



Leicester
City Council

Minutes of the Meeting of the
STANDARDS ADVISORY BOARD

Held: TUESDAY, 3 MARCH 2020 at 5.00pm

P R E S E N T:

Fiona Barber
Mike Galvin
Cllr Dr Susan Barton

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1. APPOINTMENT OF CHAIR

RESOLVED:

that Fiona Barber be appointed as Chair for the meeting.

Fiona Barber assumed the Chair.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Michael Edwards Independent Person.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interest they might have in the business on the agenda.

Councillor Dr Barton noted that she was acquainted with some of the people referred to within the complaint however these were not close relationships and she retained an open mind in relation to the complaint.

4. METHOD OF OPERATION OF THE BOARD

The Monitoring Officer advised that the Standards Advisory Board was a sub-committee of the main Standards Committee and was convened on an ad hoc basis as and when necessary. The quorum of the board was 3 members and

the membership needed to have an equal or greater number of Independent Members for the meeting to be valid.

5. MINUTES OF THE PREVIOUS STANDARDS ADVISORY BOARD

RESOLVED:

That the minutes of the Standards Advisory Board meeting on 31 October 2018 be confirmed as an accurate record.

6. 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.

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

The Monitoring Officer submitted a report asking the Board to consider the Investigator's report into a complaint referenced 2019/15 and to determine the next steps in relation to the complaint.

The Monitoring Officer explained the background to the complaint received on 10 September 2019. It was noted that this complaint was one of three received regarding the same event and the Monitoring Officer had agreed with the other two complainants that this would be treated as the main complaint as it was

more comprehensive in terms of complying with the councils published arrangements. The other two complainants had consented to that approach.

The Monitoring Officer told the Board that he had consulted Mr Edwards as an Independent Person in accordance with the procedures for the investigation of complaints against Members. In considering the complaint, both the Monitoring Officer and Mr Edwards had agreed that the complaint should be independently investigated as the allegations were potentially serious because of the nature of what was suggested and the complaint could not be dealt with by the Monitoring Officer using his fact finding jurisdiction; subsequently Mr Alex Oram of CH&I Associates was commissioned to undertake the independent investigation.

The investigator had found that the subject Members participation in the event complained about was in their own personal capacity and not as a representative of the Council and as such the matters complained of fell outside the scope of the Code of Conduct. The investigator also observed that had the subject Member attended the event in an official capacity the investigator would not consider their participation to have amounted to a failure to comply with the Code. The reasons for reaching this conclusion were set out in detail in the investigator's report.

The Board were advised to determine either to resolve to take no further action or to refer the matter to a Standards 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.

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 Board discussed the findings and asked questions to clarify some points around the issue of when someone was acting in a personal capacity or in their Councillor capacity.

The Monitoring Officer read Mr Edwards comments forwarded by email in which he set out his views for the Board.

"Having considered the investigation report and supporting material I am in full agreement with the findings detailed in the report.

A thorough investigation has concluded that the subject Member did participate in the protest but did so in a private capacity and not as a representative of the Council. The actions of others at the protest were considered by the complainant to be both inflammatory and offensive however, the investigation has found that the subject Member did not endorse or encourage such actions. In delivering their speech the subject Member made it clear from the outset that they were not there in the capacity as a Councillor but rather the subject Member adopted a more moderate and conciliatory approach.

It is unfortunate that the subject Member subsequently shared an image on Facebook containing the offending banners displayed at the protest. To the subject Members credit upon recognising this they took immediate action to remove the post and have acknowledged the lessons to be learnt from this. This case serves as a useful reminder for all figures in public life to fully consider all publications in their name and especially those on social media.

To conclude I fully endorse the conclusions reached by the investigator at section 6 in his report in that no breach has occurred and therefore no further action should be taken.”

The Board considered the findings/conclusion in the investigative report as well as the comments of the Independent person and were in agreement with the investigator's findings as set out.

RESOLVED:

- 1) that no further formal action be taken in relation to the complaint referenced 2019/15.

8. CLOSE OF MEETING

There being no further business the meeting closed at 5.26pm.