



Leicester  
City Council

**MEETING OF THE STANDARDS COMMITTEE**

**DATE: WEDNESDAY, 8 SEPTEMBER 2010**  
**TIME: 5.30 PM**  
**PLACE: FOUNTAIN ROOM, GROUND FLOOR, TOWN HALL**

**Members of the Committee**

Councillors Clair, Draycott, Keeling, Porter, Potter 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 Corporate Governance

**Officer contact: Heather Kent**  
*Democratic Support,  
Leicester City Council*  
Town Hall, Town Hall Square, Leicester LE1 9BG  
(Tel. 0116 229 8816 Fax. 0116 247 1181)

## **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. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings 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](http://www.cabinet.leicester.gov.uk) or by contacting us as detailed below.

Dates of meetings are available at the Customer Service 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](mailto: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**

The minutes of the meeting of the Standards Committee, held on 30 June 2010, have been previously circulated and Members are asked to confirm them as a correct record.

**4. STANDARDS COMMITTEE TERMS OF REFERENCE [Appendix A](#)**

The Director of Corporate Governance submits the Standards Committee terms of reference, which have been updated following comments made at the last meeting. Members are asked to note the amended terms of reference in advance of them being submitted to Council.

**5. COMPLAINTS AGAINST COUNCILLORS - LEAFLET [Appendix B](#)  
FOR MEMBERS**

The Director of Corporate Governance submits an amended leaflet that outlines the complaints process for Members. The Committee is recommended to note the amended leaflet.

**6. TERM OF OFFICE FOR INDEPENDENT MEMBERS [Appendix C](#)**

The Director of Corporate Governance submits a report that proposes changes to the term of office of the Independent Members and the Chair of the Standards Committee subject to further discussion of the options. The Committee is asked to approve the recommendations in Paragraph 2 of the report.

**7. ANY OTHER URGENT BUSINESS**

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# Appendix A

## **STANDARDS COMMITTEE**

### Terms of Reference

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee and advise full Council and Cabinet on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
6. In accordance with the relevant legislation and associated Guidance, to hear and determine any allegation that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. To oversee the process and, through its Sub-Committees, initially assess and review as necessary written allegations submitted to the Council that an Elected or Co-opted Member of the Council has failed or may have failed to comply with the City Council's Code of Conduct for Members.
8. In the event of there being a local investigation of an allegation in accordance with the relevant legislation and associated Guidance, to determine whether a hearing is necessary, and to conduct these hearings as necessary.
9. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
  - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and,
  - (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
10. Temporary appointments of Independent Members from another Standards Committee may be made as permitted under the relevant Regulations. The Independent Members will be entitled to vote at meetings.

Matters Reserved to the Committee:

1. All matters of significance are reserved to the Committee save as set out in the Terms of Reference of its established Sub-Committees.
2. All matters within the Terms of Reference of the Standards Committee which are not reserved to full Council or this Committee, either by legislation, regulation or local determination, are delegated to the Director of Corporate Governance.

### **STANDARDS SUB-COMMITTEE (INITIAL ASSESSMENT)**

#### Terms of Reference.

1. In accordance with the relevant legislation and associated Guidance, the Sub-Committee is empowered to initially assess and decide upon all written complaints received by the Council's Monitoring Officer which allege that an Elected or Co-opted Member of the Council has failed or may have failed to comply with the City Council's Code of Conduct for Members.
2. To authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the Member concerned of that decision.
3. In carrying out an initial assessment the Standards Sub-Committee (Initial Assessment) shall determine, with clear reasons, whether:-
  - i) To refer the complaint to the Monitoring Officer for investigation;
  - ii) To refer the complaint to Standards for England;
  - iii) To refer the complaint to the Monitoring Officer for action other than investigation;
  - iv) To decide that no action should be taken in respect of the complaint.
4. Composition – The Standards Sub-Committee (Initial Assessment) shall comprise three Members, one of whom shall be an Independent Member of the Standards Committee (who will also Chair the Sub-Committee). The membership is to be drawn from all members of the Standards Committee by the Director of Corporate Governance. Although not required by law, the Sub-Committee will, wherever possible, reflect the political balance of the Council.
5. Quorum – The quorum for a meeting of the Standards Sub-Committee (Initial Assessment) shall be three Members (with an Independent Member as Chair) and at least one Elected Member.
6. Frequency of Meetings –The Standards Sub-Committee (Initial Assessment) will meet as and when required.

## **STANDARDS SUB-COMMITTEE (REVIEW)**

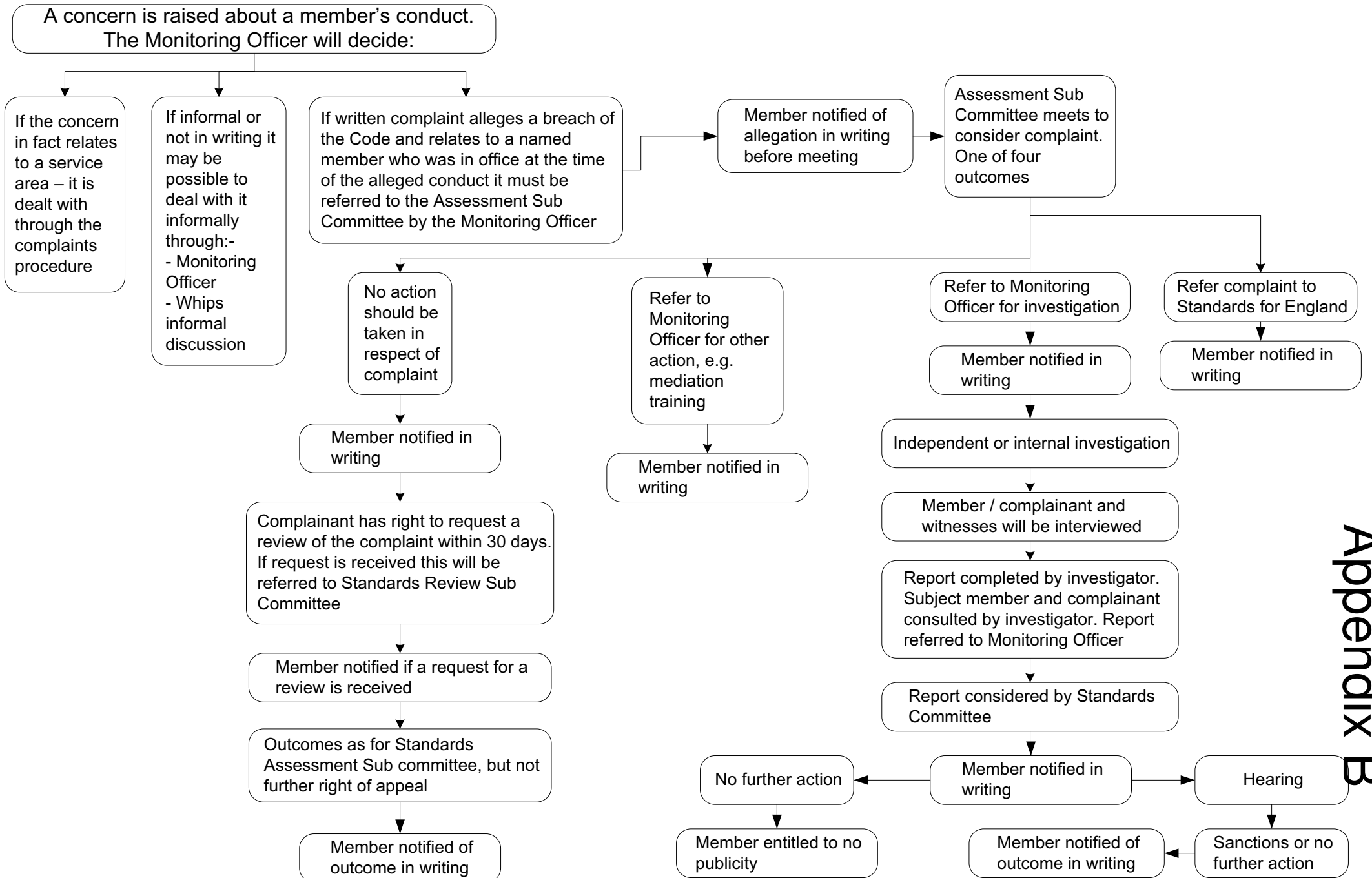
### Terms of Reference

1. In accordance with the relevant legislation and associated Guidance, to review, as necessary, a decision by the Standards Sub-Committee (Initial Assessment) to take no further action on a complaint against an Elected or Co-opted Member of the Council.
2. To authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the Member concerned of that decision.
4. In carrying out a review the Standards Sub-Committee (Review) shall determine, with clear reasons, whether:-
  - i) To uphold the decision of the Assessment Sub-Committee not to refer the complaint for investigation or other action
  - ii) To refer the complaint to the Monitoring Officer;
  - iii) To refer the complaint to Standards for England for investigation;
  - iv) To refer the complaint to the Monitoring Officer for action other than investigation;
2. Composition – The Standards Sub-Committee (Review) shall comprise three Members of the Standards Committee. One of the Members of the Standards Sub-Committee (Review) shall be an Independent Member of the Standards Committee (and Chair of the Sub-Committee). The membership is to be drawn from all members of the Standards Committee by the Director of Corporate Governance. Although not required by law, the Sub-Committee will, wherever possible, reflect the political balance of the Council.
3. Quorum – The quorum for a meeting of the Standards Sub-Committee (Review) shall be three Members (with an Independent Member as Chair of the Sub-Committee).
4. Frequency of Meetings – The Standards Sub-Committee (Review) shall meet as and when required.

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# A Concern is Raised about a Councillor's Conduct – What Happens Next?



If a complaint has been received about you:

- You will be told in writing by the Monitoring Officer;
- The letter will outline the nature of the complaint and the name of the person making the complaint and the timescales involved in the process.
- You can seek advice about the process from Perry Holmes, Monitoring Officer on Ext. 29 6011 or (0116) 252 6011 (External)

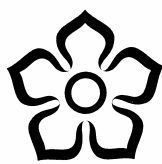
## A Concern is Raised About a Councillor's Conduct

### What Happens Next?

### A Guide for Members

Produced on behalf of  
The Standards Committee  
Leicester City Council  
June 2010





Leicester  
City Council

**WARDS AFFECTED**  
All Wards

**STANDARDS COMMITTEE**  
**COUNCIL**

**8<sup>th</sup> September 2010**  
**16<sup>th</sup> September 2010**

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## **Term of Office for Independent Members**

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### **Report of the Monitoring Officer**

#### **1. Purpose of Report**

To propose changes to the term of office of the Independent Members and the Chair of the Standards Committee subject to further discussion of the options.

#### **2. Recommendations**

Members approve the proposal to appoint Independent Members of the Committee for three and four year terms from May 2011 following recruitment.

Members to approve the proposal to stagger future appointments, to provide continuity of experience on the Committee.

Members approve the proposal to have a maximum of two four year terms for any one independent Member.

Members approve the proposal to appoint a Chair of the Standards Committee for a four year term in May 2011.

Members recommend the changes to Council for approval and for the necessary amendments to the Constitution to be made.

#### **3. Report**

**3.1** Under the 2007 Local Government & Public Involvement in Health Act a Standards Committee must consist of a least 25% independent members.

**3.2** The Act specifies how independent members should be recruited, i.e. through an interview process, following the publication of vacant positions in a least one local newspaper and in other similar publications or websites.

- 3.3** The appointment of an independent member has to be approved by a majority of the members of council. Currently appointment is on an annual basis. There is no fixed term of office which is currently at the discretion of Council.
- 3.4** The legislation does not set a fixed term of office for an independent member. This is at the discretion of each local authority. There is a need to balance giving an independent member a term long enough to gain an understanding of the committee, the authority and its workings, but not so long that their independence is lost.
- 3.5** One of the three independent members in Leicester was appointed in May 2007, with the other two being appointed in February 2008.
- 3.6** Members of the Committee considered at their March meeting a number of options, including the following, :-
- a) **No fixed term of office for independent members.** Standards for England recommend independent members should serve no longer than two four year terms, but this is at the discretion of each authority;
  - b) **4 year term of office** similar to councillors. Would need to consider whether this should be at the same time as local elections, however this could mean that the whole membership of Standards changes at one time, with no continuity. Independent members cannot be automatically reappointed and must go through a recruitment process;
  - c) **Staggered 4 year term of office**, so that not all independent members finish at one time;
  - d) **Chair of Standards fixed term for 4 years** with one of the other independent members as chair in waiting for the last 6 - 12 months (if appointments are staggered).
  - e) **Chair of Standards rotating on annual basis** would give opportunity for other independents to play a bigger role in the committee, but could disrupt the continuity of the committee.
- 3.7** Members indicated they were in favour of the changes set out below but wished to take into account other Members of the Committee's views particularly elected Councillors:
- a) A 3 or 4 year fixed term of office, with a maximum of two terms per independent member.
  - b) The principle of staggering appointments to allow for continuity of experience on the Committee.
  - c) The Chair of Standards Committee to be appointed for a 4 year fixed term.

#### 4. Legal and Financial Implications

Legal implications are considered within the body of the report. The Chair of Standards Committee receives a special responsibility allowance of £2,741 per annum and the independent members receive an allowance of £487, through the Members' Allowance Scheme.

#### 5. Other Implications

<b>Others Implications</b>	<b>YES/NO</b>	<b>References with supporting Information</b>
Equal Opportunities	<b>Yes</b>	Recruitment will accord with our EO responsibilities
Policy	<b>No</b>	
Sustainable and Environmental	<b>No</b>	
Crime and Disorder	<b>No</b>	
Human Rights Act	<b>No</b>	
Elderly/People on Low Income	<b>No</b>	

#### 6. Background Papers – Local Government Act 1972

**None**

#### 7. Consultations

**Chair of the Standards Committee**

#### 8. Report Author

Perry Holmes, Director of Corporate Governance, Monitoring Officer  
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