



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: THURSDAY, 10 APRIL 2014 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)
Councillor Shelton – Vice Chair

Councillor Senior

Also present:

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| Ms Fiona Barber | Independent Member |
| Ms Amanda Fitchett | Independent Member |
| Ms Joanne Holland | Independent Member |
| Mr Stephen Purser | Independent Member |
| Mr David Lindley | Independent Person |
| Ms Caroline Roberts | Independent Person |

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25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sood and Mr D Henderson.

26. DECLARATIONS OF INTEREST

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

Councillor Senior declared an Other Disclosable Interest in the item on 'Effectiveness of Corporate Complaints as her partner was a member of staff. However, since any discussion on the item would be a generic discussion affecting all officers, Councillor Senior indicated that the interest would not be prejudicial to her judgement of the public interest. In accordance with the Council's Code of Conduct, Councillor Senior would not, therefore, be required to leave the meeting when the item was discussed.

27. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Standards Committee, held on 30 January 2014, be confirmed as a correct record.

28. DRAFT PROTOCOL FOR INDEPENDENT PERSONS

The Monitoring Officer submitted a proposed protocol for instances where an elected member, who was the subject of a complaint alleging a breach of the Code of Conduct, sought a meeting with the Independent Person. The Committee was requested to comment on the proposed protocol.

The Independent Persons felt that the proposed protocol provided useful clarity in setting out what was expected of all parties involved in the process. However, the protocol should not give the impression that the Independent Person and Monitoring Officer were always of the same viewpoint in relation to a complaint as this could undermine the impartiality of the Independent Person.

Members discussed the protocol and asked questions of the Monitoring Officer and the Independent Persons. The discussion and questions included the following comments:-

- Although the protocol was useful in setting out what a Member could not do in the process, it would be helpful if the protocol could include details/examples of what a Member could say or do at a meeting with the Independent Person in item viii) of the protocol.
- The right of access to the Independent Person under the protocol should only be to the Independent Person appointed to the complaint, unless a review was requested and the second Independent Person was involved.
- There should be no right of access to the Independent Person by the Member in the event that the complaint was dismissed.
- Any information supplied by the Member should relate solely to the complaint in question; as it could be possible for the Independent Person to be involved in the process of another complaint involving the Member without that Member's knowledge at that stage. If the Member inadvertently provided information about another person or details of another complaint it could impede the impartiality of that process.
- An additional point xiii) should be added to the protocol to the effect that there would be an expectation that there would only be one meeting per issue unless there were new issues or material information to justify a further meeting. The protocol should make it clear that the

Independent Person would only share information from the meeting with the Member that was 'relevant or noteworthy' for the handling of the complaint investigation etc.

RESOLVED:

- 1) That the proposed protocol be approved subject to the Monitoring Officer amending the code to include the amendments suggested by the Committee above.
- 2) That the Monitoring Officer send the revised protocol to the two Independent Persons for comment and subject to their agreement, the final protocol be issued.

29. EFFECTIVENESS OF CORPORATE COMPLAINTS SYSTEM

The Director Information and Customer Success submitted a report summarising how complaints about the Council were dealt with. The report was originally submitted to the Council's Health and Wellbeing Scrutiny Commission in December 2013 as part of its consideration of complaints on health related matters.

The Chair stated that she was disappointed with the report as it did not provide the information the Committee would have wished to see in relation the number of complaints, how many had escalated from stage 1 to stage 2, how many had been justified and what service improvements had been introduced as a result. The procedures appeared confusing but it was understood that these were being reviewed to provide for better and more meaningful monitoring.

The Monitoring Officer provided a brief history of the corporate complaints monitoring system and felt that the current system worked and he was not aware of any substantive policy issues that needed revision. The complaint monitoring structure had been centralised three years previously as it had been recognised that there were few complaints that escalated to the Local Government Ombudsman, so it was felt appropriate to let the departmental complaints' officers monitor progress and outcomes. There were now proposals to centrally evaluate complaints data to capture any trends etc to see if there were any corporate implications. It was expected that the final version of the new evaluation reports would be released in 2 months' time, which should give more insight and breakdown of complaints.

During discussion it was confirmed that, whilst the Council's Audit and Risk Committee looked the complaints process, the Standards Committee also had a role in looking at the process and outcomes as well, particularly if there were issues relating to standards of behaviour etc. Members' also expressed concern that there may be a lack of consistency in dealing with and reviewing complaints if the process was co-ordinated by 4 separate people.

RESOLVED:

That the Director of Information and Customer Access be invited to the next meeting to present the revised monitoring information and that the Committee's comments be fed back to those co-ordinating the complaints system.

30. CORPORATE COMPENSATION POLICY

The Monitoring Officer submitted a report seeking the Committee's views on the proposed Corporate Compensation Policy that was intended to be submitted to the Council Meeting in June 2014.

Members discussed the draft policy and felt that the timescale for making a complaint should be linked to the time when the decision which led to the complaint was made.

RESOLVED:-

That the draft corporate compensation policy be endorsed subject to paragraph 6.2 being amended to read; 'Complaints, and therefore compensation, will not normally be considered or made unless the complaint or application is made within 3 months of the decision being made which is the subject of the complaint, unless there are special or exceptional circumstances that would make it unreasonable to apply this rule.

31. 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 involves 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.

UPDATE ON COMPLAINTS AGAINST COUNCILLORS

32. COMPLAINT AGAINST COUNCILLORS - UPDATE

The Monitoring Officer stated that no new complaints against Councillors had been received since the last meeting.

The Monitoring Officer then outlined the circumstances relating to a Councillor, who had been the subject of a previous complaint, failing to comply with the outcome of the informal resolution reached in considering the complaint. The Monitoring Officer felt that these details were relevant to Members' consideration of the Discussion Paper on Non-Compliance with Informal Resolution Outcomes which would follow this item.

33. PUBLIC SESSION

RESOLVED:

That the press and public be re-admitted to the remainder of the meeting.

34. DISCUSSION PAPER - NON-COMPLIANCE WITH INFORMAL RESOLUTION OUTCOMES

The Monitoring Officer submitted a discussion paper seeking the views of the Committee on what should happen in the event that an informal resolution outcome is not acted upon by the subject Member.

Members discussed the various options that were available to them and to solutions which had been used elsewhere. During the discussion, it was felt that if a new complaint was opened for the failure to comply with the informal resolution, then any subsequent investigation of the new complaint may only be a short desk-top appraisal based upon the evidence already to hand unless there were other factors which needed to be taken into account. It was also noted that if an informal resolution had been put forward, it should be recognised that the member had breached the code of conduct and some form of action was required to address this.

RESOLVED:-

That in the event of a member not acting in accordance with an informal resolution as part of the outcome of a considering a complaint, there should be an escalating series of responses as follows:-

- a) The member should be invited to a meeting with the Chair of the Committee, the Monitoring Officer and Independent Person to re-offer the informal resolution and to ask the member to give an undertaking to carry it out.
- b) The matter be referred for political action to achieve the informal resolution.
- c) Any continued failure to comply with the informal resolution should be treated by the Monitoring Officer as a new complaint on the grounds of the member conducting themselves in such a manner which is likely to bring the Council into disrepute.

35. CLOSE OF MEETING

The Chair declared the meeting closed at 7.10 pm.