



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 13 MAY 2009 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) - Chair
Ms Mary Ray (Independent Member)

Councillor Clair
Councillor Mary Draycott MBE
Councillor Thomas

Councillor Corral
Councillor Mugglestone

55. APOLOGIES FOR ABSENCE

Apologies were received from Kate McLeod and Councillor Keeling.

56. DECLARATIONS OF INTEREST

Members were asked to declare any interests in the business on the agenda and/or declare that Section 106 of the Local Government Finance Act 1992 applied to them.

Councillor Thomas declared a personal interest in Item 4. "Code of Practice for Licensing Decisions," as he was Chair of the Licensing Committee.

57. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Standards Committee, held on 11 March 2009, be confirmed as a correct record.

58. CODE OF PRACTICE FOR LICENSING DECISIONS

Anthony Cross, Head of Litigation and Advocacy Law, briefed the Committee on planning issues and the proposal that a Code of Practice for Licensing decisions be adopted.

Anthony stated that he had been working on revisions to the Code of Practice for Development Control Decisions, and that these had been submitted to the Cabinet Lead for comment, prior to taking it through the approval process. He

also reported that Councillor Clair was to be appointed as Chair, subject to approval at Annual Council. He would receive comprehensive training to enable him to carry out his duty effectively. It was noted that training for Members was being arranged for June 2009 and Independent Members were welcome to attend. They would be notified of the dates.

Anthony referred to a recent court of appeal case which seemed to be saying that decision-making by Members should not be seen as being similar to legal decisions, for example, by a court. This suggested that the court understood the political process involved in local government. He stressed that this was only the beginning of a potential shift in opinion on the matter.

Anthony reported that he had held discussions with Councillor Thomas, Chair of the Licensing Committee, regarding the introduction of a Code of Practice for Licensing decisions. He stated that a previous code had been drafted, following the introduction of the Licensing Act 2003, but had been rejected by a previous meeting of the Licensing Committee. He stated that current feeling was that a code that dealt with key issues, such as the licensing objectives and lobbying, would be useful. It was not necessary to address interests, as these were sufficiently covered by the Code of Conduct. Any such code would be submitted to political groups, and the Standards and Licensing Committees, prior to its consideration at Council. Anthony mentioned previous issues about whether Councillors should sit on hearings regarding premises in their ward, and stated that this would not be specifically prescribed in the Code, but Members would know that if they were familiar with certain premises, they would not sit on the panel, as it could cloud their judgement.

Councillor Thomas gave the Committee a summary of his views on, and involvement with, the Licensing Committee. He stated that the initial Code of Practice had been rejected, as its purpose was not as clear as for the one for Development Control decisions, and Members felt that they were being overly-controlled in their decisions. They also were already aware of interests and impartiality issues. He explained the pressure Members were under to make considered judgements, in order to protect the Council from unnecessary challenge. He suggested that training on legal issues could help Members understand the process of appeal. He stated that the decisions of the Licensing Committee and its sub-committees and hearings needed to be reinforced by an appropriate code of practice.

Members noted that the new Code would be a compromise between the original Code and what Licensing Committee Members felt necessary. The importance of a process of training was noted, in order for expertise to be built up over time.

Councillor Thomas extended an open invitation to the Independent Members to attend meetings of the various Licensing committees and panels and this was welcomed. Members asked if other authorities had codes of practice for licensing decisions, and it was reported that some did. The Independent Members also asked for a list of the licences covered by the Committee, and it was agreed that this would be supplied.

The Monitoring Officer welcomed the Standards Committee's interest in the matter, stating that it demonstrated the Council's commitment to promoting high standards.

The Chair thanked Anthony and Councillor Thomas for their contributions on the matter.

RESOLVED:

that the Standards Committee notes the need for a Code of Practice for Licensing decisions, and recommends its implementation.

59. STANDARDS SUB-COMMITTEE INITIAL ASSESSMENT AND REVIEW FLOWCHART

The Monitoring Officer submitted an updated flowchart, following comments made by the Standards Committee at the meeting held on 11 March 2009.

With regard to the definition of vexatious complaints, Members felt that the reference to "significant burden on the authority" should not be prioritised and asked for it to be moved to the end of the section. They also felt that reference should be made in point (c) to harassing Members as well as the authority and its staff.

Members felt that under "Actions for Decision", referral to the Standards Board should appear at the end, as it would be a very rare occurrence. This box should also read "Refer complaint to Standards Board for England," as the Board would decide what action it wished to take.

Members also asked for the sentence, "Where any of these criteria are failed the complainant will be informed about the review process," to be removed, as it was felt to be unnecessary.

RESOLVED:

that the flowcharts for Initial Assessment and Review be approved, subject to the above amendments, and that they be made available for use once amended.

60. INDEMNIFICATION ARRANGEMENTS FOR INDEPENDENT MEMBERS

The Monitoring Officer, in response to a previous query from Independent Members, stated that they had equal insurance cover to Elected Members and Co-Opted members.

Councillors asked whether they were covered for liability for actions in the Council Chamber. The Monitoring Officer responded that Members in the Council Chamber had the benefit of "qualified privilege," meaning that they were protected by law if what they said, if incorrect, was in good faith. This was different from Parliament, which provided "full privilege."

RESOLVED;

that the insurance cover for Independent Members be noted.

**61. STANDARDS BOARD FOR ENGLAND - QUARTERLY RETURN
SUBMISSION STATISTICS**

The Monitoring Officer submitted a report that gave a summary of complaints received and their outcomes, and gave a comparison between Leicester City Council and other local authorities.

Members discussed the differences between the number of complaints received by Leicester, Nottingham and Derby. Concern was raised that Nottingham had not received any complaints. It was noted that Leicester's high number of complaints followed a County Council publicity campaign. Members asked for future data to be supplied on the County Council's complaints for comparison.

The Monitoring Officer assured Members that complaints were initially checked to see if they fell within the criteria for consideration by the Sub-Committee, and that officers were neither being overly-cautious, nor rejecting complaints incorrectly.

The meeting considered the possibility of linking with another authority, possibly the County Council, to act as "critical friends" for each other and to share good practice. It was pointed out that a relationship had already been established with the County Council, that would involve sharing information and joint publicity and training. It was noted that a level of feedback was expected from the appointed investigators for complaints.

RESOLVED:

that the report be noted, and that officers note the relationship that had been established with Leicestershire County Council to share expertise, publicity and training.

62. STANDARDS BOARD FOR ENGLAND BULLETIN NUMBER 43

The Monitoring Officer submitted, for information, the latest bulletin from the Standards Board for England.

The Chair drew Members' attention to the Standards and Ethics Award, which had been won by Rossendale Borough Council. She encouraged members to read the profiles of the entrants for this award, with a view to aiming for such excellence within the City Council. She also suggested that Rossendale's profile be forwarded to the Chief Executive in advance of her attending the next meeting, in order to show the role the Chief Executive could play in championing standards.

Councillor Thomas referred to a comment in the bulletin regarding the proposed Officers' Code of Conduct, and asked what the impact of this would

be. It was pointed out that the Council already had an Officers' Code that was part of the contract, but that this was very old. Members felt that, as this was in the Standards Committee's terms of reference, they should look at this Code, in advance of a national one being published. It was agreed to review this as part of the work programme.

RESOLVED:

that the Standards Board for England Bulletin 43 be noted.

63. STANDARDS COMMITTEE WORK PROGRAMME

The Monitoring Officer submitted a report that outlined the current work programme of the Standards Committee. It was noted that a full update report was to be submitted to the next meeting of the Standards Committee, which would give a summary of progress with each of the items.

As previously discussed in the meeting, Members asked that the Officers' Code of Conduct be added, and that the Chief Executive's attendance at the July meeting be confirmed. The Chair also asked that the work programme be arranged in date order.

Members discussed Item 20, the Council Script, "Member Conduct at Meetings." It was noted that the spirit of the script mirrored the Code of Conduct, but that it could be adjusted to relate more closely, in order for Members to be able to use it more effectively. Members expressed a need for current conduct in the Chamber to be improved, especially as it was now webcast. They felt that the Constitution's provisions for dealing with misconduct (Paragraph 30 of the Council Procedure Rules,) should be strengthened. They also asked that the local provisions that appeared in the Council script be reviewed and updated to reflect the Code of Conduct and also to provide informal resolution of complaints. It was agreed that the Lord Mayor was to be invited to a future meeting of the Standards Committee, and that this should be added to the work programme.

RESOLVED:

that the Standards Committee work programme be approved, subject to the above additions.

64. CLOSE OF MEETING

The meeting closed at 6.55pm.