



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: WEDNESDAY, 18 NOVEMBER 2009
TIME: 5.30 PM
PLACE: Room 18, Ground Floor, Town Hall

Members of the Committee

Councillors Corrall, Draycott, Keeling, Scuplak, Shelton and Thomas

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

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

for Director of Democratic Services

Officer contact: Heather Kent
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INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council.

There are procedures for you to ask questions and make representations to Scrutiny Committees, and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre (New Walk Centre, King Street), Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Heather Kent, Democratic Support on (0116) 229 8816 or email heather.kent@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

3. MINUTES OF PREVIOUS MEETING [Appendix A](#)

The minutes of the meeting of the Standards Committee, held on 16 September 2009, are attached and Members are asked to confirm the as a correct record.

**4. STANDARDS COMMITTEE FIRST ANNUAL REPORT [Appendix B](#)
2007-2009**

The Chair submits a report that notes the achievements of the Standards Committee for the year 2007 – 2009 and to consider the challenges for the year ahead. Members are invited to note the report and consider the actions for the following year.

**5. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES [Appendix C](#)
ON 12TH AND 13TH OCTOBER**

The Solicitor and Monitoring Officer submits a report that provides the Committee with feedback from the Annual Assembly of Standards Committees, to summarise learning points and recommend action to be taken. The Committee is recommended to note the feedback from the Assembly and to decide on action to be taken.

6. MEMBER CONDUCT AT MEETINGS [Appendix D](#)

The Solicitor and Monitoring Officer submits a report that reviews the 'Member Conduct at Meetings' Protocol as agreed by the Standards Committee on 24th March 2004. Members are asked to comment on the revised Protocol and agree its adoption.

7. MEDIATION AND OTHER ACTION [Appendix E](#)

The Solicitor and Monitoring Officer submits a report that enables the Committee to consider use of mediation and other action when dealing with complaints about Members' conduct. The Committee is asked to note the

information in the report and to support the use of mediation as a means of resolving complaints at any stage in the process where appropriate.

8. STANDARDS COMMITTEE 2009 WORK PROGRAMME

Appendix F

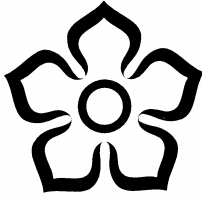
The Solicitor and Monitoring Officer submits the Annual Work Programme for the Standards Committee. Members are recommended to note the Work Programme and make comments as they see fit.

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

The Head of Litigation apologises to the Committee for the fact that, owing to pressure of work, he has not been able to finalise the Code for initial discussion with the Chair of the Licensing Committee, prior to preparing a report on the proposed Code for consideration by both the Licensing Committee and the Standards Committee.

The revised draft Code will be forwarded to the Licensing Committee Chair and, for information, to the Cabinet Lead Member for the Environment in the next week. The Code is required to dovetail with the existing Code of Practice on Licensing Hearings and will necessitate amendments to the existing Code which will require the approval of the Licensing Committee.

10. ANY OTHER URGENT BUSINESS



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 16 SEPTEMBER 2009 at 5.30pm

P R E S E N T :

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

Councillor Mary Draycott MBE Councillor Keeling

Also In Attendance

Councillor Roger Blackmore The Lord Mayor

84. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Corrall, Scuplak, Shelton and Thomas.

85. 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.

86. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

that the minutes of the meetings of the Standards Committees held on 15 July 2009 and 11 August 2009 be confirmed as a correct record.

87. DISCUSSION WITH THE LORD MAYOR

The Chair agreed that this item be taken in conjunction with Item 8 'Ethical Governance Audit Report – Audit Commission'.

The Chair explained that the Lord Mayor had been invited to the meeting to ask questions of and raise issues to the committee and for members to enquire

how the Lord Mayor could assist the work of the committee, particularly in terms of the ethics agenda.

The Lord Mayor stated that one of his primary roles within Full Council meetings was to manage the conduct of Elected Members. He felt that the general level of behaviour within the chamber was good though referred to occasions where had to remind members that particular standards were not being adhered to. He stated that it was imperative to try to be aware of any potential trouble before it occurred, and to liaise with the Director, Democratic Services around any sensitive or awkward issues.

The Lord Mayor also informed the Committee that he had a degree of responsibility for all Members and was expected to encourage all Councillors to engage with particular projects. He stated that there was perhaps a tendency for non-executive members to feel relatively powerless, and that it was his role to promote a sense of inclusion within the chamber. Furthermore, it often transpired that the Lord Mayor provided assistance particularly to new Members. In respect of these points, a Member of the Committee reported that it was easier for Members to play a fuller role within the political system under the old Committee and Sub-Committee model, where Members had a greater chance to Chair meetings, and that this provision was to a lesser degree under the current system.

Members of the Committee welcomed the efforts outlined by the Lord Mayor in relation to attempting to maintain standards during Full Council meetings. The Chair welcomed any form of early intervention that would prevent a breach of the Code of Conduct, which would consequently lead to an investigation.

The Lord Mayor was of the view that most Members of the Public were not directly aware of the role of the Standards Committee and that there was a strong need to raise awareness of how it operated. He also felt that it was important to make the differences between elected members and Members of Parliament publicly clear. Members agreed that it was essential to raise the profile of the Committee and that as part of this, a greater amount of information in relation to standards should be provided on the Council's internet site.

Members asked whether the Lord Mayor thought it would be feasible to tailor training around standards to directly address the individual needs of Members. The Lord Mayor felt that this would be extremely difficult to implement, and was of the view that training needed to encompass more than the code of conduct and that it was generally difficult to train Members around the subject of ethics. He did feel that it was also vital to develop an ethical standards framework for officers as well as Members.

RESOLVED:

That the Lord Mayor be thanked for attending the meeting to discuss standards and ethics with the Council and Full Council meetings.

88. TERMS OF REFERENCE OF THE STANDARDS SUB-COMMITTEES

The Director of Legal Services submitted amended Terms of Reference for the Standards Sub-Committee (Initial Assessment) and Standards Sub-Committee (Review), following comments at a previous meeting of the Standards Committee.

In respect of quorums, it was agreed that the Terms of Reference for Initial Assessment be amended to reflect the same wording used for Reviews.

RESOLVED:

That subject to the above amendment, the Terms of Reference for Standards Sub-Committee (Initial Assessment) and Standards Sub-Committee (Review) be approved.

89. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION BILL

The Director of Legal Services submitted a report that provided members of the Standards Committee with background on the Local Democracy, Economic Development and Construction Bill currently going through Parliament.

The Members Support Officer explained that it had become a national trend for Council's to become more accountable publicly in relation to standards, and that this was reflected within the Bill. It was further stated that the Bill sought Council's to play a greater role in terms of how partnerships would work by leading on Multi Area Agreements.

The Members Support Officer informed Members that the Bill outlined a more stringent petitions process, which included the introduction of officers being formally called to account through a petition. It was pointed out that the Bill would determine a threshold above which the petition would automatically trigger a debate at Full Council, and this was likely to be 5% of the electorate.

One Member of the Committee was of the view that the Bill could refer to environmental factors, and felt that an individual's local environment often carried an impact.

Members welcomed the references to greater public presentation of petitions, and were of the view that response reports to petitions submitted to the Council should be produced at the earliest possible opportunity.

RSEOLVED:

That the Standards Committee notes the Local Democracy, Economic Development and Construction Bill.

90. STANDARDS BOARD FOR ENGLAND - YEARLY RETURN SUBMISSION STATISTICS 2008-09

The Director of Legal Services submitted a report that provided information on the Standards Board for England's analysis of complaints relating to the Code of Conduct.

Queries were raised around the statistics produced by Nottingham City Council in light of no complaints being submitted between May 2008 and March 2009. The Committee agreed to ask the Monitoring Officer to discuss with the Monitoring Officer, Nottingham City Council about the practice of informal resolution of complaints against Councillors.

Members felt that a level of pragmatism was needed when considering cases to avoid holding unnecessary hearings, whilst ensuring that the role of the Standards Committee was not at any point undermined.

RESOLVED:

- (1) That the report be noted; and
- (2) That the Monitoring Officer be asked to discuss with the Monitoring Officer, Nottingham City Council about the practice of informal resolution of complaints against Councillors.

91. ETHICAL GOVERNANCE REPORT - AUDIT COMMISSION

This item was taken in conjunction with Item 4 'Discussion With The Lord Mayor'.

92. DELEGATED DECISION-MAKING TO CABINET MEMBERS

The Director, Democratic Services gave a verbal outline regarding amendments to the delegated authority that will reside with Cabinet Leads.

The Director, Democratic Services explained that the Leader of the Council was responsible for allocating a specific portfolio of work to each Member of the Cabinet. It was reported that a scheme of delegation had now been formulated which allowed a Cabinet Member to make a decision without it being formally considered by the Cabinet. Furthermore, a Cabinet decision could similarly be delegated to a relevant officer.

In respect of those instances where a decision is delegated to a Cabinet Member, notice of the decision must be made publicly on the Council's website five clear days prior to taking the decision, and that an accompanying report be produced. In addition, the decision must also be considered by a second Member, which in the first instance is the Leader of the Council.

The Director, Democratic Services stated that this process was now formally in place and anticipated that it would become a common decision-making

mechanism for Cabinet Members.

In response to a question by a Member of the Committee, the Director, Democratic Services confirmed that most other local authorities had adopted the process of delegated decision-making to Cabinet Members.

RESOLVED:

That the Standards Committee notes the process of delegated decision-making to Cabinet Members.

93. ANNUAL REPORT TO COUNCIL

The Standards Committee was asked to consider whether it wished to submit an annual report to Council on the work of the Committee, what this report should include, and when they wished this report to be submitted.

Members welcomed the compilation of an annual report, and were of the view that this should outline the achievements of the Standards Committee in 2009. The following achievements were suggested to be included in such a report:

- Attendance of the Chair of the Committee at the Planning and Development Control Committee as an observer.
- Completion of training and workshops for Councillors on the Code of Conduct.
- The Chair attended and assisted with training for Planning and Development Control members.
- Discussions had taken place with the Chair of Standards at Leicestershire County Council about the possibility of joint working and training opportunities.
- All political groups had been trained on bias, pre-deposition and pre-determination.
- Attendance of the Chair of the Standards Committee at the Standards Board for England conference.

Members felt that the report should be written in plain English in order to attract a large public audience. It was further pointed out that the report could be used to display how local rules differed from parliamentary regulations, and would also show that the council took seriously matters around standards.

Members of the Committee felt that the annual report should be submitted to Full Council in January, with a draft version of the report being brought to the Standards Committee in November.

It was further suggested that assistance from the press office should be sought in terms of transforming the annual report document into an article that could be published in the Leicester Mercury.

RESOLVED:

- (1) That an annual report that detailed the achievements of the Standards Committee in 2009 be submitted to Full

Council in January 2010, and that a draft version of the report be brought to the Standards Committee in November 2009; and

- (2) That the press office be asked to assist in preparing an article relating to the Standards Committee Annual Report to be published in the Leicester Mercury newspaper.

94. LGIU POLICY BRIEFING - PUBLIC PERCEPTION OF ETHICS

The Director of Legal Services submitted a policy briefing from the Local Government Information Unit (LGIU) that presented findings of the Standards for England June 2009 research undertaken to monitor and identify changes over time in levels of public trust and expectations in Member conduct.

The Committee generally expressed concern in respect of the public perception of Members, and felt that this was partly due to the recent media attention around MPs Expenses.

RESOLVED:

- (1) That the LGIU Policy Briefing be noted.

95. STANDARDS FOR ENGLAND BULLETIN 45

The Director of Legal Services submits the latest Bulletin from Standards for England.

It was confirmed that Liz Reid-Jones and Peter Nicholls would be attending the 2009 Annual Assembly 'Bringing Standards into Focus' in October.

RESOLVED:

- That the Standards Committee notes the bulletin.

96. STANDARDS COMMITTEE WORK PROGRAMME

The Director of Legal Services submitted a work programme for the Standards Committee for the municipal year 2009-10.

The Members Support Officer explained that the work programme had been amended in light of comments made at the previous meeting, and that specific time-scales had been identified for each piece of work.

It was agreed that an item around a Code of Practise for Licensing would be included in the Work Programme.

It was also agreed that the Leader of the Council be invited to a future meeting of the Standards Committee, in his capacity as the Council's lead on the Partnership Executive, to discuss standards and ethics of Members of the Council.

The Chair agreed to contact Leicestershire County Council in relation to building a 'critical friend' relationship to learn from each other in respect of complaints, as set out in the work programme.

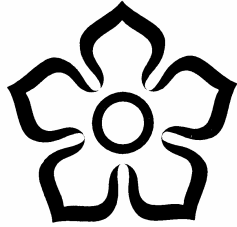
It was also requested that a report be brought to a future meeting which outlined developments in terms of publishing information on standards on the Council's website.

RESOLVED:

That the Work Programme of the Standards Committee be noted and that it be amended following the above suggestions.

97. CLOSE OF MEETING

The meeting closed at 7:14pm.



Leicester
City Council

WARDS AFFECTED
All Wards

Standards Committee

18th November 2009

Standards Committee First Annual Report 2007 - 2009

Report of the Independent Chair of Standards Committee

1. Purpose of Report

To note the achievements of the Standards Committee for the year 2007 – 2009 and to consider the challenges for the year ahead.

2. Recommendations

Members are invited to note the report and consider the actions for the following year.

3. Report

Over the past two years the Standards Committee has grown in numbers and extended its remit so that it is now plays a central role in developing the council's ethical framework. It has delivered well on its agenda of upholding standards and increasing awareness of conduct issues.

There are three independent members who have brought new perspectives and leadership skills to the Committee and helped to establish a regime of training and local complaint handling. All Committee members have played a very active role in promoting dialogue on standards issues with senior council figures and reviewing documentation relevant to ethical governance. They have devoted much time and skill to ensure that the council responds appropriately and professionally to complaints made against elected members.

It has become clear that Leicester City council enjoys a good reputation with a lower than average number of complaints and, to date, no findings of breach of the Code of Conduct.

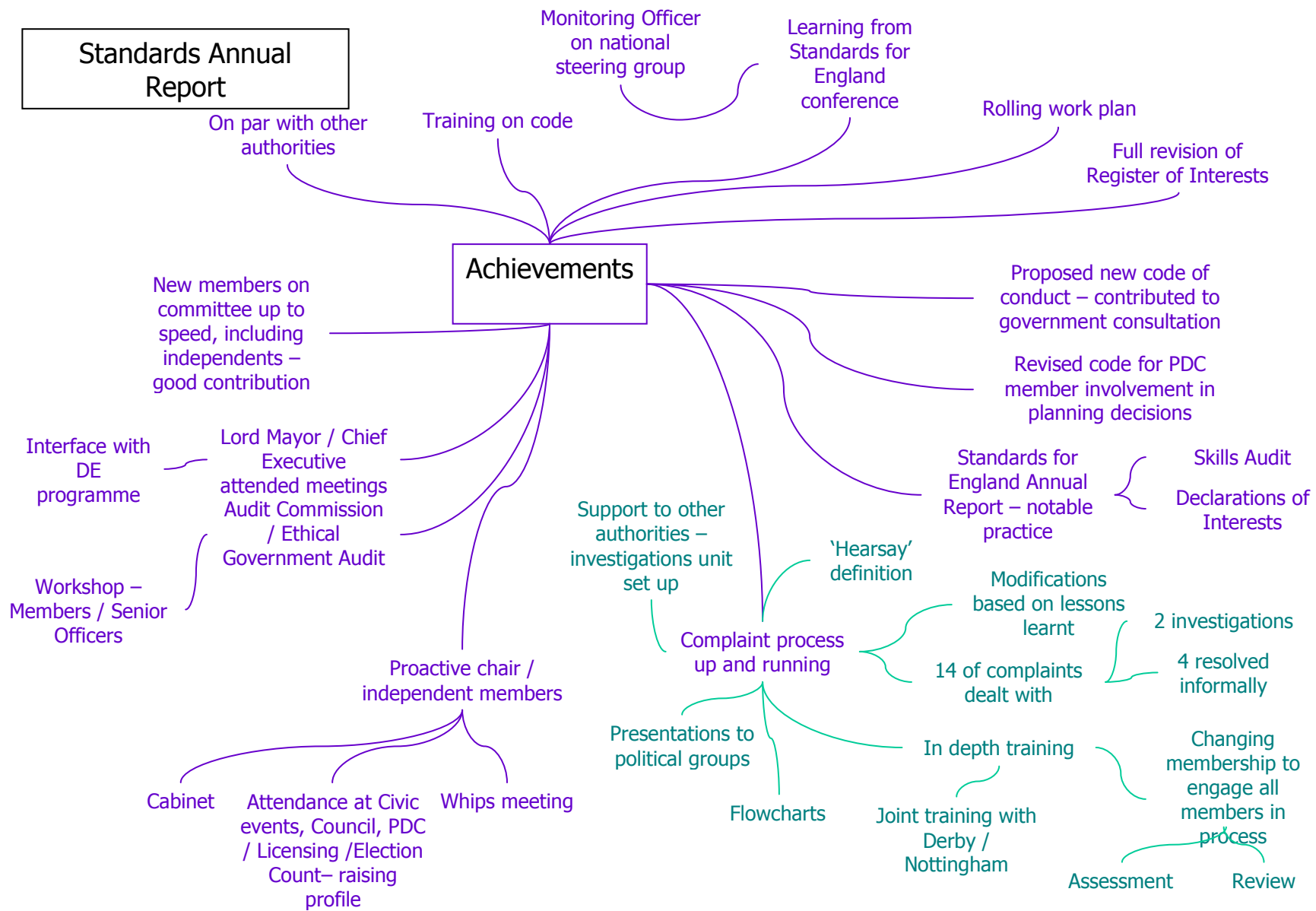
I feel proud serve as Chair this committee and look forward to the challenges of the year ahead. A summary of our achievements and these challenges are included overleaf.

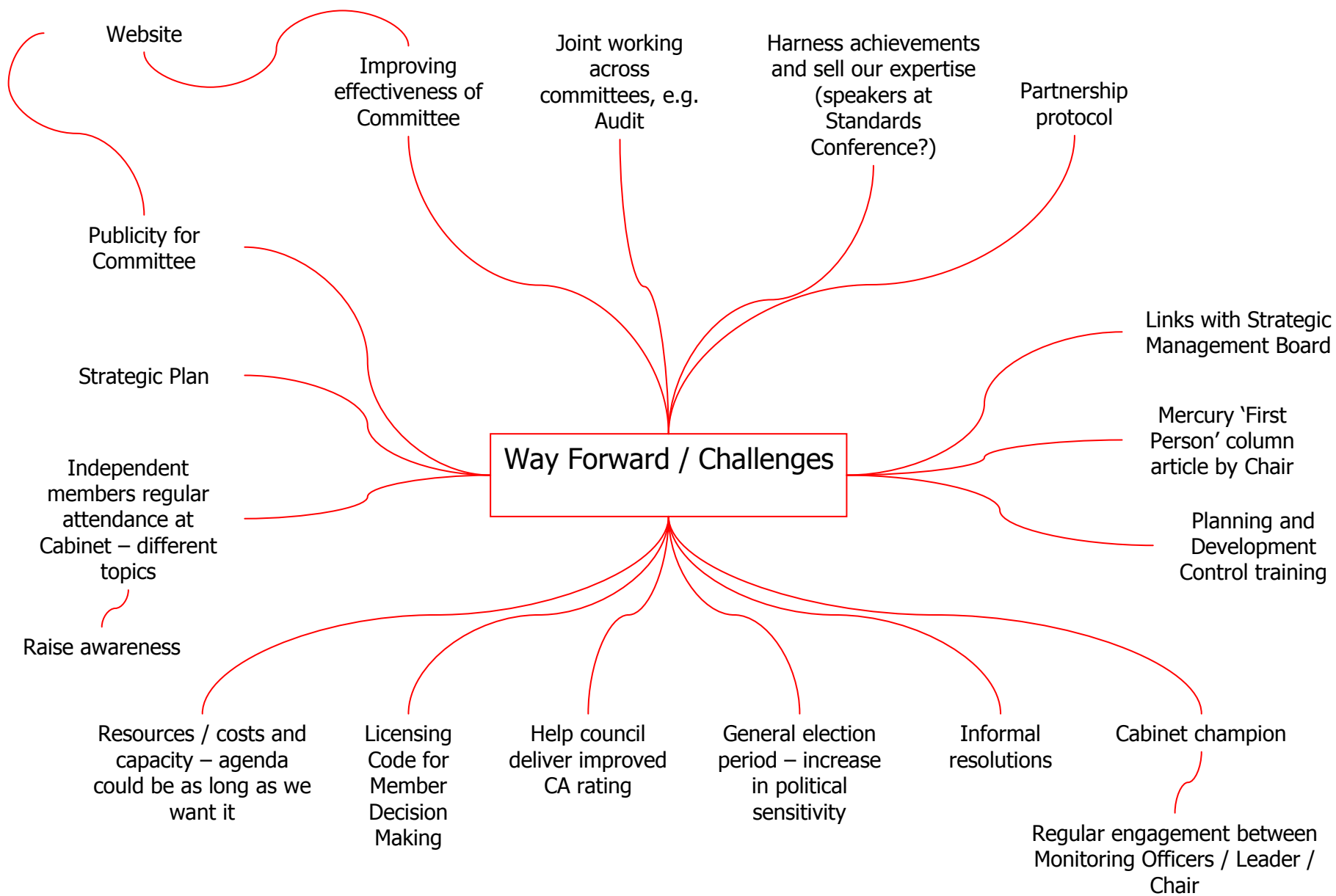
4. Legal and Financial Implications

None.

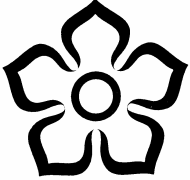
5. Report Author

Sheila Brucciani, Independent Chair of Standards Committee





Appendix C



Leicester
City Council

WARDS AFFECTED
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
STANDARDS COMMITTEE**

18TH NOVEMBER, 2009

ANNUAL ASSEMBLY OF STANDARDS COMMITTEES ON 12TH AND 13TH OCTOBER

REPORT OF THE SOLICITOR AND MONITORING OFFICER

1. PURPOSE OF REPORT

To provide the Committee with feedback from the Annual Assembly of Standards Committees, to summarise learning points and recommend action to be taken.

2. RECOMMENDATION

To note the feedback from the Assembly as summarised below and to decide on action to be taken.

3. REPORT

The Standards for England's 8th Annual Assembly of Standards Committees was held on 12th and 13th October at Birmingham ICC.

Standards Committee Chairs, Monitoring Officers, Council Leaders and Chief Executives attended workshops, question and answer sessions and debates, not just on Members' Code of Conduct but also on wider issues of ethical governance. The conference was attended by Sheila Brucciani, Independent Chair, Liz Reid-Jones, Head of Democratic Services and Peter Nicholls, Monitoring Officer.

Full session materials are now available for download from the conference website at www.annualassembly.co.uk.

This year's Assembly programme proved to be extremely useful and practical. There was an emphasis on issues such as improving the effectiveness of Standards Committees. Below is a summary of learning points and suggested actions.

Improving the effectiveness of the Standards Committee

- i. Further develop joint working by organising proposed joint training with Leicestershire County Council; for example, on the Planning Code.

- ii. Make best use of the Council's website to promote and explain the work of the Standards Committee and also ensure useful links to other websites such as the Standards Board, the Police Authority, the Fire Authority and Leicestershire County Council.
- iii. Make best use of the proposal to produce an Annual Report so as to enable the Standards Committee to manage its agenda, raise its profile and engage with the Council at all levels. The first draft Annual Report is on the agenda for today's meeting and it is proposed that this be presented by the Independent Chair to Scrutiny Committee, Audit, Cabinet and full Council.

Implementation of the Annual Report and the work programme needs to be more systematic, and reporting by exemption should highlight delays and celebrate success.

- iv. A number of authorities have a lead Cabinet Member who has within their portfolio standards and ethical issues. This can be recommended to Cabinet/ the Leader.
- v. Another best practice idea which can be introduced would be to organise regular meetings between the Independent Chair, Monitoring Officer / Solicitor and Cabinet Lead / Leader and Chief Executive; for example, every quarter.

Independent Chairs can also be invited to attend Cabinet, as is the case in a number of other authorities. Our Independent Chair already attends Council.

The broad aim is to ensure that the Standards Committee is fully integrated into the work of the Council, has an appropriate level of influence and is in a position to contribute to the ethical governance improvement programme at all levels.

Promotion of the work of the Standards Committee

In addition to improving and making best use of the Council's web site the work of the Standards Committee can be promoted. Some authorities have organised road shows but Leicester already has established community meetings which can be used as a forum to promote the work of the Standards Committee. An informative article can also be published within the Council's free newspaper Link. It is recognised that it is important to get the right balance between raising awareness and avoiding the generation of inappropriate complaints.

Induction / development programme for Standards Committee members

Informal induction for new members of Standards Committee is currently provided by the Monitoring Officer but good use can also be made of a development programme specific to the needs of Standards Committee members.

It would also be useful for the Monitoring Officer to meet all new members of Council to make sure they have an understanding of the Code and governance requirements.

Partnership working

This was another high profile issue at the Standards Assembly. It was demonstrated that the Standards Committee can play an important lead role in strengthening governance arrangements, adopted to suit Leicester's local needs.

It is recognised that there is a need for a conflict resolution mechanism on the interface between the Council and partnerships.

Both Standards and Audit Committees need to be closely involved in this partnership work.

Corporate Area Assessment

The Standards Committee can also play a crucial role in developing action, monitoring implementation of improvements to achieve an enhanced CAA rating.

Informal resolution of complaints

Standards for England has recognised that the local complaints systems has proved to be extremely difficult to implement in practice; the system is rather inflexible and so is now promoting best use of informal resolution where appropriate. Today's meeting is receiving a report on this subject.

Carrying out investigations

This is proving to be a highly specialist area. Several sessions at the conference dealt with lessons learnt and how to ensure an investigation can be carried out effectively.

To date Leicester has experienced the need for two investigations which have been carried out by external specialists.

In the meantime, we have trained an in-house group of officers who are now able to deal with an investigation, if required, and we have also provided an investigation service to neighbouring districts. In this way we are building up a useful centre of expertise.

Review of recent case law

Another useful idea would be for the Standards Committee to regularly review recent case law.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

There are no financial implications.

4.2 Legal Implications

These are covered in the report.

5. OTHER IMPLICATIONS

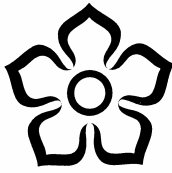
OTHER IMPLICATIONS	YES/NO	Paragraph References Within information	Supporting
Equal Opportunities Policy	Yes	The Code requires compliance	
Sustainable and Environmental			
Crime and Disorder			
Human Rights Act	Yes	The Code requires compliance	
Elderly/People on Low Income			

6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Assembly papers and national guidance.

7. REPORT AUTHOR

Peter Nicholls, Director of Legal Services, x6302



Leicester
City Council

WARDS AFFECTED
All Wards

Standards Committee

18th November 2009

Member Conduct at Meetings

Report of the Monitoring Officer

1. Purpose of Report

To review the 'Member Conduct at Meetings' Protocol as agreed by the Standards Committee on 24th March 2004.

2. Recommendations

Members are asked to comment on the revised Protocol and agree its adoption.

3. Report

The 'Member Conduct at Meetings' Protocol was introduced in March 2004 and it applies to all meetings within the Council. Given the introduction of the Standards For England Code of Conduct for Members in 2007 and the changes to the members' complaints process it is timely to revise the Protocol.

The current protocol is attached with track changes to enable discussion.

4. Legal and Financial Implications

None.

5. Report Author

Liz Reid Jones, Head of Democratic Services, liz.reid-jones@leicester.gov.uk
Tel: 39 8899 (internal), 229 8899 (external)

MEMBER CONDUCT AT MEETINGS
AS CONSIDERED BY THE STANDARDS COMMITTEE –
18th NOVEMBER 2009

Key Principles

The Council adopted the Standards for England Members' Code of Conduct in October 2007 and all members are required to adhere to the Code at all times.

In politics is expected that political parties will seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate. It is also perhaps the most powerful of the checks and balances which are inbuilt into local authority policy development and service delivery. This interaction should be expected and encouraged, and should be robust and challenging. It must, however, stay within the parameters set by the Members' Code of Conduct. The Standards Committee has adopted a clear set of principles based on the Member Code of Conduct for members to follow.

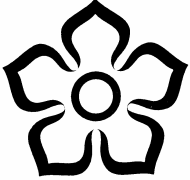
Note: To apply to all meetings within the Council irrespective of size (i.e. Council, Cabinet, Committees, Scrutiny Task Groups, Panels or Working Groups involving Elected, Co-opted or Independent Members).

1. Members should have due respect for the local democratic process in which they are engaged and the particular meeting in which they are involved.
2. The Chair of the meeting is expected to apply the rules of debate and procedure rules or standing orders
3. Self regulation by Members is the best approach and is far preferable to waiting for the Lord Mayor's/Chair's intervention before moderating their behaviour.
4. Lively debate and good humoured banter is to be encouraged and not stifled.
5. Members and officers should, at all times, respect the other's role and responsibilities.
6. All those present should show due respect for the chair of the meeting.
7. Comments of a personal nature against Members, officers or members of the public are seen as generally unacceptable.
8. If offence is taken to a personal remark, an immediate apology and retraction at the time is often all that is needed.
9. Extreme language, including that which is abusive, defamatory or offensive, should be avoided.
10. Offensive, intimidating, malicious, insulting or humiliating behaviour) is not acceptable.
11. All speeches should be channelled through the Lord Mayor/Chair, with conversations directly to other Members across the meeting being avoided.

10. The noise levels from conversations within the meeting should be kept to a minimum and certainly not at a level which is disruptive and prevents others hearing the debate.
11. Members should avoid, including the appearance of, taking a lead from Members or others in the public gallery.
12. Councillors should not play to the gallery in such a way that would incite member of the public to behaviour which may lead to them being ejected and shall not direct unacceptable comments to members of the public sitting in the gallery.
13. Members should give the other the courtesy of presenting their comments without continual interruption such that it is disruptive to the good conduct of the meeting.

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Appendix E



Leicester
City Council

WARDS AFFECTED
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
STANDARDS COMMITTEE**

18TH NOVEMBER, 2009

MEDIATION AND OTHER ACTION

REPORT OF THE SOLICITOR AND MONITORING OFFICER

1. PURPOSE OF REPORT

To enable the Committee to consider use of mediation and other action when dealing with complaints about Members' conduct.

2. RECOMMENDATION

This Committee is asked to note the information in this report and to support the use of mediation as a means of resolving complaints at any stage in the process where appropriate.

3. REPORT

This Committee has expressed support for the use of informal resolution of complaints where possible and a "filtering" process has been developed and approved by the Committee and Council – see **Appendix 1**.

If a written complaint to the Monitoring Officer shows an alleged breach of the Code of Conduct by an Elected Member then that complaint must be submitted to the Standards Committee for assessment. The attached filtering process is designed to minimise the formal handling of complaints by the Standards Committee when more effective or appropriate means are available e.g. the complaint relates to service delivery not conduct. It may also be possible for the matter complained about to be dealt with by reference to a Group Leader or Whip, and this has, in practice, resolved some issues without the need for a formal complaint to be processed.

Once a formal written complaint has been submitted to the Standards Committee via the Monitoring Officer the Assessment Sub-Committee has three options when dealing with the complaint i.e. to refer the complaint to the Monitoring Officer, refer the matter to the Standards Board or take no action. If the matter is referred to the Monitoring Officer the Committee can direct that the matter be investigated or direct that steps be taken other than carrying out an investigation. This is known as "other action".

The Standards Board's key message on other action are:

- * Complaints should not be referred for other action when an investigation is in the public interest, when an allegation challenges the Member's honesty or integrity, or where if proven to be true, the alleged conduct would undoubtedly warrant a sanction.
- * A referral for other action closes the opportunity to investigate.
- * A decision to refer a complaint for other action makes no findings of fact and the action decided on must not imply that the subject of the complaint has breached the Code of Conduct.
- * Assessment Sub-Committee cannot direct the subject Member or any other party to take action. The direction is to the Monitoring Officer.
- * Although there is no formal route for dealing with a Member who refuses to comply with other action, failure to co-operate may amount to bringing the authority into disrepute.

Other action can include training, giving an apology or mediation.

Mediation

Mediation can also be an appropriate mechanism for resolving a complaint at any stage whether informal or formal, as "other action". A useful summary of guidance which has been issued by Standards Board for England is shown as **Appendix 3**

It is proposed that the on-line application form used for submitting a complaint is modified to remind a complainant of the informal resolution options available, including mediation.

The suitability of mediation will be considered at all stages, both informal and formal.

It is not proposed, at this stage, to train any in-house staff or members to a level where they can act as a professional mediator. It would be far more cost effective to buy-in specialist skills as and when the need arises. Standards for England has provided useful contacts.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

None

4.2 Legal Implications

Covered in the report.

5. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	The national Code requires compliance	
Policy			
Sustainable and Environmental			
Crime and Disorder			
Human Rights Act	Yes	The national Code requires compliance	
Elderly/People on Low Income			

6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

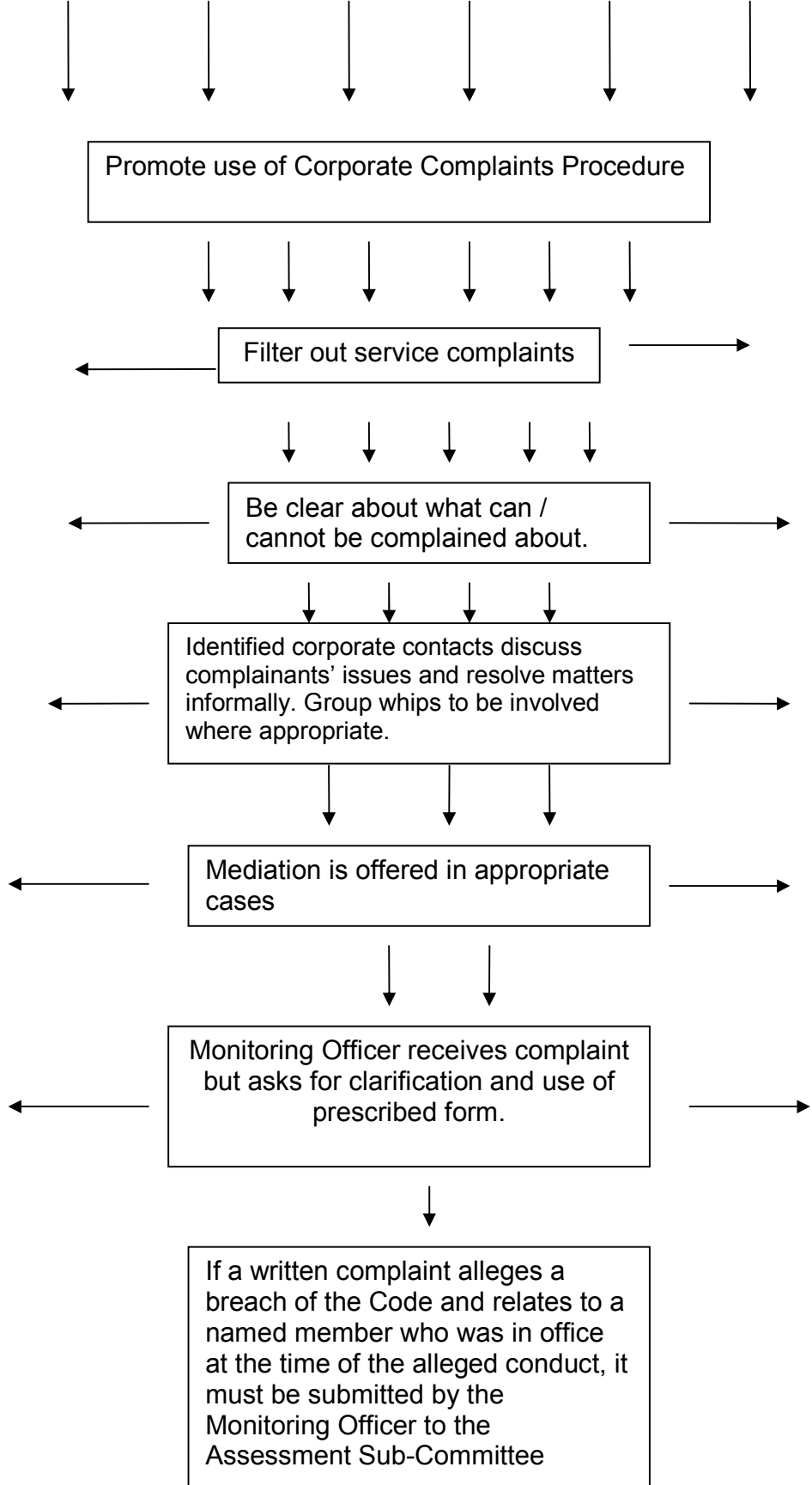
Guidance issued by Standards for England

7. REPORT AUTHOR

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INFORMAL RESOLUTION OF COMPLAINTS

APPENDIX 1



SANDWELL MBC – INFORMAL RESOLUTION PROCEDURE

Protocol for the Informal Resolution of Concerns in Relation to the Members' Code of Conduct

Purpose of the Protocol

The Council has formal statutory procedures in place to deal with complaints about member misconduct. You can complain about a member breaching any part of the Council's Members' Code of Conduct which may result in your complaint being referred to the Standards Committee. However, most concerns that are raised about the conduct of members are not so serious as to warrant formal complaints or investigation. This Protocol sets out a process for you to deal with the less serious misconduct which may arise. The intent of the Protocol is to deal with concerns about the conduct of members informally wherever possible. Informal resolution is often more expeditious, less costly and more mutually satisfactory. This Protocol gives you an opportunity to deal with your concern informally through the leader of your political group. Where your complaint involves concerns about the leader himself then the formal process is likely to be more appropriate.

You are encouraged to initially pursue this informal resolution procedure as a means of stopping and remedying a behaviour or activity that is concerning you and which may be prohibited by the Council's Members' Code of Conduct. However, this Protocol does not prevent you at any stage from instead following the formal complaints procedure if you so wish.

Concerns raised by you about the conduct of other members (excluding your political group leader) will be addressed in the first instance by the leader of your political group.

Informal Resolution Procedure

1. If you have identified or witnessed behaviour or any activity by a member of the Council that you believe is in contravention of the Council's Members' Code of Conduct you should express your concern about the conduct of the member at the first reasonable opportunity to the leader of your political group.

2. In addressing a concern, the leader of your group may meet with you and advise you that in his view the behaviour or activity is either likely to contravene the Code of Conduct or not. The leader of your political group may also make other informal enquiries and attempt to resolve the concern informally. He may, for example, discuss the matter with the leader of the relevant political group, the Chief Executive or the Monitoring Officer. The leader should involve you in this process and should seek to deal with your concerns expeditiously.
3. Where you have expressed concern and you are willing to pursue an informal resolution of your concern, the leader of your political group shall confirm to you the details of the informal resolution. The leader shall involve you in this process of reaching the informal resolution.
4. The leader of your political group may then consider that your concern has been satisfactorily resolved or that it is not serious enough to warrant further consideration or formal complaint.
5. Where you have expressed a concern and the leader of your political group decides that further action is required or that a formal complaint should be made, he shall inform you at the first reasonable opportunity.
6. If you decide at any stage of the process that you wish to pursue the formal process, you should contact the Monitoring Officer for the Complaints Form and information that will help you progress your complaint.

STANDARDS BOARD FOR ENGLAND

BRIEFING ON MEDIATION

What is mediation?

Mediation is a process by which an impartial third party helps people in a dispute explore and understand any differences that they have in order to come to a mutual agreement in settling those differences. It is the parties involved, not the mediator, who decides the terms of the agreement.

Mediation works well where:

- * People's ongoing relationships are important
- * Those involved want to retain control of the outcome
- * Not dealing with the dispute is unacceptable
- * People are participating voluntarily
- * The issues are specific and can be resolved by those involved

Mediation works less well or not at all where:

- * The people involved are not willing or competent to negotiate
- * Legal or other formal action is being carried out
- * A higher authority judgement is required
- * Positions on both sides are extreme

Mediation should not be confused with:

- * Negotiations: people talk directly to each other. If third parties are present they are partial.
- * Conciliation: very similar to mediation because the third party is impartial, however, they might be more proactive in suggesting solutions.
- * Arbitration: people appoint third party to make a binding resolution.
- * Adjudication: people seek a ruling or legal judgement from a third party.
- * Counselling: third party seems to change peoples' behaviours, thoughts and feeling.

The mediation process:

1. Initial contact with various parties.
2. Face to face session:
 - 2.1 summarising each party's position
 - 2.2 Exploring and working on the issues

2.3 Building agreements

3. Closure and follow up

From positions to interests:

Position: one party's predicted outcome or solution to the issue being disputed. What they want they want or what they say should happen.

Interest: one party's concern(s) about the issue being disputed. What they actually need to happen.

Conflict occurs when people take up positions, believing that an important interest of theirs is being threatened.

As mediation proceeds the underlying needs and concerns of those involved emerge and they can move away from entrenchment in their positions. A resolution to the conflict can be reached by exploring any mutual interests.

Useful information and contacts:

Choosing a mediation provider is not straightforward. There is no consistent quality or accreditation system which applies to all types of mediators or mediation providers. There is no single regulatory body for mediators. In England and Wales there is not even a single body that can help you locate a local mediation provider. A good place to start would be to consult the Council's HR department, who may already employ qualified mediators or have had cause to employ an outsourced professional service.

Standards for England do not either recommend or endorse any particular mediation service. The following is provided for information only:

www.nationalmediationhelpline.com

www.ukmediation.net

www.mediate.co.uk

www.collegeofmediators.co.uk

Standards Committee 2009 Work Programme

	Work area	Timescales	Lead	Description	Progress
Standing Items					
1.	Introduce programme of speakers to Standards Committee, e.g. CEX	Ongoing	LRJ/GA	To question the role key people play in the ethical governance of the council	
2.	Quarterly returns to Standards Board on Complaints against Members To include Derby, Nottm and Leics on a six monthly basis	Jan 10	GA	Report to compare Leicester with other Local Authorities in terms of numbers of cases and outcomes September – 2008/9 Annual Report January – First half of 2009/10	
Special Reports					
1.	Review of revision of political conventions	Jan 10	PN	Report to Standards Committee	
2.	Standards Annual Report to Council	Sep 09 – For Discussion Nov draft Jan – sign off	LRJ	Suggestion from July Committee meeting that the council produces an annual report on standards. Discussion required as to what Committee would wish to see such a report cover and the timing of it at September meeting Final version to provide a hook for a first person article of Chair to be publicised via press.	

3.	Code of Practice – Member involvement in Licensing Decision Making	July 09 Nov 09	AC	A draft code has been prepared. This is in the process of being aligned to Code of Conduct on Hearings for further discussion at September meeting	
4.	Report on mediation	Nov 09	PN	The Committee asked for further details as to what could be expected in the circumstances where an assessment sub-committee refer to MO for further action	
5.	Approach County Council to build a “critical friend” relationship to learn from each other on complaints.	Nov 09	PN	A mutually supportive relationship with the County Council was deemed useful to Standards at Leicester Could be fostered through joint publicity work (below)	
6.	Revise Council script “member conduct at meeting”	Nov 09	PN/LRJ	Consider how to give more “teeth” to the constitution’s Council procedure rules regarding Members’ behaviour and the Lord Mayor’s powers to address. Work needed to bring council script (designed in 2004) in line with Code of Conduct	
7.	Review of complaints process to date	Jan 10	LRJ	A review of the processes that have progressed and been amended over the last 18 months. In particular an attempt to have better standard letters and desk notes to apply in certain situations. May include guidance for members in what is expected in a consideration meeting A guide for members who are subject to complaint on what they can expect from the process. Also to include a point of contact for advice that is no the MO. Positive and negative reasons for members to cooperate with investigations.	

				Was scheduled for November but due to capacity issues this work has not been progressed.	
8.	Find out from Standards Board whether there is latitude in the future for a finding of 'Not Proven'?	Jan 10	PN	In the review of process can we find out from Standards Board whether there is latitude in the future for a finding of 'Not Proven'? It could be a more precise reflection of an inconclusive outcome than 'no breach'. Future cases may also be inconclusive and give rise to learning points, both for the individual member and more generally. In such cases, might 'Not proven' permit specific follow up on such issues for the individual, as well as for members in general? To be included in report on item 7	
9.	Standards Performance	Jan 09	PN	Officers to investigate further with Nottm how they have managed to remain at nil for complaints in 2008/9	
10.	Member Development	Nov 09	LRJ	Short verbal update to Committee reflecting the way in which standards and Code of Conduct is being embedded into Member Development Forum work programme.	
11.	New Code of Conduct	TBC	LRJ/PN	Awaiting national agreement and guidance on new code	
12.	Scrutiny of current Officer Code of Conduct	TBC	PN	Agreed at May meeting of Standards Committee	
13.	Audit Commission	TBC	PN/LRJ	AC requested to attend Standards Committee six months in advance of next assessment to allow for challenge of previous findings but also what they will especially be looking for in next assessment	
14.	Officer support to Standards Committee	Jan 10	LRJ	Review to be undertaken of support required by Standards Committee concerning, in particular, capacity.	
Communications					
1.	Outcome of complaints and	Jan 10	LRJ	Protocol to be agreed on how to publicise the outcome	

	investigations			of complaints to members/officers/general public – linked to review of process (7above)	
2.	Publicising work of Committee and Complaints process Chair to write formally to Leics Chair regarding relationship	Jan 10 Jan 10	LRJ/GA	Work with County post elections June 09	
3.	Standards and Ward Meetings	TBC	LRJ	Proposal to publicise work of committee and possibly annual report through ward meetings (making Members responsible for explaining to their own constituents what their role is regarding Code.	
4.	Improve Standards website and make links to other related sites	TBC	LRJ/GA	Not yet started	
5.	Identify Cabinet Champion for Standards	Jan 10	SB/LRJ	Use attendance of Leader at meeting to initiate the discussion	
6.	Establish regular meetings between Chair, Monitoring Officer and Leader	Dec 09	PN/SB		
7.	Independent Members to attend Cabinet meetings regularly to address different topics	Jan 10	SB/KM/ MR		
Training					
1.	Training for Members on Regulatory Committees, including annual refresher training Revise training and investigate possibility of bringing in IDeA trainer from Standards Conference	Jun 09 Nov 09	AC AC/LRJ	Independent members to be invited to attend. Work in progress to use a different method of training members on PDC.	
2.	Training on Code of Conduct for new members and prospective	Second half of 2010 and	LRJ	Link in with Member Development Forum	

	candidates	beyond			
3.	Training on Hearings	TBC To coincide with first investigation hearing	LRJ/PN	Believed to be best served by using a live case at the point of case reaching a hearing	
Completed					
	Delegated decision making to Cabinet members	Nov 09	PN	A report which will outline amendments to the delegated authority that will reside with Cabinet Leads	Complete
	District Audit Report on Ethical Governance	Sep 09	PN	July meeting requested this item brought to next meeting	Complete
	Briefing on Local Democracy Bill	Sep 09	LRJ/GA	Local Democracy Bill is going through parliament and will have some issues that it is useful for standards committee to have an awareness of	Complete
	Investigate why Nottingham have not received any complaints	Jul 09	GA	Explained within the yearly statistical report for Standards Committee on 16 th September	Complete
	Develop flowchart/list of questions for members on Assessment and Review Sub-committees	Feb 09	GA	Report to Standards Committee In February	Complete
	Revise wording to incorporate comments	May 09	GA	If agreed will be made available for subsequent sub-committees	Complete
	Training on Investigations	13 th Feb 09			Complete
	Definition and guidance on "hearsay"	Feb 09	PN	Report to Standards Committee	Complete
	Revision of guidance	Mar 09	PN		Complete
	Training on Standards Complaints Process including ethical	20 Mar 09	LRJ/PN/	To review in light of any changes to membership after May	Complete

	governance		GA		
	Ensure effective interface with the Delivering Excellence programme Invite speaker for the DE team to Standards Committee	Ongoing Mar 09	PN PN	Invite sent for March Standards Committee. Neil Sartorio to attend.	Complete
	Indemnification arrangements	May 09	Oral update PN		Complete
	Make links between Audit, Standards and Scrutiny committees	May 09	PN/CP/L RJ	Issue has been included on scrutiny development plan	Complete
	Licensing Code of Conduct	May 09	AC attended May	Licensing to invite member of standards committee. Terms of Reference to be shared with Standards members	Complete
	2009 Assembly of Standards Committees (12/13 October)	May 09	GA	Only 1 member so far to accompany Liz and Peter	Complete
	Whole scale revision of Members' Register of Interests with each member completing a new entry – including gifts and hospitality	May 09	LRJ	Form sent to members both electronically and hard copy.	Complete
	Corporate Governance Annual Report	Jul 09	PN		Complete
	Report on granting dispensations to Members	Jul 09	PN		Complete