.

14. ANY OTHER URGENT BUSINESS

An Independent Member requested that when future meetings of the Standards Advisory Board are summoned members are made aware of all the participants involved in the complaint in case this should give rise to a conflict of interests. The Monitoring Officer confirmed that a statement drawing members' attention to the participants would be included in future.

15. CLOSE OF MEETING

The Chair declared the meeting closed at 6.40 pm.

Appendix B

By virtue of
Rule 1 of Part 4B of the Council's Constitution
(Access to Information Rules)

Document is Restricted

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Rule 1 of Part 4B of the Council's Constitution
(Access to Information Rules)

Document is Restricted

Standards Committee 21.01.15: Complaints Update

Complaints received since 09.07.14

Case name/ number	Date complaint received	Nature of complaint	Outcome	Date completed	Lesson Learned
2014/02	15.10.14	Complaint from member of the public about Ward Councillor's alleged aggressive and rude behaviour in dealing with constituency matter	Complaint dismissed as no breach of Code of Conduct evidenced. Apology offered nonetheless.	13.11.14	
2014/03	21.10.14	Complaint by one Member against another for derogatory remarks made at a Council meeting.	Complaint dismissed as no breach of Code of Conduct evidenced. Matter dealt with by Council Procedure Rules on the night in question	13.11.14	
2014/04	01.12.14	Complaint by staff member about alleged Member interference in operational matters and bullying behaviour	Complaint ongoing		

