



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 15 JULY 2009 at 5:30 pm

P R E S E N T:

Mrs Sheila Brucciani (Independent Member) - Chair

Ms Mary Ray

Independent Member

Councillor Draycott
Councillor Scuplak

Councillor Keeling
Councillor Shelton

I N A T T E N D A N C E

Sheila Lock, Chief Executive

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65. APOLOGIES FOR ABSENCE

Apologies were received from Kate McLeod, Councillor Corrall and Councillor Thomas.

66. 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.

For information, Councillor Shelton declared, in respect of Item 7, "Revisions to the Code of Practice for Member Involvement in Development Control Decisions," that he was Vice-Chair of the Planning and Development Control Committee.

67. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Standards Committee, held on 13 May 2009, be confirmed as a correct record.

68. MEMBERSHIP OF THE STANDARDS COMMITTEE

RESOLVED:

that the membership of the Standards Committee for the municipal year 2009/10 be noted.

69. TERMS OF REFERENCE AND ESTABLISHMENT OF THE STANDARDS SUB-COMMITTEES

The Committee considered issues regarding the Terms of Reference for the Standards Committee and the Standards Sub-Committees (Initial Assessment and Review.)

In response to questions about the Committee's role in scrutinising corporate governance, it was noted that the main responsibility for this lay with the Audit Committee, and that the Standards Committee would not look at this in detail.

Members discussed the membership of the Sub-Committees, noting that where a sub-committee consisted of four members and there was no consensus or majority decision, the Chair would exercise the casting vote. The Committee agreed that this should be added to the text of the Terms of Reference for the Sub-Committees for both initial assessments and reviews. It was noted that the optimum number of Members for the sub-committees was four, to avoid the risk of inquoracy and to ensure that there would not be a shortage of members able to take part in review. The meeting also discussed issues of political balance, and it was suggested that the following wording be included in the Sub-Committees' Terms of Reference: "Although not required by law, the Sub-Committee will, wherever possible, reflect the political balance of the Council."

Members asked that reference be made in both sub-committees' terms of reference, to them meeting as and when required. They also asked for paragraph 1 of the Terms of Reference for reviews to be amended to state, "...to review, as necessary, a decision to take no further action..."

RESOLVED:

- 1) that the Terms of Reference of the Standards Committee be noted; and
- 2) that the Monitoring Officer be instructed to amend the Standards Sub-Committees' Terms of Reference to include the comments made above, and to report back to the next meeting of the Standards Committee.

70. DISCUSSION WITH THE CHIEF EXECUTIVE

The Chief Executive attended the meeting to discuss issues of standards and ethics within the Council. She thanked Members for inviting her. She explained that the Council was progressing with an organisational development and improvement plan, which would help to embed ethical principles within the Council's work. The Chief Executive stated that the Council aimed to be clearer

and more open about how it went about its business and align its aims with what residents wanted, whilst identifying how to run efficiently and be value for money. Leadership had been put in place that modelled good practice, and this would enable staff to understand their roles. Good leadership underpinned the Corporate Plan and Organisational Improvement Plan, which were currently going through the decision-making process.

The Chief Executive stated that she welcomed the Standards Committee's input into developing good practice within the Council. She stated that she had considered the details of authorities that had been identified as examples of good practice by the Standards Board for England; and that she had spoken to the Chief Executive of Rossendale Council, noting how they had linked standards issues to their organisational improvement agenda, and the importance of good communication to promote standards issues. She stated that the Strategic Management Team were committed to developing standards through the organisational improvement programme.

The Chief Executive stated that it was important to develop mechanisms for mediation and brokering to resolve difficulties at an informal level. The Committee supported this suggestion, asking that further work be done on this to establish informal resolution mechanisms. It was noted, however, that, with regard to complaints against Councillors, the prescribed process was very formal and may not allow for a level of informal mediation. The Monitoring Officer stated that he would look into whether any form of mediation was possible within the current standards framework and report back to the Committee.

The meeting considered whether the work of the Standards Committee should be more widely publicised to show that issues were taken seriously in the Council. It was noted that previous publicity issued by the County Council led to an increase in complaints against councillors within the City. It was felt that any publicity should be in conjunction with other areas of work, such as the introduction of informal mediation. Members suggested that an annual report could be produced outlining the work of the Committee. Other options included a newsletter or the use of existing Council publications.

The Chair thanked the Chief Executive for the discussion and invited her to attend a meeting of the Committee in a year's time.

RESOLVED:

that the Monitoring Officer be instructed to consider options for introducing informal mediation with regard to complaints against Councillors, prior to further publication of the work of the Standards Committee.

71. REVISIONS TO CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

The Head of Litigation and Advocacy submitted a report that enabled the necessary approvals to be given for further revisions to be made to the

Council's current Code of Practice for Member Involvement in Development Control Decisions. The Head of Planning Management and Delivery was also present to answer Members' questions.

The main areas of change were pointed out to the Committee and Members discussed Paragraph 4.2 regarding Committee Members' need to obtain a substitute for the whole meeting if they wished to speak on an application. It was noted that, if a Member had a prejudicial interest, they would not be able to speak on the item at all. Members also considered the need for guidance regarding involvement in pre-application discussions, noting that some issues were of interest to a large part of the community. The Head of Planning Management and Delivery confirmed that this would need detailed guidance. Members discussed the issue of predetermination, and it was noted that if a Member had expressed an opinion in a meeting on an application that was subsequently deferred, they would be asked if they were still open-minded about it. If so, the Member concerned would be able to participate in decision-making

The meeting discussed concerns regarding the lack of influence local councillors had over planning applications. Members asked if they could be more involved in the pre-application discussions with developers. They also discussed the issue of site visits. It was reported that the need for site visits was reduced by the introduction of presentation technology, and that, when visits were requested, very few Members attended them. Members stated that it was important to retain the opportunity to call for a site visit, as this showed the community that the Council was taking an interest. It was reported that the original reduction in site visits was driven by Government targets. This pressure had since reduced, as targets were consistently being met.

RESOLVED:

that the Standards Committee notes the proposed revisions and confirms its agreement to the revised Code of Practice being submitted to Council.

72. CODE OF PRACTICE - MEMBER INVOLVEMENT IN LICENSING DECISION-MAKING

The Head of Litigation and Advocacy led a discussion concerning the proposed Code of Practice for Member Involvement in Licensing Decisions. He reported that a draft Code had been prepared and the Chair had been involved with regard to the draft Code and that the work that was going to be undertaken would involve and include the Head of Licensing. Work was to be done to combine this Code and the Code that existed for hearings under the Licensing Act 2003.

RESOLVED:

that the progress on developing a Code of Practice for Member Involvement in Licensing Decisions be noted, and that this be added to the Work Programme for consideration at a future meeting of the Standards Committee when the Code had been

prepared.

73. CORPORATE GOVERNANCE ANNUAL REPORT

The Director of Resources submitted a report that enabled compliance with the requirements of the Council's Corporate Governance Code by carrying out an annual review, reported the position regarding Local Government Ombudsman complaints and informed the Council's Annual Governance Statement.

It was noted that the framework was based on SOLACE and CIPFA advice and the adoption of six principles of good governance. The overall picture of the report was positive, and there had been progress in the communication strategy. There was slippage in information governance, but there was a strong, clear plan for improvement, and it was proposed to centralise functions for tighter control.

Members considered Paragraph 3.2(c) of Appendix 3, "Develop and maintain an effective standards committee," noting that this had been done by establishing the sub-committees and devising a comprehensive work programme. The Director of Legal Services stated that a recent District Auditor report had been positive on this matter. Members also considered details of local settlements, and it was reported that the Audit Committee had recommended the implementation of a tracking system to identify improvements following such settlements.

Members noted that the report was a good management tool for the whole of the Council's business. They stated that they would only wish to see the annual report, and that the Audit Committee should consider the quarterly report.

RESOLVED:

that the Standards Committee notes the report and agrees to receive only the annual report in future.

74. STANDARDS BOARD FOR ENGLAND GUIDANCE ON OTHER ACTION

The Director of Legal Services submitted guidance from Standards for England regarding guidance on taking other action concerning complaints against councillors.

It was pointed out that it was important to consider other action wherever possible, weighing up the public interest in this option against taking formal action. However, other action was not mandatory and could not be enforced. There needed, therefore, to be a willingness from the Councillor concerned to co-operate. Members could ask for a report back from the Monitoring Officer on the outcome of other action. There was also provision for an assessment or review to be adjourned to ascertain co-operation, although Members felt that this would be helpful only in a very few circumstances, and that there was a risk that once other action had been determined, a Councillor may then refuse to co-operate. It was reported that such non-co-operation could, in some serious cases, itself be a breach of the Code of Conduct.

RESOLVED:

that the guidance on other action be noted.

75. NEW REGULATIONS AND GUIDANCE ON DISPENSATIONS

The Director of Legal Services submitted guidance from Standards for England regarding dispensations for Members allowing them to speak and vote at a meeting when they had a prejudicial interest.

It was noted that, if such a dispensation was required (which would be very rare), a special meeting of the Standards Committee or Sub-Committee would be convened to determine the matter.

RESOLVED:

that the guidance on dispensations be noted.

76. STANDARDS BOARD FOR ENGLAND BULLETIN 44

The Director of Legal Services submitted the Standards For England Bulletin 44 for consideration by the Committee.

Members considered the information on quarterly returns. They noted the differences in rates of “no further action” decisions, comparing Leicester to the national picture. They were informed that figures for district councils affected the overall totals, as they dealt with parish council complaints, where there was a significant amount where no further action was not considered.

Members stated that, when no further action was taken, it was important to word responses carefully, to show that the council took complaints seriously, and had considered them in full.

RESOLVED:

that the Standards Board for England Bulletin 44 be noted.

77. STANDARDS COMMITTEE WORK PROGRAMME

The Director of Legal Services submitted a report that detailed the Standards Committee Work Programme.

Members asked for target dates to be firmed up in the document and for the Code of Practice for Member Involvement in Licensing Decisions be added. They also asked for the issue of mediation and the investigation of an informal option for dealing with complaints to be included. The Chief Executive was also to be invited to the Committee annually.

Members asked that the Lord Mayor be invited to the next meeting, and on an annual basis, and that the date be changed or a special meeting be arranged if he was not available.

RESOLVED;

that the Standards Committee Work Programme be amended to include the comments mentioned above.

78. CLOSE OF MEETING

The meeting closed at 7.35pm.

