



Leicester
City Council

Minutes of the Meeting of the
STANDARDS ADVISORY BOARD

Held: WEDNESDAY, 9 JULY 2014 at 6.45pm

P R E S E N T :

Mr Desmond Henderson
Mr Stephen Purser
Mr David Lindley
Councillor Senior
Councillor Waddington

Independent Member
Independent Member
Independent Person

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Fiona Barber and Amanda Fitchett.

2. MEMBERS NOT REQUIRED TO ATTEND

The Deputy Monitoring Officer was attending the meeting on behalf of the Monitoring Officer and reported that the quorum for the Board was three, with a majority or equal number of Independent Members to Councillors. It had been known in advance of the meeting that there would only be a maximum of 2 Independent Members in attendance and, therefore, arrangements had been made to ensure that no more than 2 Councillors attended.

Also, only Mr David Lindley, the Independent Person who had been involved in reviewing the complaint, was required to attend the meeting to enable the Board receive his views on the complaint and investigator's report. As a consequence Ms Caroline Roberts (Independent Person) was not required to attend either.

3. APPOINTMENT OF CHAIR

The Monitoring Officer reported that the Terms of Reference for the Board required the Chair to be appointed from the Independent Members.

RESOLVED:

that Desmond Henderson be appointed as Chair for the meeting.

Desmond Henderson in the Chair.

4. DECLARATIONS OF INTEREST

Members were asked to declare any interest they might have in the business on the agenda. No such declarations were made.

5. 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 would 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 7

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 a 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.

Paragraph 7A

Information which is subject to any obligation of confidentiality.

6. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS

The Monitoring Officer submitted a report asking Members to consider the Investigator's report into a complaint referenced 2013/17 and to determine whether the Board agreed with the investigator's findings.

If the Board agreed with the findings, then no further action would follow.

If the Board did not agree with the findings, it could either:-

- a) determine that the matter be passed to the Monitoring Officer for informal resolution; or
- b) determine that the matter be referred to a hearing panel.

The Board noted that:-

- The option of 'no further action' could only flow from an investigator's own conclusion that no breach had occurred.
- The option of 'informal resolution' could only flow from the agreement of the Board that a breach warranted such resolution. If such resolution was not achievable then the matter should proceed to a hearing.
- If the matter was referred for hearing, then a hearing subcommittee would be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearings Panel is a subcommittee of the Council's Standards Committee. The Independent Person would be invited to attend all meetings of the Hearings Panel and their views sought and taken into consideration before the Hearings Panel took any decision on whether the Member's conduct constituted a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Deputy Monitoring Officer reported that an independent investigator had been appointed to carry out the investigation into the complaint after the Monitoring Officer and the Independent Person had reviewed the complaint and decided that the most appropriate course of action was to refer it for full investigation. The investigation had been completed on 26 June 2014.

The investigating officer was unable to attend the meeting but had sent a short resume of his report, which was circulated to members at the meeting. The investigator had found that the Councillor's conduct had not breached the Code of Conduct. The reasons for reaching this conclusion were set out in detail in the investigator's report.

The Deputy Monitoring Officer stated that once a complaint had been referred for investigation, the Standards Committee took ownership of the complaint and the complainant then had no part in the process, apart from being a witness in the investigation. The Board had not been convened to hear the complaint and/or determine whether a sanction should be applied; its purpose was to determine whether it agreed with the investigator's findings, or not.

Members considered the independent investigator's report and had no questions on the contents or the principles of the tests that had been applied to the findings to determine whether there had been a breach.

Mr David Lindley, as the Independent Person advising the Board, stated that

he agreed with the Investigating Officer's findings and outlined his reasons for doing so.

The Board Members discussed the findings of each element of the complaint and agreed with the investigator's findings on each account.

The Board also made the following observations in relation to the complaint and the circumstances surrounding it:-

- It would be have been helpful if the attendance of Councillors at the pre-meeting to discuss arrangement for the ward community meeting had been formally recorded.
- The Councillor who was the subject of the complaint had based their decision on the advice of an officer which had partly contributed to the complainant submitting the complaint. It was therefore, important that advice given by an officer should be fair, open and documented and that it be communicated and explained to the applicant for a ward community grant.
- The scheme for Ward Community Grants gave ward councillors a wide degree of autonomy to determine which applications should be supported or not depending upon the local councillor's views on the needs and priorities for their ward.
- The guidance notes given to applicants applying for ward community grants should include the details of the process for approving the grants.

The Independent Person made two recommendations arising from his consideration of the investigator's report as follows:-

- Councillors should be reminded at any meeting to discuss ward community grant applications of the need to consider the Code of Conduct and to make any necessary declarations to ensure public confidence in the application process and the integrity of the councillors.
- That the support officer to the ward community meeting or the Chair of the ward community meeting take the opportunity to explain the full decision process making on a ward community grant application, including the role of the Assistant Mayor.

The Independent Person also made an observation that the process of completing the investigation and the report had been delayed as a result of councillors not returning signed transcripts of interviews and cancelling scheduled appointments. He suggested that councillors should be made aware of the expectation placed upon them when involved in the investigation process.

RESOLVED:

- 1) That the findings of the Investigating Officer, as stated in

paragraphs 6.40-6.44 of the report, that there had not been a breach of the Council's Code of Conduct be endorsed, and, that no further formal action be taken in relation to the complaint as a consequence;

- 2) The guidance notes given to applicants applying for ward community grants should include the details of the process for approving the grants.
- 3) That councillors who are involved in the investigation of a complaint be reminded of the importance to engage with the process, as this is fundamental to public confidence in the arrangements for dealing with a complaint. This could be achieved by including a reference to this effect in the Code of Conduct or Associated Arrangements.

7. CLOSE OF MEETING

The Chair declared the meeting closed at 7.42pm