



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 30 JUNE 2010 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 Porter

Councillor Thomas

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1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Clair, Keeling and Potter.

2. 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.

3. MINUTES OF PREVIOUS MEETING

Members considered the minutes of the previous meeting. With regard to petitions, it was noted that the Overview and Scrutiny Management Board regularly monitored progress with petitions to the satisfaction of members of the Standards Committee. Issues regarding the new petitions scheme would be reported to a future meeting.

Members asked that the leaflet that outlined the process for dealing with complaints against Councillors be submitted to the next meeting for noting. They also noted that a report on Independent Members' Terms of Office would be submitted to the next meeting.

RESOLVED:

That the minutes of the meeting of the Standards Committee, held on 17 March 2010, be confirmed as a correct record.

4. MEMBERSHIP OF THE STANDARDS COMMITTEE

Members stated that it was important to have an element of stability in the membership of the Committee from year to year, to maintain experience particularly when dealing with complaints against Councillors.

RESOLVED:

That the membership of the Standards Committee for the municipal year 2010-11 be noted, and new members welcomed.

5. STANDARDS COMMITTEE TERMS OF REFERENCE

The Director of Corporate Governance submitted draft terms of reference for the Standards Committee and its Sub-Committees for consideration by Members prior to requesting Council to make changes to the Constitution.

The meeting discussed how outcomes of investigations and subsequent hearings should be addressed. It was suggested that outcomes of investigations could be considered by a Sub-Committee, however, Members felt that valuable experience was gained from determining these at a full Standards Committee.

Members noted or requested amendments as follows:

- It was to be emphasised that clear reasons were to be given for decisions relating to complaints against Councillors.
- Paragraph 3 of the Assessment Sub-Committee Terms of Reference should be amended to list the options available to the Sub-Committee, and these to also be included for the Review Sub-Committee.
- Membership of the Sub-Committees was to be drawn from all members of the Standards Committee by the Director of Corporate Governance.
- Membership of both Sub-Committees should be three Members, the Chair of which was to be an Independent Member.
- The Quorum for Review Sub-Committees need not state that at least one elected Member was required, as this would automatically happen due to the membership of the Standards Committee.

RESOLVED:

That the Terms of Reference be amended as per the comments of the Standards Committee, for approval at the next meeting, prior to submission to Council for the necessary changes be made to the Constitution.

6. DATES OF FUTURE MEETINGS

It was noted that the November meeting was Wednesday 24 November.

RESOLVED:

That the dates of future meetings be noted as stated on the agenda and the amendment above.

7. CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN LICENSING MATTERS

Members noted the agenda note from the Director of Legal Services. An issue was discussed regarding the lack of right for Councillors with a prejudicial interest to speak at Licensing Sub-Committees. It was felt that this could disadvantage a Councillor more than a member of the public if they could not represent him or herself. The Director of Corporate Governance stated that legal opinion was that public speaking was different from making representations for Licensing issues. He offered to reconsider the issue.

RESOLVED:

That the agenda note from the Director of Legal Services be noted.

8. MEMBER INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS

The Director of Planning and Economic Development submitted a report that informed Members of good practice about their involvement in pre-application discussion about major developments and set out proposed changes to the Code of Practice for Member Involvement in Development Control Decisions.

Members stated that the Planning Section had not started to notify Ward Councillors when other Members were involved in planning applications in their ward.

Members expressed concern regarding the proposal to allow Members to be involved in discussions relating to large scale development. The reasons for these concerns were that it presented risks and could appear to give Council approval of schemes prior to agreement or could compromise Ward Members in dealing with constituents. It was also felt that it could open up the possibility of criticism of Members and an increase in complaints. They stated that it would be appropriate for the Cabinet Lead to carry out such discussions.

Members stated that the report should make it clear whether the proposal related to all Members or just Members of the Planning & Development Control Committee. They expressed concern that such discussions may be confidential, and if an application was being submitted, details of such meetings should be made public. It was also felt that the proposal that advice was to be given by officers rather than Members limited the opportunity for Members to give an opinion.

Members expressed concern that the proposed changes were delegated to officers, and felt that they should be agreed by Council.

RESOLVED:

That the comments of the Standards Committee, as noted above, be submitted to the Director, Planning and Economic Development, to take into account when considering whether to

amend the Code of Practice for Member Involvement in Development Control Decisions.

9. CORPORATE GOVERNANCE: ANNUAL REPORT FOR 2009/10

The Director of Corporate Governance submitted a report regarding issues relating to the Corporate Governance Annual Report for 2009/10.

It was queried whether the Council had carried out the requirements of the Economic Development and Construction Act with regard to Scrutiny. It was noted that the Audit Commission felt that the Council's Scrutiny arrangements were not adequate, and action was being taken to remedy this.

With regard to Freedom of Information Act (FOIA) requests, it was suggested that encouragement for Local Authorities to publish more information on their websites, such as any item of expenditure over £500, could reduce the number of FOIA requests. However, it was noted that it could also encourage further requests.

Members considered the issue of whistleblowing, noting that all requests were handled by the Director of Corporate Governance. It was unclear why the Audit Commission felt that it was not fully green.

A request was made for details regarding a particularly large Local Settlement payment within Adult Services, as Members wished to know whether lessons had been learnt and appropriate action taken. The high number of complaints within Adults and Housing was highlighted, but it was noted that these service areas would always generate more complaints due to the nature of the business. The Director of Corporate Governance agreed to provide details to the Committee.

Members queried why the Code of Conduct for officers was not assessed as green, as it was noted as working well. It was reported that it had been recognised that there was a potential period of political flux and maintaining training, raising the Standards profile and good officer/Member relationships would reduce any risk. Members also stated that there was currently no Standards input into the Partnership policies, and this should be actioned.

Members stated that they felt that the procurement strategy should be treated as a priority to move from amber, as value for money was important. It was reported that a procurement officer was working on the matter and it was viewed as a priority. Saving money was seen to be a way of avoiding staff loss.

RESOLVED:

That the Standards Committee recommends to Cabinet that it considers the areas of concern of the Standards Committee, as minuted.

10. STANDARDS FOR ENGLAND - LETTER TO CHAIRS OF STANDARDS COMMITTEE REGARDING PROPOSALS TO ABOLISH THE STANDARDS BOARD REGIME

Members discussed the letter that had been sent from Standards for England to Standards Committee Chairs. It was noted that no further details were available regarding the future of the Standards regime.

Members considered whether the Standards Committee could continue if Standards Committees were no longer legally required. It was reported that this would be possible.

RESOLVED:

That the contents of the letter be noted.

11. COMPLAINTS AGAINST COUNCILLORS - GUIDANCE ON WHEN ACTING IN CAPACITY AS A COUNCILLOR

The Director of Corporate Governance led a discussion on the issue of when a Member was acting in his or her capacity as Councillor. He reported that it was clear when a Member was in a meeting of the Council, but it was less clear when they were, for example, on their way out of a meeting. He stated that it may be arguable that a councillor was acting in his or her official capacity if they were using Council technology, and it depended on the circumstances of the incident in question. He raised the issue of political or Group activity, and whether talking about Council business in a Group setting would constitute acting in capacity as Councillor. Each case should be judged individually and Officer advice would be given case by case.

Members stated that this issue should be revisited frequently.

RESOLVED:

That the advice regarding acting in capacity as Councillor be noted.

12. CLOSE OF MEETING

The meeting closed at 7.00pm.

