



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 8 JUNE 2005 at 5.30pm

P R E S E N T :

Mrs Caroline Roberts (Independent Member)

Councillor Coley
Councillor O'Brien

Councillor Mrs. Sood

1. DECLARATIONS OF INTEREST

Members were requested to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applied to them.

No declarations were made.

2. MEMBERSHIP OF THE COMMITTEE 2005/06

The Town Clerk reported that there was currently an Independent Member vacancy on the Committee, following the resignation of Ms. Jill Bellingham. It was further reported that the current term of office of the Independent Members was due to expire during 2005 and that a recruitment exercise would take place later in the year.

RESOLVED:

That, subject to the comments regarding the Independent Members reported by the Town Clerk, the membership of the Committee for 2005/06, as set out below, be noted: -

Councillor Coley
Councillor O'Brien
Councillor Mrs. Sood
Mrs. Caroline Roberts (Independent Member)
(One Independent Member Vacancy)

3. DATES OF MEETINGS 2005/06

RESOLVED:

that the dates of meetings of the Committee for the remainder of the year 2005/06, as set out below, be approved: -

Wednesday 21 September 2005
Wednesday 23 November 2005
Wednesday 25 January 2006
Wednesday 29 March 2006

All meetings to start at 5.30 pm.

4. TERMS OF REFERENCE OF COMMITTEE

RESOLVED:

that the Terms of Reference of the Committee, as circulated with the Agenda, be noted.

5. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the Minutes of the meeting held on 30 November 2004, copies of which had been circulated to Members, be received, taken as read, and signed by the Chair as a correct record.

6. REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

The Town Clerk and Corporate Director of Resources, Access and Diversity submitted a report that sought the views and input of the Committee on the Standards Board for England Consultation document relating to the Code of Conduct for Members.

It was reported that since the Code of Conduct for Members had been introduced some three years ago legislative and other processes had been introduced to bring the Code into full effect. Following comments from various sources the Standards Board for England now felt that, in the light of practical experience, that it was time for the Code to be reviewed.

Members were informed that, within the consultation document, appended to the report, were a series of questions that required responses. Following discussions on the consultation document the Committee's responses to the questions posed are set out below: -

- (1) *Should the ten general principles be incorporated as a preamble to the Code of Conduct?*

Yes. Leicester City Council already incorporates the ten General Principles into its Political Conventions.

- (2) *Are there any other principles which should be included in the Code of Conduct?*

No.

- (3) *Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?*

The broad test remains appropriate. Any specific allegations of disrespect then need to be contextualised within that broad test, having regard to all the circumstances and having regard to the local context.

- (4) *Should the Code of Conduct include a specific provision on bullying. If so, is the ACAS definition of bullying quoted in the full consultation paper appropriate for this?*

Yes, The ACAS definition would be appropriate, but it needs to be enhanced to cater for a single/one-off act of serious bullying.

- (5) *Should the Code of Conduct contain an explicit public interest defence for who believe they have acted in the public interest by disclosing confidential information?*

No. As suggested, the public interest issue should be used as an argument in mitigation of a breach, rather than a specific defence.

Associated guidance should draw to the attention of Members mechanisms for 'whistle blowing'.

- (6) *Do you think the Code of Conduct should cover only information which is in law 'exempt' or 'confidential', to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?*

No.

- (7) *Should the provision relating to disrepute be limited to activities undertaken in a member's official capacity or should it continue to apply to certain activities in a member's private life?*

The test should be in relation to a Member's role on the authority and whether or not the act or omission compromises either the reputation of the authority or the Member's fitness to carry out their official duties, unless there is strong justification to determine otherwise.

- (8) *If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?*

It should continue to be a broad provision and not restricted to criminal conduct.

- (9) *We believe that the Code should prohibit breaches of the publicity code,*

breaches of any local protocols, and misuse of resources for inappropriate political purposes. Do you agree?

Yes.

- (10) *If so, how could we define 'inappropriate political purposes'?*

For the purposes of the Code, the concept of 'party political' is sufficiently well understood from the publicity rules. Associated guidance would incorporate not using Council resources to seek or gain electoral advantage. However, guidance should also make clear the use of resources within the decision making processes within the authority (e.g. enabling political groups to utilise resources in support of political group meetings within the authority).

- (11) *Is the Code of Conduct right not to distinguish between physical and electronic resources?*

Yes. There should be no differences. Electronic resources are increasingly becoming 'just another resource', like the photocopier, etc.

- (12) *Should the provision of the Code of Conduct that requires members to report breaches of the Code by fellow members be retained in full, removed altogether, or somehow narrowed?*

The requirement should be removed altogether.

- (13) *If you believe the provision should be narrowed, how would you define it. For example, should it apply only to misconduct in a member's public capacity, or only to significant breaches of the Code?*

Not applicable (see response to (12) above).

- (14) *Should there be a further provision about making false, malicious or politically-motivated allegations?*

Yes, but restricted only to the making of malicious allegations.

- (15) *Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?*

Current provisions provide sufficient protection.,

- (16) *Do you think the term 'friend' requires further definition in the Code of Conduct?*

No, but more information can be provided in Guidance regarding friends and relatives as to whether a friend or relative is so close as to be likely

to influence a decision depends on the circumstances and the test should be left to the following:-

'Public accusation (direct or indirect) is potentially defamatory and such questions should not be raised in public meetings. Advice should be taken before meetings. If an issue arises in a meeting, an adjustment may be appropriate to consider how to deal with it. Challenging a deliberate decision not to declare an interest should also be done off the agenda.'

- (17) *Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority's area?*

Yes.

- (18) *Should a new category of 'public service interests' be created, relating to service on other public bodies and which is subject to different rules of conduct?*

Yes, this would be beneficial. The current provisions have the potential to work against those Members who are seeking to use their interest and expertise and the synergies which thereby can develop across a range of public bodies.

- (19) *If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings?*

No.

- (20) *Do you think paragraph 10 (2) (a-c), which provides limited exemption from the prejudicial interest rules for some members in certain circumstances, should be removed from the Code of Conduct?*

No.

- (21) *Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?*

Yes. The acid test should be whether a Member has a personal interest to them which is also prejudicial.

- (22) *Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?*

No. Members are perceived to be in a privileged position in terms of influencing decision making. Attendance even in the public gallery could be viewed by a member of the public as seeking to assert their

influence.

- (23) *Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote?*

Yes.

- (24) *Should members employed in areas of sensitive employment, such as the security services, need to declare their occupation in the public register of interests?*

No, but the information needs to be supplied to the Monitoring Officer.

- (25) *Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near an authority's area?*

Yes, limited to organisations within an authority's area.

- (26) *Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?*

Yes.

- (27) *Should members also need to declare offers of gifts and hospitality that are declined?*

Not as a requirement in the Public Register but there should be provision for Members to do so to the Monitoring Officer if they so wish.

- (28) *Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration? How could we define this?*

Yes, if the cumulative value of the gifts exceeds the threshold in a civic year.

- (29) *Is £25 an appropriate threshold for the declaration of gifts and hospitality?*

Yes, but there needs to be an easy mechanism for uplifting the amount.

7. ANY OTHER URGENT BUSINESS

With the sanction of the Chair the following items were considered as items of urgent business on the grounds that the matters reported could not wait until the next meeting of the Committee: -

- i) MONITORING OF COMPLAINTS AGAINST ELECTED MEMBERS

The Town Clerk and Corporate Director of Resources, Access and Diversity briefed Members on the current number and nature of complaints against Elected Members which had been referred to the Standards Board.

RESOLVED:

that the report be noted.

ii) 4TH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Town Clerk and Corporate Director of Resources, Access and Diversity reported that the 4th Annual Assembly of Standards Committees would be held on 5-6 September 2005 at the International Convention Centre, Birmingham. Any member of the Committee interested in attending were asked to contact the Service Director (Democratic Services).

8. CLOSE OF MEETING

The Chair declared the meeting closed at 6.55 pm.

