



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 10 SEPTEMBER 2008 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member)

Councillor Clair Councillor Corral
Councillor Mugglestone

11. APOLOGIES FOR ABSENCE

Apologies were received from Mary Ray, Kate Mcleod, Councillors Draycott and Keeling.

12. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda and/or declare that Section 106 of the Local Government Finance Act 1992 applied to them. No such declarations were made.

13. MINUTES OF PREVIOUS MEETING

Members requested that the following amendment be made to the minutes from 9 July 2008:

Minute 7, Paragraph 1 should be amended to read "The Committee was informed of the training that would be given to **Cabinet** Members regarding the Code of Conduct..."

RESOLVED:

that the minutes of the meeting of the Standards Committee held on 9 July 2008, be confirmed as a correct record, subject to the above amendment.

14. VERBAL UPDATE ON ISSUES FROM LAST MEETING

The Monitoring Officer provided a verbal update on issues affecting Political Conventions, Training on the Assessment of Complaints and Publicity following on from discussion at the last meeting.

Political Conventions

The Monitoring Officer stated that the review on the Political Conventions had been started and there were three stages involved. These would be officer discussions, informal Member discussions and finally formal Member discussions taking place. Work had already taken place with the Head of Democratic Services and Member Support Manager and changes that could be made to the conventions had been identified. The Monitoring Officer commented that he was also keen to review the elections protocol. The process would now involve discussions with the Political group Whips, then onto the different political groups and then finally onto full Council.

Training on the Assessment of Complaints

Members provided feedback on the training they had received. A Member of the Committee commented that they had found the training interesting but thought the whole process was a lot to fit into a short timescale. Particularly interesting was the different approaches from different Councils across the region. The Member felt that the roleplay part of the training was poor as it had been done as a whole group rather than be divided into small groups. She commented that it would be useful to have smaller group sessions locally.

Publicity

The Monitoring Officer commented that publicity was currently being worked up on the Member complaints process with other authorities. There had already been some information placed on the Council website. The Chair commented that there was work being done on press releases and there would be more information provided on this at the next meeting.

15. STANDARDS COMMITTEE AND SUB-COMMITTEES CHANGES TO TERMS OF REFERENCE

The Service Director, Democratic Services submitted a report that was being brought back to the Committee for endorsement prior to forwarding to full Council for agreement the Terms of Reference of the Committee and its Sub Committee incorporating amendments proposed at the meeting of the Committee held on 9 July 2008.

Members agreed that the following sentence to should be added to the end of point four of the Standards Committee Terms of Reference:

“.....including any additions to the Code of Conduct for Members required from

time to time”

A typing error was pointed out in point 9 (a) of the Standards Committee Terms of Reference where it should read, “any application received from”

A typing error was pointed out in point 4 of the Standards Sub-Committee (Initial Assessment) Terms of Reference where it should read “The Standards Sub-Committee (Initial Assessment) shall comprise 4 Members”

A typing error was pointed out in point 2 of the Standards Sub-Committee (Review) Terms of Reference where it should read “The Standards Sub-Committee (Review) shall comprise 4 Members”

RESOLVED:

that the proposed changes to the Terms of Reference to the Committee and Sub-Committee be referred to Council for formal approval.

16. LOCAL ASSESSMENT OF COMPLAINTS - MAKING THE NEW SYSTEM WORK

The Monitoring Officer submitted a report that enabled Members to review practical issues that had emerged since May 2008 when the Council was obliged to introduce a new system for the local assessment of complaints against elected Members; to understand concerns that had been raised by members and to consider officer proposals for implementing essential legal requirements and statutory guidance in a way which ensured that the new system was both effective and fair.

The Monitoring Officer commented that the report sought to address Members’ concerns and to find practical solutions for tackling issues which have emerged to date. In that context, there were 2 principal issues. The first was the development of a filtering process when complaints were initially received. A diagram appended to the report detailed how to apply the different complaints processes. It was noted that there was a likelihood that some service complaints could incorrectly be submitted as complaints against Members. A Member of the Committee queried what would happen if a Member had not acted upon a query that a member of the public had presented to them and if this was a breach of the Code of Conduct. The Monitoring Officer commented a complaint such as this would go to the relevant department first and if needed would then be referred to the Standards Committee. The Monitoring Officer stated that it should be made clear in both publicity and guidance for the public what can and cannot be complained about.

The Monitoring Officer commented that some complaints could be resolved informally and in order to do this it was important that the right channels were used. It was also stated an officer initially receiving a complaint may need to ensure clarity was established regarding a complaint but care should be taken to avoid any perception of coaching of complainants when drafting their

complaint. A Member of the Committee raised concern that people who wanted to make a complaint may require assistance in filling out the complaints form if they were not educated.

The Monitoring Officer stated that the second principal issue was to make sure that the system was as fair as possible and particularly to consider how to balance the need for confidentiality with the right for any Member who was subject to a complaint, to know the details of and be able to respond to allegations against them. A Member of the Committee queried at what point in the process did the Member have the right to know about the complainant. The Monitoring Officer commented that it was at the Committees discretion. The Complaints form did ask about confidentiality and if the complainant was concerned about it then they had to give a reason.

The Chair queried who a person addressed the form to when they wished to make a complaint and what happened if that person was absent. Kate Owen, the Member Support Officer present, commented that all complaint forms initially went to her however she was liaising with the Head of Democratic Services to create a generic mailbox where complaint forms would go and would be accessible by both of them to ensure the forms would be dealt with even if either of them was absent.

RESOLVED:

- 1) that Members agree to endorse the actions that were taken by Officers; and
- 2) that the report go to Cabinet for approval, then onto Council.

17. GRANTING AND SUPERVISION OF EXEMPTIONS FROM POLITICAL RESTRICTION

The Director of Resources submitted a report that provided the Committee with guidance as to how to perform its new statutory role of considering applications from officers for exemption from political restriction.

The Monitoring Officer commented that the report provided information about general provisions regarding exemption from political restrictions. He stated that any Council employee whose salary was above pay point 44 which was currently £34,852, subject to pay award, was politically restricted. There were other posts below that threshold, which were also designated as politically restricted because the post holders regularly advised Members or spoke on behalf of the Council. A Member of the Committee queried whether an officer of the authority could stand for election and whether officers could partake in political activity. The Monitoring Officer commented that a person could not be an officer of the Council and stand for election at the same time. Lower level officers were allowed to engage in political activity, but again, could not stand for election.

RESOLVED:

that the legal position and guidance presented in the report be noted by the Committee.

18. QUARTERLY RETURN TO THE STANDARDS BOARD FOR ENGLAND

The Monitoring Officer presented a report, which reported on the quarterly return for Standards Board for England with regard to the local assessment of complaints.

The Monitoring Officer commented that Leicester City Council had received no official complaints against Members during the period 8 May 2008 to 30 June 2008. The Standards Committee at Leicester City Council was listed as being average in size from the collated data when in comparison to other Standards Committees at other Local Authorities of a similar size. The Committee were informed that the complaints procedure was still in its early stages however since the last date of the period in the report there had been six complaints received against Members and all of those complaints had been rejected for investigation by the Standards Committee.

The Committee agreed that the quarterly return report be brought to the Committee each time it was released.

RESOLVED;

that the Quarterly Return Submission Statistics report be brought to the Committee each time it is released.

19. STANDARDS ACTIVITIES 2008-09

The Monitoring Officer submitted a report that drew together various strands of work relating to standards and ethical governance for Members.

The Head of Democratic Services commented that there was a lot of work currently in progress with regard to Standards and Ethical Governance. In reference to Appendix one in the report the Head of Democratic Services mentioned that a number of changes that had been suggested had been implemented already. A table in the report listing the work being done in relation to Standards and Ethical Governance was referred to.

The Chair queried whether the Code of Conduct training was compulsory for Members. A Member of the Committee stated that the training should be compulsory as Members had to sign the Code of Conduct and queried how could the Code of Conduct be signed if they had not undertaken the training.

The Chair commented that it should be decided that if someone became a Councillor then they would have to undertake training. A Member of the Committee stated that most new Councillors would be willing to undertake the training. The Chair suggested that the report be brought back and see if Code

of Conduct training could be made compulsory. A Member of the Committee suggested that the recommendations be taken to Whips. The Chair commented that if compulsory training was brought in, the enforceability and what would happen if individuals did not undertake the training would have to be looked into. ***(Amended following 12 November 2008 meeting): The Chair stated that, as it was difficult to enforce attendance at training, Members should be encouraged as far as possible to take part in training on a voluntary basis.*** The Monitoring Officer commented that he would look into the issue and see if could be included in the Political Conventions.

RESOLVED:

- 1) that Members note the recommendations to form the Council's CPA report relating to the Standards Committee.
- 2) that Members note the "Good Governance in Local Government" action plan summary containing items relating to the Standards Committee.
- 3) that work on the Work Programme be started.

20. GUIDANCE FOR ASSESSMENT OF COMPLAINTS FOR THE STANDARDS SUB-COMMITTEE

The Monitoring Officer circulated reference packs for Members of the Standards Committee that contained information and guidance for Members to use whilst carrying out assessments and investigations.

The Monitoring Officer informed the Committee that there had been larger packs issued by the Standards Board and he would be going through the larger packs and see what information could be incorporated into the Members packs.

RESOLVED:

that the information contained in the packs be noted by the Committee and they agree to use them as reference in Standards Sub Committee meetings.

21. DATES OF FUTURE MEETINGS

The Monitoring Officer commented that dates for future meetings of the Standards Committee would be circulated after the meeting.

22. ANY OTHER URGENT BUSINESS

The Monitoring Officer circulated the latest issue of the Standards Board for England Bulletin.

The Monitoring Officer commented that the Standards Board were seeking

views on adjourning local assessment decisions. Members of the Committee were given the option of submitting their thoughts on this. Members agreed that they would need some time to read the bulletin and then formulate opinions. The Chair stated that all comments by Members on this should be emailed to Kate Owen, Member Support Officer.

The Committee were informed that Judy Simons, Professor at De Montfort University had been installed as the new Deputy Chair of the Standards Board of England.

RESOLVED:

that all Members email the Members Support Officer with their comments about the subject of adjourning local assessment decisions.

23. PRIVATE SESSION

RESOLVED:

that the press and public be excluded during the consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of the 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 an individual

B1) Application for Exemption from Political Restriction

24. APPLICATION FOR EXEMPTION FROM POLITICAL RESTRICTION

The Director of Resources submitted a report to enable the Committee to consider an individual application to have his post excluded from being Politically Restricted.

The Monitoring Officer commented an application had been received from a member of staff who had asked to have his post excluded from being politically restricted. The Committee was notified that the application had been made because the post attracted a salary of above £36,000, which was the salary point where posts became politically restricted.

Members considered that the applicant did not have significant contact with Elected Members.

RESOLVED:

that the application regarding a request for an exclusion from political restriction be accepted, as the applicant did not have regular contact with Elected Members.

25. CLOSE OF MEETING

The meeting closed at 6:36pm.

