



Leicester  
City Council

Minutes of the Meeting of the  
STANDARDS COMMITTEE

Held: WEDNESDAY, 7 SEPTEMBER 2011 at 5:30 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 Naylor  
Councillor Willmott

Councillor Westley

I N A T T E N D A N C E

The Lord Mayor, Councillor Robert Wann

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**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Thomas.

**12. 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.

Councillor Westley declared, in respect of the item of Any Other Urgent Business B1 that he was mentioned in the report and would therefore withdraw from the meeting during consideration of the report for the avoidance of doubt.

### 13. MINUTES OF PREVIOUS MEETING

The Director of Corporate Governance gave a correction to advice given at the meeting that the Code of Conduct did not apply to the City Mayor, as research he had carried out indicated that it did apply. Standards for England also held this view, as one of the few instances in legislation where an elected mayor was considered the same as a councillor.

RESOLVED:

That the minutes of the meeting held on 14 July be confirmed as a correct record.

### 14. DISCUSSION WITH THE LORD MAYOR

The Chair welcomed the Lord Mayor, Councillor Robert Wann, to the meeting and thanked him for attending. She asked him to address the Committee on his views of the role of the Standards Committee and how it could assist him in his important role, particularly in chairing of Council meetings.

The Lord Mayor thanked the Committee for inviting him. He stated that the style of chairing Council meetings changed annually, depending on the abilities and qualities of each Lord Mayor. He was comfortable in the role and had regard to the established codes of practice. He received advice from the Monitoring Officer on the conduct of meetings.

He stated that when issues arose at a meeting, such as complaints of inappropriate or offensive comments, he preferred to deal with them at the meeting rather than for them to escalate and result in a complaint to the Standards Committee. He recognised that things could be said in the heat of debate and it was his job to try to get an apology at the time and bring the matter to a close.

On being asked for his views on the future of the standards regime, he responded that it would be discussed at a future Labour Group meeting. He believed that the current arrangements were appropriate, with some minor changes to improve the process. He felt that the position of standards should be strengthened to maintain standards in public life and that there should be more independent members, possibly from respected business organisations.

Members welcomed the Lord Mayor's efforts to resolve issues at Council meetings before they came to the Standards Committee. They also noted that the role was in a transition period whilst the Council adjusted to also having an elected mayor.

*(Amendment)*

*Members discussed issues relating to civic tradition and whether this was being affected by the new arrangements. It was felt that it was important to retain the civic role, noting that it was politically neutral. The Lord Mayor stated that the two roles were in a transition period at the moment and there were some*

*issues that were being ironed out. He stated that other authorities had maintained both roles successfully. Members felt that there should be a clear distinction of roles.*

Members thanked the Lord Mayor for attending. The Lord Mayor then left the meeting.

**15. THE FUTURE OF THE STANDARDS FRAMEWORK IN LEICESTER**

The Chair introduced the report of the Director of Corporate Governance concerning the future of the standards framework in Leicester. She stated that the report should have been a report of the Independent Members, and she wished to withdraw it from the meeting for further consideration by the Independent Members.

She thanked the Director of Corporate Governance for the work already done on the issue and asked Members to let her have any comments for a draft report for the next meeting, with a view to submitting the final report to Cabinet and Council.

Members were informed that the Localism Bill was currently going through the amendments stage in the House of Lords.

**16. STANDARDS COMMITTEE ANNUAL REPORT**

The Chair submitted a report that informed Council of the activities of the Standards Committee for the municipal year 2010-11.

It was suggested that the names of members of the Committee be added to the report for 2010/11 and the current year.

RESOLVED:

That the Standards Committee Annual report be submitted to Council, subject to the addition of memberships of the Committee for 2010/11 and the current year.

**17. DISCLOSURE OF INFORMATION**

The Chair stated that she was saddened to read details of a private meeting of the Standards Assessment Sub-Committee in the local press. She asked if the Committee was confident in its knowledge of the rules regarding private meetings. She stated that, as the subject of a complaint may be entitled to have no publicity about a complaint if there was found to be no breach, it was appropriate for the matter to remain private prior to such an occurrence.

It was felt that the rules regarding private meetings were known by the Committee and the conventions were clear, but, on occasions, it was important to recognise the political environment in which Councillors found themselves. It was felt that some disclosures may lead to an undermining of confidence in colleagues.

## AMENDED MINUTES

It was suggested that some refresher training may be beneficial for Members. It was also suggested that a paragraph could be added to agendas for Standards Assessment and Review Sub-Committee meetings reminding Members that the information in the agenda and any discussions at the meeting should remain private.

RESOLVED:

- 1) That the Committee records that it is saddened that information from a private meeting had been disclosed;
- 2) That training be made available to Members of the Council about why it is important to keep the matters private relating to complaints against councillors, unless otherwise specified;
- 3) That a paragraph be added to agendas for Standards Assessment and Review Sub-Committees reminding Members that the information and any discussions are private unless otherwise specified.

### 18. SOCIAL NETWORKING

Following discussions at previous meetings regarding the potential dangers to Members of social networking with regard to the Code of Conduct, and the need to protect one's e-identity, it was recommended that the Standards Committee appoint a Member to lead on updating guidance for Councillors on the matter.

Councillor Naylor expressed an interest in taking on this role.

RESOLVED:

That Councillor Naylor works with officers to revise the guidance for elected members on social networking and protecting e-identity.

### 19. WORK PROGRAMME

**Councillor Westley left the meeting.**

The Monitoring Officer submitted a work programme for the Standards Committee.

Members asked that the City Mayor be invited to the next meeting to discuss his role in upholding standards in the Council and his views on the future of the standards regime in Leicester.

RESOLVED:

That the work programme be noted and the City Mayor be invited to the next meeting.

**20. PRIVATE SESSION**

Members of the Committee considered whether to discuss the items, "Complaint Against a Councillor: to Consider the Investigator's Findings" in 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 Councillors, and, if they agreed with this, the subject members would have the right to refuse for a notice to be published in the local press, 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

Appendix AOUB B1

COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS 2011/01 and 2011/03

Appendix AOUB B2

COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS 2011/02

**21. ANY OTHER URGENT BUSINESS**

The Chair agreed to consider the following items as urgent business as it was in all parties' interests to deal with them as speedily as possible.

Appendix AOUB B1  
COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE  
INVESTIGATOR'S FINDINGS 2011/02

The Director of Corporate Governance submitted a report that contained the investigator's report into a complaint against a councillor relating to alleged misuse of position in order to confer a disadvantage on an individual and thus a potential breach of the following paragraph of the Councillors' Code of Conduct:

6. You—
- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Having considered the evidence the Investigator concluded that the Councillor had misused his position to gain information but had not breached the Code of Conduct because there was no evidence that he had used that information to anyone's advantage or disadvantage.

The Standards Committee was asked to make one of the following findings:

- a. That it accepts the finding of no failure i.e. "a finding of acceptance"; or
- b. That the matter should be considered at a hearing of the Standards Committee conducted under Regulation 18; or
- c. That the matter should be referred to Standards for England for determination.

*(Amendment)*

*Members were informed that a further response to the investigator's report had been supplied by the subject member and were asked whether they wished to consider it, as opportunity had already been given to respond to the draft report. Councillor Willmott stated that he felt the committee should consider the additional information. Following discussion on the matter Members voted on whether to accept it or not. Upon being put to the vote, it was agreed not to accept the additional information.*

Members considered the investigator's report in detail and received procedural advice from the Monitoring Officer.

RESOLVED:

- 1) That the Committee agrees with the investigator's findings that there had been no breach of the Code of Conduct; and
- 2) That the Committee authorises the Monitoring Officer to give notice of their decision to the subject member and complainant and to organise publicity in accord with Regulation 17(3)(b) **unless** the subject member requests otherwise in accord with Regulation 17(4).

Appendix AOUB B2  
COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE  
INVESTIGATOR'S FINDINGS 2011/01 and 2011/03

The Director of Corporate Governance submitted a report that contained the investigator's report into two complaints against a councillor relating to alleged disclosure of personal information and thus a potential breach of the following paragraph of the Councillors' Code of Conduct:

4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

Having considered the evidence the Investigator concluded that there had been no breach of the Code of Conduct for the following reasons:

- In relation to case reference 2011/01, the sharing of confidential information with the local press she was satisfied that the Councillor did not know and could not have known that the data that he had been provided with contained confidential information.
- In relation to case reference 2011/03, the sharing of confidential information with three individuals the investigator was satisfied that the Councillor was not acting in his capacity as an elected Member and therefore the requirements of the Code of Conduct did not apply in this case.

The Standards Committee was asked to make one of the following findings:

- a. That it accepts the finding of no failure i.e. "a finding of acceptance"; or
- b. That the matter should be considered at a hearing of the Standards Committee conducted under Regulation 18; or
- c. That the matter should be referred to Standards for England for determination.

Members considered the investigator's report in detail and received procedural advice from the Monitoring Officer.

RESOLVED:

- 3) That the Committee agrees with the investigator's findings that there had been no breach of the Code of Conduct; and
- 4) That the Committee authorises the Monitoring Officer to give notice of their decision to the subject member and complainant and to organise publicity in accord with Regulation 17(3)(b) **unless** the subject member requests otherwise in accord with Regulation 17(4).

**22. CLOSE OF MEETING**

## AMENDED MINUTES

The meeting closed at 7.18pm.



**AMENDED MINUTES**