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NOT FOR PUBLICATION

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**NOTE:** The Standards Committee resolved at its meeting on 20 June 2017 to make this report public.



Leicester  
City Council

**WARDS AFFECTED**

Not Applicable

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Standards Advisory Board**

**22<sup>nd</sup> November 2016**

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### **CONSIDERATION OF COMPLAINT - 2016/11**

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#### **Report of the City Barrister and Head of Standards**

#### **1. PURPOSE OF REPORT**

- 1.1 To enable the Standards Advisory Board to consider the materials available in respect of the Code of Conduct complaint against Councillor Nigel Porter.

#### **2. RECOMMENDATION**

- 2.1 The Board is recommended to consider the materials for complaint 2016/11 and determine which of the options set out in section 4 of this report should be taken.

#### **3. SUMMARY AND HISTORY OF COMPLAINT**

- 3.1 On 10<sup>th</sup> October 2016 the Monitoring Officer received a complaint from Councillor John Thomas making an allegation of a breach of the Member Code of Conduct against Councillor Nigel Porter for remarks made at a meeting of Full Council which took place on Thursday 6<sup>th</sup> October 2016. (Appendix A)
- 3.2 The published procedures allow for a standard acknowledgement to be sent in the first instance, and a timeframe of a further 15 working days for the Monitoring Officer and the to consult the Independent Person and reach a decision regarding next steps. However this timeframe was not needed, and in order to avoid unnecessary delay and uncertainty the Monitoring Officer, having consulted with the Independent Person Mr David Lindley on 12<sup>th</sup> October, wrote to Councillor Porter that same day (Appendix B). The rationale for the path chosen, including the decision not to commission an independent investigator, is explained in that letter.

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- 3.3 On 6<sup>th</sup> November 2016 Councillor Porter provided an account of his behaviour from the meeting on 6<sup>th</sup> October 2016 (Appendix C).
- 3.4 The Standards Advisory Board are asked to consider the following evidence in order to arrive at a decision in line with Section 4.1 (**note that the relevant exchange starts at Question 19, and the allegedly offensive comment is made at the beginning of Question 20**):
- i. Appendix A – 07.10.16 complaint from Councillor Thomas
  - ii. Appendix B – 12.10.16 letter from Monitoring Officer regarding next steps
  - iii. Appendix C – 06.11.16 written account from Councillor Porter
  - iv. Appendix D – 06.10.16 typed transcript from webcast of Questions 19 and 20
  - v. Appendix E – 06.10.16 link to Webcast of relevant meeting [http://leicester.public-i.tv/core/portal/webcast\\_interactive/245614](http://leicester.public-i.tv/core/portal/webcast_interactive/245614). Question 19 commences at around 1hour 4 minutes into the meeting. If you are unable to view this in advance it will be played at the meeting.
  - vi. Appendix F – Two newspaper articles (for context)
  - vii. Appendix G – Code of Conduct

#### **4. OPTIONS AVAILABLE TO THE ADVISORY BOARD**

- 4.1 The Board is asked to consider which of the following two options should follow:
- i. Take no further action, or**
  - ii. Refer to a hearing panel**
- 4.2 The relevant extract from the Council's "Arrangements" clarifies as follows:

*If the matter is referred for hearing then a Hearing Panel will be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearing Panel is a sub-committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Hearing Panel and his/her views are sought and taken into consideration before the Hearing Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of misconduct.*

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## **Outcomes**

*The Hearing Panel may make recommendations to the Standards Committee for:*

- a. Censure or reprimand the Member by letter*
- b. Press release of findings*
- c. Report findings to Council for information (with or without a subsequent motion of censure being proposed by Council)*
- d. Recommendation to Group (or Full Council in the case of ungrouped Members) of removal from Committees/subcommittees of Council*
- e. Recommendation to Elected Mayor that the Member be removed from The Executive, or from particular portfolio responsibilities*
- f. Recommendation that the Member be removed from outside bodies to which they have been appointed by the Council*
- g. Withdrawal of facilities provided to the Member by the Council*
- h. Excluding the Member from the Council's offices or other premises (with the exception of accessing meetings of Council, Committees and subcommittees)*
- i. Instructing the Monitoring Officer to arrange training for the Member*

- 4.3 Note that the Board are not asked to consider misconduct allegations against another other Councillors involved in the exchanges on 6<sup>th</sup> October 2016. Other complaints have been received, and these will each be dealt with separately according to a procedure that the Monitoring Officer and the Independent Person deem just and proportionate.

## **5. REASON REPORT MARKED NOT FOR PUBLICATION**

- 5.1 The report is marked as not for publication as it contains exempt information as set out in the following paragraphs of Schedule 12A of the Local Government Act 1972, as amended, and the public interest in maintaining the exemption 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 7A

Information which is subject to any obligation of confidentiality.

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

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## 6. REPORT AUTHOR

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