



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 4 FEBRUARY 2009 at 5.30pm

P R E S E N T :

Ms Kate McLeod – Independent Member
Ms Mary Ray – Independent Member

Councillor Corrall
Councillor Keeling

Councillor Draycott
Councillor Thomas

34. ELECTION OF CHAIR

In the absence of Sheila Brucciani, Mary Ray, seconded by Councillor Draycott, moved that Kate McLeod take the chair for the meeting. This was agreed by the committee.

Kate McLeod took the Chair.

35. APOLOGIES FOR ABSENCE

Apologies were received from Sheila Brucciani and Councillors Clair and Mugglestone.

36. DECLARATIONS OF INTEREST

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

37. MINUTES OF PREVIOUS MEETING

Members asked for the following amendments to be made:

Kate McLeod and Mary Ray were present at the meeting.

Item 30 to add: "Mary Ray expressed the view that she was not currently happy being signatory of the letters whilst the Code of Conduct contained ambiguities."

Item 31 to add to the resolution: "That the Standards Committee request 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.”

RESOLVED:

that the minutes of the meeting of the Standards Committee, held on 12 November 2008, be confirmed as a correct record, subject to the amendments above.

38. REVIEW OF ASSESSMENT CRITERIA

The Monitoring Officer submitted a report that asked the Standards Committee to review its current assessment criteria including the weight to be given to hearsay evidence and how to deal with vexatious complaints about Councillors. An additional document was circulated at the meeting, outlining the Information Commissioner’s stance on vexatious complaints, and Members were recommended to adopt this as their policy for dealing with such complaints.

With regard to vexatious complaints, Members considered that the first two criteria, relating to malicious, politically motivated or tit-for-tat complaints, or where there was an ulterior motive, should be kept separate within the assessment criteria, to clarify what constituted a vexatious complaint. In response to Members’ questions, the Monitoring Officer stated that complaints could not be filtered out on this basis prior to initial assessment, and that, even in these cases, vexatious or politically motivated complaints could contain genuine evidence of a breach of the Code of Conduct.

Members considered the issue of hearsay evidence. The Monitoring Officer stated that the Sub-Committee could note hearsay, but were not to consider its weight, as this was to be done at a hearing. Members stated that hearsay should be considered in addition to factual evidence, and not in its own right, although care should be taken to avoid dismissing breaches of the Code of Conduct due to complainants being unfamiliar with the Sub-Committee’s ways of working. It was suggested that hearsay evidence that was checkable may be considered. Members were informed that such checks would take place following a decision to investigate. Members expressed the need to ensure that it be worded appropriately in the guidance, in order to be clear to future members of the Standards Committee. Members asked the Monitoring Officer to include in the assessment criteria that at each stage, the Sub-Committee would look for tangible or checkable facts that, if proven, could be a breach of the Code. It was noted that officers did already ask complainants to provide such evidence at the review stage.

Members considered what constituted a meeting. They felt that this was particularly important in regard to individual Cabinet Member decisions, when a Member may meet with one officer. It was reported that a robust system had been introduced to ensure transparency. Members were informed that at least two Councillors together would constitute a meeting, whereas a Councillor and an officer would not. It was suggested that the system of individual Cabinet Member decisions could be looked at as part of the Committee’s work

programme, as this would not appear to be classed as a meeting.

RESOLVED;

that the Standards Committee agrees the following:

1) VEXATIOUS COMPLAINTS: that the Monitoring Officer be asked to include the following Information Commissioner criteria in the assessment criteria:

“While giving maximum support to individuals genuinely seeking to exercise the right to know, the general approach is that a request (which may be the latest in a series of requests) can be treated as vexatious where:

- it would impose a significant burden on the public authority in terms of expense or distraction, and meets at least one of the following criteria:
 - i. the request is likely to cause unjustified distress, disruption or irritation;
 - ii. it can be fairly seen as obsessive;
 - iii. the request is harassing the authority or its staff;
 - iv. the request is designed to cause disruption or annoyance;
 - v. the request lacks serious purpose or value.

It is relevant to consider the context and history of the request, including the application’s motive. However, care should be taken not to reject a complaint which is of valid concern itself.”

2) HEARSAY EVIDENCE: that the Monitoring Officer be asked to include in the assessment criteria an explanation that the Sub-Committees would require a level of tangible or checkable facts that, if proven, could be a breach of the Code of Conduct.

3) MEETINGS: that references in the current Code of Practice regarding meetings be noted, and, as part of the Committee’s work programme, consideration be given to the individual Cabinet Member Decision process.

39. STANDARDS ASSESSMENT SUB-COMMITTEE - ASSESSMENT FLOWCHART

The Monitoring Officer submitted a report that introduced a flowchart of the questions and issues that needed to be addressed at an assessment Sub-Committee meeting.

Officers were thanked for creating the flowchart and it was acknowledged how helpful it would be. It was noted that some modification may be required for use at a review, and following comments made during consideration of the Assessment Criteria earlier in the meeting.

RESOLVED:

that the Standards Committee welcomes the flowchart and agrees to use it during initial assessments and reviews of complaints, following further amendments.

40. REVIEW OF POLITICAL CONVENTIONS

The Monitoring Officer submitted a report that enabled the Standards Committee to consider the need to review the Council's political conventions.

It was noted that it would undergo consultation with Members at various stages and would finally be approved by Council. Amendments were required to update terminology and include, among other things, community meetings, partnerships, task groups and individual Cabinet Member decisions.

Members asked if a protocol could be included for task group visits to other buildings, with regard to notice given, and the level of formality of such visits. They also enquired about the time scale for finalisation of the conventions, stating that they should not be adopted until the revised Code of Conduct had been published. Members were informed that it was anticipated that the process would take about six months, and that the revised Code would be taken into account. Members were informed that other issues that needed to be included were the review of the national code of publicity and political reports to Council.

RESOLVED:

that the report be noted and that the comments of the Standards Committee as above be taken into account in revising the Political Conventions.

41. STANDARDS BOARD FOR ENGLAND - QUARTERLY RETURN SUBMISSION STATISTICS

The Monitoring Officer submitted a report that gave statistics regarding the second quarterly return to the Standards Board for England of complaints received against Councillors.

Members discussed the possibility that local events, such as elections, could affect the number of complaints received, and stated that the figures, without this information may not give a full picture. They also asked that data be submitted showing a comparison with neighbouring authorities in order to ascertain whether Leicester City was typical in the number of complaints at each stage.

RESOLVED;

That the Standards Committee notes the report, and receives data regarding complaints received by neighbouring authorities to a later meeting of the Committee.

42. STANDARDS BOARD FOR ENGLAND (SBE) BULLETIN

The Monitoring Officer submitted, for information, Issue 41 of the Standards Board for England Bulletin.

Members were made aware that the bulletin confirmed that the work of the Standards Sub-Committees for complaints was within the remit of the Local Government Ombudsman, meaning that a complainant had the opportunity to complain to the Ombudsman if the process had not been correctly followed.

Members were reminded of the NALC 'Stepping Stones' conferences and were invited to attend if they wished. The Monitoring Officer also reported that he had been appointed to the steering committee for the national conference.

RESOLVED;

that the bulletin be noted.

43. STANDARDS COMMITTEE WORK PROGRAMME

The Monitoring Officer submitted a report that presented an updated work programme for the Standards Committee.

With regard to item 8 on the work programme, it was reported that a whole scale revision of the Register of Members' Interests was to take place, and all Members were to receive a copy of their entry in the register and a new form to return. This new form contained both interests and gifts and hospitality, so they would all be in the same place. It was suggested that this could be redone annually or six-monthly, depending on the Committee's opinion. In response to a request from Members, it was confirmed that an electronic copy could be sent to Members to fill in, although a hard copy would also be kept, according to current legislation.

Following discussion earlier in the meeting, it was agreed that Individual Cabinet Member Decisions should be added to the work programme for consideration, plus a further report on the review of the political conventions. It was also noted that the revised Code of Conduct would be submitted to the Committee when it was available.

It was noted that an officer from the Delivering Excellence Team would attend the next meeting to explain the programme. Members also asked that the Leader of the Council and the Chairs of the Planning and Development Control and Licensing Committees be invited to a future meeting. If the agenda allowed, the Chair of the Planning and Development Control Committee would be invited to the next meeting.

The Monitoring Officer stated that a training session on ethical governance had been arranged for 20 March 2009. He thanked those who had expressed an interest in it. It was noted that training was to take place for officers who may be involved in presenting an investigation at hearings of complaints against Councillors. Members who were interested could also attend.

RESOLVED:

that the report be noted and amendments made as per the comments made by the Committee.

44. CLOSE OF MEETING

The meeting closed at 6.57pm.

