



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 14 OCTOBER 2015 at 5:30 pm

P R E S E N T :

Councillor Senior (Chair)
Councillor Shelton (Vice Chair)

Also present:

| | |
|----------------------|--------------------|
| Ms Fiona Barber | Independent Member |
| Mr Desmond Henderson | Independent Member |
| Mr Stephen Purser | Independent Member |
| Mr David Lindley | Independent Person |
| Ms Caroline Roberts | Independent Person |

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Palmer, Councillor Sood and Ms Amanda Fitchett.

2. QUORUM OF THE COMMITTEE

The Monitoring Officer advised the Committee that it required three Councillors to be present for a quorum. Although a quorum was not present, the Committee could still continue to consider the business on the agenda; but any decisions could not be implemented until the minutes of the meeting were approved by the next quorate meeting of the Committee.

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

Members were asked to note the Terms of Reference for the Committee and Standards Advisory Board.

Following discussion on paragraph 10 of the Terms of Reference, it was suggested that the quorum of the Committee should be amended to read 'The quorum for a meeting of the Standards Committee shall be three Council Members and 1 independent member'. The Monitoring Officer stated that he would put this forward as a suggested amendment.

It was noted that there was currently a vacancy for an independent member of the Committee and the Monitoring Officer was asked if there was need to make an appointment to the vacancy. In response, the Monitoring Officer stated that the Committee had previously decided not to fill the vacancy but keep it under review in relation to the Committee's workload. It was considered that there were currently sufficient Independent Members to allow the Committee and Board to operate efficiently given the current workloads, especially as the Advisory Board had not been required to meet since July 2014. The Monitoring Officer would, however, continue to keep the situation under review.

It was also noted that the Independent Members' current period of their 4 year term of office would need to be reviewed in 2016 before they expired.

RESOLVED:

- 1) That the Terms of Reference be noted.
- 2) That the Monitoring Officer suggest that the quorum of the Committee be amended to read 'The quorum for a meeting of the Standards Committee shall be three Council Members and 1 independent member'.
- 3) That the Monitoring Officer keep the current Independent Member vacancy under review based upon the Committee's current workloads and keep the Committee advised if it is considered that the vacancy should be filled.

5. MEMBERSHIP OF THE COMMITTEE

The Committee noted that, following the Council meeting held on 18 June 2015, the membership of the Committee was as follows:-

Councillors:

Chair: Councillor Senior
Vice Chair: Councillor Shelton
Councillor Palmer
Councillor Sood
1 unallocated Non-Group Place

Independent Members:

Fiona Barber

Amanda Fitchett
Desmond Henderson
Stephen Purser
1 Vacancy

David Lindley and Caroline Roberts were still the Independent Persons advising the Committee.

6. DATES OF MEETINGS

The Committee noted that following the meeting of Council on 18 June 2015, the dates of Committee meetings for the remainder of the 2015/16 Municipal Year were:-

Wednesday 13 January 2016
Wednesday 16 March 2016

7. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meeting of the Standards Committee, held on 21 January 2015 and the Special Meeting held on 4 February 2015, be confirmed as a correct record.

8. MEMBERS AND PROCUREMENT

The Monitoring Officer gave a verbal update on Member's involvement in procurement. Following a request by the Council's Overview and Select Committee on 15 January 2015, the Committee had previously considered this issue at a Special Meeting held on 4 February 2015 and the Committee's views were reported back to the Overview and Select Committee's meeting on 9 July. An extract of the Minutes for that meeting had been previously circulated to Members with the agenda for the meeting.

The Monitoring Officer reported that actions contained in the Overview and Select Committee's resolution had been addressed in work being undertaken by the Director of Delivery, Communications and Political Governance involving the Voluntary and Community Services Sector, which set out the Council's expectations for contractors and what contractors could expect from the Council, together with performance monitoring standards and resources for monitoring. This work was being developed further by the Head of Procurement to extend the guidance to all contracts and it would also differentiate between Member involvement in large high scale and high value contracts and routine contracts. A paper would be submitted to the Economic Development Transport and Tourism Scrutiny Commission in due course and the Monitoring Officer would consult the Chair of the Committee when the draft was received.

Members of the Committee referred to the scrutiny of high profile contracts in the health sector which were subject to public examination and felt that this

improved transparency and improved public confidence in the process. Similar scrutiny should apply to public sector contracts.

RESOLVED:

That the outcome of the consideration of the paper to the Economic Development Transport and Tourism Scrutiny be submitted to a future meeting of the Committee.

9. PROTOCOL - MEMBER CONDUCT AT MEETINGS

The Monitoring Officer submitted the Protocol for Member Conduct at Meetings which was agreed by the Committee on January 13, 2010. The Monitoring Officer requested the Committee to review the protocol to determine whether any amendments were necessary.

Mr D Lindley, Independent Person, stated that he had asked for this to be considered by the Committee after seeing this on the agenda for the Annual Council Meeting 2015 when dealing with a complaint involving a member's treatment at that meeting. The protocol had originally been approved by the Standards Committee in January 2010 when it had operated under the previous standards framework. He felt it would be appropriate for the current Committee, which was re-constituted in 2012, to review it to see if it was still fit for purpose. He also suggested that it may be appropriate to incorporate it into the standards framework as a benchmark for dealing with member complaints arising from Council meetings.

The Chair stated that if the protocol was to be amended it would require further consultations with all councillors. The Monitoring Officer commented that if the Committee felt that the Protocol was still 'fit for purpose' it could formally adopt it and this would not require any further consultation with Members. However, should the Committee wish to amend it or incorporate it into the standards framework then this would ultimately require the approval of the full Council to approve any changes.

The Committee discussed the protocol and felt that it was still relevant and provided appropriate advice to Members on the standard of behaviour that was expected during Council meetings. The Committee also felt that it did not need to be incorporated formally in to the standards framework as it was already an approved protocol. It was printed on every agenda and was, therefore, available to be used as a framework and benchmark against which to judge a Member's behaviour.

RESOLVED:

That having reviewed the protocol, it is still considered to be 'fit for purpose' and it be adopted by the Committee as useful benchmark against which to judge a Member's behaviour in the event of a complaint.

10. CONSTITUTION - OFFICER PROCEDURE RULES

The Monitoring Officer reported that the Council, at its meeting on 18 June 2015, approved changes to the Officer Employment Procedure Rules in Part 41 of the Constitution to ensure compliance with the new statutory dismissal procedures for the Head of Paid Service; Chief Finance Officer and Monitoring Officer.

The following documents had been circulated to the Committee prior to the meeting:

- Discussion item, new procedures for dismissal of Head of Paid Service; Chief Finance Officer and Monitoring Officer.
- Local Government Association – Advisory Bulletin No 624. Workforce: Employment Relations.
- Local Authority (Standing Orders) (England) (Amendment) Regulation 2015.

The changes to the legislation were contained in the report together with the rationale for making the changes. The Monitoring Officer requested the Committee's views prior to formulating a revised procedure to comply with the new statutory framework. It was noted that the Council was now the body responsible for making a decision to dismiss or discipline the three officers concerned, and this gave rise to where an appeal could be lodged and considered. The Council's Employment Committee could be involved in considering complaints/allegations involving these officers and could then recommend a course of action to the Council. The law also now requires that a "Panel" be convened at least 20 days before the Council meeting to consider the case and make recommendations to Council. On this Panel there must be at least one "Independent Person". However, further thought would need to be given as to whether a Panel needed to include Members and if so whether the rules on political balance applied. Thought would also need to be given as to whether Members who had sat in a panel would be 'conflicted out' when the issue was formally considered by Council.

After discussing the report the Committee made the following observations:-

- a) They endorsed the role of an independent person being involved on a panel considering disciplinary measures or the dismissal of the three statutory officers.
- b) Reservations were expressed that there appeared to be an assumption that independent persons would take on this role in dealing with employment issues was different to the role of independent persons advising the Standards Committee and required different skills.

RESOLVED:

That the Committee's views be taken into account when the procedures are considered by the Employment Committee.

11. COMPLAINT AGAINST COUNCILLORS - UPDATE

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

There had been six complaints received since the last meeting and four had been dismissed for the reasons stated in the report, one had involved a councillor who was undertaking a political role as opposed to undertaking 'Council business' which was outside the jurisdiction of the scheme, and one had been timed out as the complainant had refused to provide further details to enable the complaint to be considered further.

The Monitoring Officer outlined two further complaints which had not been logged as one did not contain a specific allegation and the other involved a single complaint against every member of the Council.

RESOLVED:

That the report be received and noted.

12. ANNUAL REPORT 2013-2015

The Monitoring Officer submitted the Draft Annual Report of the Standards Committee July 2013 - June 2015 which provided an analysis of cases referred.

Members were asked to note the draft report and make any amendments.

The Monitoring Officer stated that the report covered a two year period because after the Committee had made comments upon the 2013/14 report there had not been a scheduled Council meeting to consider it before the restrictions on meetings during the pre-election period prior to the elections in May 2015 had taken effect.

The Monitoring Officer stated that monitoring data was now captured when complaints were submitted through the on-line forms on the website and he felt that qualitative data would be available for the 2015/16 report.

The Committee made the following observations and comments:-

- a) Delete the reference to the 'second annual report' in paragraph 1.1 of the report.
- b) It would be helpful to include a note on Complaint 2013/11 to explain the reason for the review taking 170 days.
- c) It would be helpful in future to incorporate a follow up procedure for those involved in complaints to comment upon the process.

- d) More emphasis could be made in relation to the 45 out of 53 councillors who had acted well and had not been the subject of a complaint. It would also be useful to include comparisons with other similar authorities to provide a benchmark for the Council's own performance.

RESOLVED:

That the draft report be received and that the Committee's comments be incorporated into the report and that the final report be submitted to the January meeting of the Committee for approval.

13. ANY OTHER URGENT BUSINESS

There were no items of urgent business.

14. CLOSE OF MEETING

The Chair declared the meeting closed at 6.53 pm.