



Leicester  
City Council

## **MEETING OF THE STANDARDS COMMITTEE**

**DATE: THURSDAY, 14 JULY 2011**

**TIME: 5.30 PM**

**PLACE: THE FOUNTAIN ROOM - GROUND FLOOR, TOWN HALL,  
TOWN HALL SQUARE, LEICESTER**

### **Members of the Committee**

Councillors Naylor, Osman, Porter, Thomas, Westley and Willmott

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  
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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.

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**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 March 2011, are attached and Members are asked to confirm that they are correct.

**4. STANDARDS COMMITTEE MEMBERSHIP**

The Standards Committee is asked to note the membership of the Committee for the municipal year 2011/12 as recorded on the front of this agenda.

**5. STANDARDS COMMITTEE TERMS OF REFERENCE **Appendix B****

The Standards Committee is asked to note the terms of reference for the Standards Committee and its Sub-Committees as attached. Members are asked to note an amendment to the terms of reference for the Hearing Sub-Committee with regard to the membership.

**6. THE CURRENT ROLE AND FUTURE OF THE STANDARDS COMMITTEE**

The Monitoring Officer will give a presentation on the role of the Standards Committee and how complaints against councillors are dealt with. Members are asked to note the current arrangements and begin to consider what arrangements to uphold standards within the Council could be proposed when the current regime is abolished.

**7. LOCAL ASSESSMENT OF COMPLAINTS SUMMARY **Appendix C**  
JANUARY TO JUNE 2011**

The Monitoring Officer submits, for information, an update of outstanding complaints against councillors.

**8. STANDARDS COMMITTEE ANNUAL REPORT**

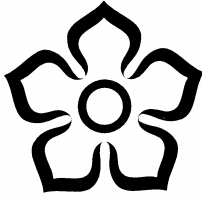
The Independent Chair of the Standards Committee intends to prepare an annual report to Council on the work of the Standards Committee for the municipal year 2010/11. Members are invited to submit suggestions for this report to the Chair prior to further consideration at the September meeting of the Committee.

**9. WORK PROGRAMME**

**Appendix D**

The Monitoring Officer submits the current work programme for the Standards Committee for 2011/12. Members are asked to note the work programme and make any amendments/additions as they see fit.

**10. ANY OTHER URGENT BUSINESS**



Leicester  
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Minutes of the Meeting of the  
STANDARDS COMMITTEE

Held: WEDNESDAY, 16 MARCH 2011 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

**37. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Kate Macleod.

**38. 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.

**39. MINUTES OF PREVIOUS MEETING**

The Chair reviewed the minutes.

With regard to minute 31, Implications of Social Networking Sites. It was noted that a request had been made for policies in this area to be submitted to the Committee for consideration when they were reviewed. It was also hoped that those Councillors who were proficient in social networking would get involved in the training of other Members.

With regard to minute 33, The Decentralisation and Localism Bill and its Impact on the Future of Standards, Members were asked to consider ways in which Standards could be dealt with in the new regime. The Chair asked that any

thoughts / comments be provided to her.

With regard to minute 35, it was noted that the Leader of the Council had been invited to the Committee, but had been unable to make it.

#### **40. STANDARDS COMMITTEE SECOND ANNUAL REPORT**

The Chair of the Standards Committee submitted a report which noted the achievements of the Standards Committee for the period 1 July 2009 – 30 June 2010 and considered the challenges for the year ahead.

It was noted that the report was slightly historical now due to the period that it covered. It was also a time in which there was relatively little Standards activity. It was intended to produce a further annual report in November to cover the period from June 2010 to June 2011.

RESOLVED:

That the report be noted.

#### **41. LEICESTER CITY COUNCIL: FULL COUNCIL ETIQUETTE GUIDE**

The Director of Corporate Governance submitted an etiquette guide for Members' use in Council meetings.

Members made a number of comments as follows:-

- There needed to be an amendment to show that Council questions would be required to be submitted 2 days prior to the meeting.
- A line would need to be included to show that political groups have different internal processes with regard to submitting questions and that the group whips should be consulted about this.
- It was felt that a check should be undertaken on recent changes to the Constitution – whether they affected the content of the guide.
- The reference to Blackberry's was felt to be too prescriptive – there were a range of different electronic communications devices available – 'handheld communications media' was suggested.
- A range of views were put forward with regard to the use of electronic media / laptops etc. Whilst some felt that it was inappropriate and disrespectful – others noted that it was undeniably allowed and that there were other disrespectful activities (i.e. reading newspapers) which took place. It was overall agreed that the document was correct in making it clear that the use of devices / tweeting was allowed, but judgement should be used wisely as excessive use would not look good on the webcast or to the gallery.
- The sections on Visitors and constituents should be brought together.
- It needed to be made clear that guests/ visitors could not take part in the meeting.
- In the section on visitors, the reference to the Lord Mayor shouldn't be a 'him' reference.
- There needed to be clarification of the facilities (or lack of them), ie

toilets/ refreshments, for guests and for the accommodation of disabled guests / visitors – A phone number and reference to relevant area on the website was suggested.

- A separate section on what to do if wishing to speak was suggested. This could cover, catching the Lord Mayor's attention, using microphones, addressing the Lord Mayor, timing of speeches etc.
- The comment on disclosing confidential information needed moving and having its own section, where the issues around talking about individuals needed clarifying.

**RESOLVED:**

That the document be revised based on the comments above, circulated to Committee Members for further consideration and be included in the information packs for new Councillors in May.

**42. STANDARDS COMMITTEE 2011 WORK PROGRAMME : MARCH 2011**

The Director of Corporate Governance submitted the Standards Committee 2011 Work Programme: March 2011.

It was proposed that an early request be put to the City Mayor and the new Lord Mayor to attend Standards Committee meetings in near future.

A discussion needed to take place at the June meeting about developing the training for new Councillors in Standards matters. It was felt that what took place after the 2007 election should be the basis for this. A comment was made that the situation with the future of Standards was currently very much in flux and training should be held off until this becomes clearer. However it was also noted that the current regime would still be in place until April 2012.

It was thought that an item on the Localism Bill would be needed for the June meeting.

It was requested that a comment be put on record to note that the Director of Corporate Governance had sent advice to Councillors stating that the Standards regime shouldn't be used as a political tool in the run up to the election. It was also noted that Standards Complaints had significantly increased recently.

Efforts should be made for Standards Committee members to take place in the training programme for new Councillors to demonstrate the importance of Standards in all Council matters.

A query was raised with regard to Standards complaints made against Councillors who weren't re-elected. The Head of Litigation commented that a decision would need to be taken on the seriousness of the complaint, but there could certainly be cases which were pursued even though a Councillor was not re-elected.

It was requested that a standing item be added to the agenda which provided

an update – verbally was sufficient – on the outstanding complaints in the system.

RESOLVED:

That the comments / suggestions as above be added into the work programme as appropriate.

#### **43. ANY OTHER URGENT BUSINESS**

##### Public Hearing

The Head of Litigation updated the Committee on the recent public hearing considering a complaint against Councillors Dawood and Osman. It was noted that they were found not to be acting in an official capacity, therefore the hearing was dropped.

The Chair commented that there were a number of learning points which arose from this process which could be used in future training exercises. She would be speaking to the Director of Corporate Governance to progress this.

Some comment was made about the general issues regarding how the Standards regime judged whether Councillors were acting in an official capacity or not, feeling that the public wouldn't understand rulings in this area. Others however felt that in this particular case, the decision was the right one based on the facts and evidence presented.

##### Councillor Draycott

Councillor Draycott informed the meeting that this would be her last meeting as she would not be standing in the forthcoming elections. She thanked everyone who had been involved in the Standards meetings. She had hoped that the Standards regime could have been more effective, but good work had been undertaken.

The Chair thanked Councillor Draycott for all her time and help on the Committee and wished her well for the future.



# Appendix B

## 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.
3. 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 for investigation;
  - iii) To refer the complaint to Standards for England;
  - iv) To refer the complaint to the Monitoring Officer for action other than investigation;
4. 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.
5. 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).
6. Frequency of Meetings – The Standards Sub-Committee (Review) shall meet as and when required.

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

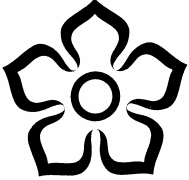
### **Terms of Reference**

Subject to relevant legislation and taking into account any guidance issued by Standards for England with regard to hearings:

1. Should a hearing of the Standards Committee be required, the Standards Hearing Sub-Committee shall be convened 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.
2. **Composition** - The sub-committee shall comprise three members of the Standards Committee. At least one of the members of the Standards Hearing Sub-Committee shall be an independent member (and Chair of the Sub-Committee) and ~~two shall be elected members~~ at least one shall be an elected member. Although not required by law, efforts will be made, where possible, to provide political balance in the membership. Membership will be drawn from the Standards Committee membership by the Director of Corporate Governance.
3. **Quorum** - The quorum for a meeting of the Standards Hearing Sub-Committee shall be all three members.
4. **Frequency of Meetings** - The Sub-Committee shall meet as and when required to consider or to hear and determine any allegation(s) against
  - a member of the Council.

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# Appendix C



Leicester  
City Council

**WARDS AFFECTED**  
All wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Standards Committee

14 July 2011

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## LOCAL ASSESSMENT OF COMPLAINTS SUMMARY JANUARY TO JUNE 2011

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### Report of the Director of Corporate Governance

**1. Purpose of Report**

To note the number and progress of complaints against councillors received in the first six months of 2011.

**2. Recommendations**

Members are asked to note the report and agree to receive updated reports bi-annually, with any significant issues to be reported to interim meetings where necessary.

**3. Report**

- 3.1 At its meeting on 16 March 2011, the Standards Committee asked for a standing item on future agendas giving a summary of complaints received and how they have progressed. This is the first of such reports, and includes all complaints received since 1 January 2011. It is recommended that these reports are considered by the Committee twice a year to allow for meaningful data to be reported, with the exception of any significant issues of note that should be brought to members' attention as soon as possible.
- 3.3 Between 1 January 2011 and 30 June 2011, we received 10 new complaints against councillors. These complaints have progressed as shown in Appendix 1 of this report.
- 3.4 Attached at Appendix 2 is a chart that allows comparison of the number of complaints received in the first and second six months each year since the start of the local assessment of complaints.
- 3.5 It has not been possible to hold all assessments within the recommended 20 days due to member availability, particularly during the local election period.
- 3.6 In this period we held our first hearing of a complaint. This resulted in a decision that there was no breach of the Code of Conduct, due to the councillors in question not acting in their official capacity at the time of the alleged incident.

**4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

**4.1. Financial Implications**

Efforts have been made to minimise costs by carrying out investigations in-house instead of appointing an external investigator.

**4.2. Legal Implications**

There are no additional legal implications relating to this report.

**4.3. Climate Change Implications**

This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets.

Helen Lansdown, Senior Environmental Consultant - Sustainable Procurement

**5. Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within the Report</b>
Equal Opportunities	N	
Policy	N	
Sustainable and Environmental	N	
Crime and Disorder	N	
Human Rights Act	N	
Elderly/People on Low Income	N	
Corporate Parenting	N	
Health Inequalities Impact	N	

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

Nil

**7. Report Author**

Heather Kent, Democratic Services Officer



## Appendix 1

### Complaints 1 January to 30 June 2011

Complaint No	Assessment	Review	Investigation	Notes
1	Yes - investigate	No – straight to investigation	Ongoing	Investigation close to completion
2	Yes - investigate	No – straight to investigation	Ongoing	Investigation close to completion
3	Yes - investigate	No – straight to investigation	Ongoing	Investigation close to completion
4/5 – dealt with together	Yes – no further action	No review requested - closed		
6	Yes – no further action	Yes, upheld decision of assessment - closed		
7	Yes – no further action	No review requested – closed.		
8	Yes – no further action	No review requested – closed.		
9	Delayed to 14.7.11			
10				Awaiting further info from complainant.

## Appendix 2

### Comparison of volume of complaints received

	<b>2008</b>	<b>2009</b>	<b>2009</b>	<b>2010</b>	<b>2010</b>	<b>2011</b>
	<b>Jul- Dec</b>	<b>Jan - Jun</b>	<b>Jul- Dec</b>	<b>Jan- Jun</b>	<b>Jul- Dec</b>	<b>Jan-Jun</b>
<b>Complaints received</b>	16	2	0	3	9	10
<b>Complaints not progressed</b>	4	0	0	0	2	1
<b>Assessments</b>	12	2	0	3	7	9
<b>Reviews</b>	7	1	0	2	2	1
<b>Complaints referred for investigation</b>	1	0	0	1	0	3 (2 investigations)
<b>Hearings</b>	0	0	0	0	0	1

# Appendix D

## Standards Committee 2011/12 Work Programme – July 2011

### 2011/12

Meeting	Item	Lead
Sept 2011	Discussion with Lord Mayor	HK
Sept 2011	Further discussion regarding the future of Standards	HK/PH/ Independent Members
Sept 2011	Standards Committee Annual Report 2010-11	HK/SB
Nov 2011	Discussion with City Mayor , subject to availability	HK
Nov 2011	Localism Act – report on its finalised implications for standards in the Council	HK/PH
Nov 2011	Consider report to Council on proposed replacement for standards regime	HK/PH/SB
Jan 2012	Complaints against Councillors tracking report	HK

### Ongoing work

Deadline	Item	Lead
Ongoing	Update website to increase profile of Standards. (Work done to improve understanding of complaints against councillors not being applicable in private lives)	HK
Ongoing	Future of Standards – as Localism Bill develops	HK/PH/ Independent Members

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