



Leicester  
City Council

Minutes of the Meeting of the  
STANDARDS COMMITTEE

Held: TUESDAY, 11 AUGUST 2009 at 6:00 pm

P R E S E N T:

Mrs Sheila Brucciani (Independent Member) - Chair

Ms Kate McLeod  
Ms Mary Ray

Independent Member  
Independent Member

Councillor Corral  
Councillor Scuplak  
Councillor Thomas

Councillor Draycott  
Councillor Shelton

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**79. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Keeling.

**80. DECLARATIONS OF INTEREST**

Members were asked to declare any interests that 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.

For the avoidance of doubt, with regard to the item, "Complaint Against a Councillor: to Consider the Investigator's Findings," it was noted that the majority of Members had attended the meetings of the Standards Sub-Committee Initial Assessment or Review. As this meeting was a new stage in the process, this would not prevent any Members from considering the matter.

**81. PRIVATE SESSION**

Members of the Committee considered whether to discuss the item, "Complaint Against a Councillor: to Consider the Investigator's Findings" in private. They noted that this was the third stage in the complaint, and that the previous stages had been considered in private. They also noted that items should be considered in public, unless there were clear reasons to keep it private.

Members noted the relevant paragraphs from Section 100A(4) of the Local

Government Act 1972, as amended. They also considered whether it was in the public interest to consider the matter in public or private. As the investigator had concluded that there was no finding of fault on the part of the Councillor, Members felt that it would be in the public interest to consider the matter in private.

RESOLVED:

that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 7(c)

The deliberations of a Standards Committee or other Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act, 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS

**82. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS**

The Monitoring Officer submitted a report that enabled the Committee to consider the findings of an independent investigator regarding a complaint that had been made against a Councillor.

Members discussed matters of process. These included issues that had arisen through the complaint's history, concerns about the Regulations, and the options open to the Committee at this stage. It was noted that the Committee could either agree with the Investigator's findings of no failure to comply with the Code of Conduct and consider the matter closed, or could disagree if they had very clear reasons, in which case the complaint would go to a hearing.

Some Members expressed concern that the report had made a

recommendation, and felt that this removed their responsibility to decide based on the facts. The Monitoring Officer assured them that this was the correct process, as it was not the job of the Committee to investigate. He agreed to look at other authorities, to see if they did this differently. It was noted that this case had been dealt with by an external investigator, but that there was now sufficient expertise within the Council to carry out future investigations, with the exception of particularly sensitive cases.

Members considered the Investigator's report in full detail, noting that it had been a long process, and that there had been a lack of co-operation on behalf of the subject Member. The expressed concern at this, stating that they expected full co-operation from Members who were under investigation. A lack of co-operation could, in itself, constitute a breach of the Code of Conduct by bringing the Authority into disrepute. However, they acknowledged the particular difficulties and lack of clarity in this case, noting that the subject Member may have been confused about the issues that had been referred for investigation. It was noted that the detail supplied for the complaint had been difficult to separate, and it had been supplied to the investigator as a whole, as per the Review Sub-Committee.

Members noted that the subject Member had made several requests for information. The Monitoring Officer confirmed that all information he was entitled to had been supplied. They also received confirmation that the investigator's approach to meeting with him had been appropriate.

In considering the contents of the investigation, Members agreed that part of the complaint related to a neighbour dispute, and was not within the remit of the Code of Conduct. With regard to the second part of the complaint, they agreed that there was no evidence to confirm that the subject Member had been acting in his capacity as a Councillor, and, therefore, was not a breach of the Code of Conduct.

Members noted that, following the decision of this meeting, a public notice was required; however, if it was agreed that there had been no breach of the Code of Conduct, the subject Member had the right to refuse to allow this to be published.

Members thanked the Monitoring Officer for the work he had done on this complaint, often in challenging circumstances. They asked for an information pack to be produced for Councillors who were under investigation, explaining the process, what to expect, and what was expected of them. They also asked for such Councillors to be assigned a support officer to guide them through the process.

RESOLVED:

- 1) that the Standards Committee agrees with the investigator's findings, that no breach of the Code of Conduct had been identified, and, therefore, that the matter is now concluded;
- 2) that the Standards Committee instructs the Monitoring Officer

to publish a notice in the local newspaper of the Committee's findings and reason for decision, unless the Councillor concerned exercises their right to insist that the notice is not published anywhere;

- 3) that the Monitoring Officer be instructed to produce a guidance leaflet for Councillors under investigation outlining the process and expectations;
- 4) that information be supplied to Councillors regarding the expectation of full co-operation if, and when, they were being investigated.
- 5) that the Monitoring Officer be instructed to carry out a review of the complaints process, relating to investigations, and report his findings to a future meeting of the Standards Committee.

### **83. CLOSE OF MEETING**

The meeting closed at 7.08pm.

