



Leicester
City Council

AMENDED MINUTES

Minutes of the Meeting of the STANDARDS COMMITTEE

Held: WEDNESDAY, 12 NOVEMBER 2008 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) – Chair
Ms Kate McLeod (Independent Member)
Ms Mary Ray (Independent Member)

Councillor Clair Councillor Corrall
Councillor Keeling Councillor Mugglestone
Councillor Russell (For Cllr Draycott)

26. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Draycott.

27. 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.

28. MINUTES OF PREVIOUS MEETING

It was noted that Councillors Draycott and Coley should be replaced on the attendance list with Councillors Clair and Corrall.

The Chair also stated that an amendment was required to the item, "Standards Activities 2008-09". An insertion into Paragraph 4 was to be made as follows:

"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. **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 this could be included in the Political Conventions."

RESOLVED:

That the minutes of the meeting of the Standards Sub-Committee held on 10 September 2008 be confirmed as a correct record, subject to the amendments indicated above.

29. CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES - A CONSULTATION

The Monitoring Officer submitted a report that drew members' attention to the Department for Communities and Local Government (DCLG) consultation on "Codes of Conduct for Local Authority Members and Employees."

It was noted that the consultation was launched in October 2008 and responses were sought by 24 December 2008. Members were asked to comment on the Code of Conduct for Elected Members only, as the proposals for Employees were outside the remit of the Committee.

The Chair suggested that a document that had been produced by an experienced solicitor on the matter should be circulated to Members following the meeting, as the comments in the document could form an appropriate basis for a response from the Standards Committee. Members could then submit further comments to the Monitoring Officer as they felt appropriate. The Monitoring Officer would collate comments into a formal response to be sent to the DCLG.

Concern was raised regarding the potential impact of the Health and Safety at Work Act, which could lead to a criminal offence, and how this could have an effect on Members through the Code of Conduct if rules regarding criminal offences were changed. Discussion also took place regarding the definition of a criminal offence, as it did not include offences where there was the option to pay a fixed penalty. Members suggested that this could be widened to include offences where the Local Authority had power to enforce. Concern was also raised about the suggested amendment that investigation processes should cease until the conclusion of criminal proceedings, as this could put the authority or residents at risk. The acceptance of a caution was also raised as a concern, as this appeared on a person's criminal record.

Members suggested that clarification was needed on what was meant by acting in "official capacity," particularly in response to the Livingstone and Bartlett cases.

Members suggested that the Political Groups and Cabinet be given an informal opportunity to comment on the proposed changes to the Code before the end of November 2008.

RESOLVED:

- 1) that the Standards Committee's response to the consultation by the DCLG on revisions to the Code of Conduct, be compiled by the Monitoring Officer, on the Committee's behalf, by the end of November 2008, for

submission to the DCLG;

- 2) that all Political Groups be given the opportunity to comment on the proposals, and any resultant suggestions be included in the Monitoring Officer's report.

30. 7TH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Monitoring Officer submitted a report that enabled the Committee to review issues arising, and action needed, following attendance of Members and officers at the 7th Annual Assembly of Standards Committees.

Members stated that the assembly had been valuable, and the number of attendees indicated the importance of the issue.

Discussion took place regarding the suggestion that the Chair of a Standards Sub-Committee should sign decision letters. Concern was raised that the letters were more formal than the Independent Chairs wished, as there was no opportunity for the Chair to explain in more detail, or offer further advice. The Monitoring Officer stated that the content and style of the letter had emerged from study of the regulations. Further investigation could be carried out on this matter. **(Amendment – addition to original minutes:) Mary Ray expressed the view that she was not currently happy being signatory of the letters whilst the Code of Conduct contained ambiguities.** It was agreed that the Chair of a Sub-Committee would sign the letters where practicable and possible.

The Monitoring Officer stated that concerns were raised at the Assembly regarding implementation of the regulations, particularly in respect of being unable to inform the subject member of the contents of a complaint. He stated that it was likely that the Standards Board would, over time, issue guidance to try to ensure that the new legislation was as user friendly as possible, but there was also a need for the law to be improved.

RESOLVED:

- 1) that the Standards Committee notes the report;
- 2) that the Chair of a Sub-Committee signs decision letters where practicable and possible.

31. ACTION PLAN/ WORK PROGRAMME

The Monitoring Officer submitted a report that presented an initial work programme for the Standards Committee. An addendum to the report was circulated at the meeting that listed further areas of work for the Committee.

It was suggested that officers from the Delivering Excellence Team could be invited to a future meeting to discuss ethical governance.

Members discussed the Code of Practice for Development Control Decisions, and asked if there was a similar code for the Licensing Committee. It was reported that there was training for Members of the Licensing Committee, but there was no protocol. Members asked if this could be included in the Work Programme for consideration. Members also stated that it would be good practice to have a Member of the Standards Committee represented on the Audit Committee.

With regard to publicity of the complaints process, it was stated that a press release would be appropriate when the process was fully established, and that there was opportunity to work collaboratively with neighbouring authorities.

The issue of the increased workload of the Standards Sub-Committee was discussed, and it was noted that it had been referred to the Independent Remuneration Committee. In response to questions from Members, the Monitoring Officer stated that any request for increase in staff resources would have to be made through a growth bid, as felt appropriate by senior officers. Members stated that, due to concerns of the amount of work generated for the Standards Sub-Committee in all its respects, Members needed officers to provide appropriate resources to support this increase in work, to ensure that Members could carry out their duties effectively.

With regard to the suggestion that the Committee looks into what constitutes a meeting, it was pointed out that there could be a resultant impact on what meetings child care should be provided for. It was important that this work did not contradict the statutory definitions of what child care could be provided for.

RESOLVED:

- 1) that the Standards Committee notes the proposed work programme, including the addendum;
- 2) that, due to concerns of the amount of work generated for the Standards Sub-Committee in all its respects, Members ask officers to provide appropriate resources to support this increase in work, to ensure that Members can carry out their duties effectively;
- 3) ***(Amendment – addition to original minutes:)*** that consideration be given to introducing a code of practice for the Licensing Committee similar to the existing Code of Practice for Development Control Decisions.

32. PUBLIC/PRIVATE LIFE GUIDANCE

The Monitoring Officer submitted a report that enabled the Committee to review the current position regarding application of the Code of Conduct for Elected Members to private as well as public life.

Members welcomed the report and thanked the Monitoring Officer for clarifying the current position.

Members stressed the difficulty in assessing the difference between public and private life. The impact of recent case law was noted, and Members asked that details of this case law be included in the guidance folders for local assessment of complaints.

RESOLVED:

that the report be noted.

33. CLOSE OF MEETING

The meeting closed at 6.43pm.

