



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 23 NOVEMBER 2011 at 5:00 pm

P R E S E N T:

Mrs Sheila Brucciani (Independent Member) - Chair

Ms Mary Ray

Independent Member

Councillor Naylor
Councillor Thomas
Councillor Willmott

Councillor Porter
Councillor Westley

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

Sir Peter Soulsby – City Mayor
Councillor Kitterick

* * * * *

23. APOLOGIES FOR ABSENCE

Apologies were received from Kate McLeod.

24. 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 Act 1992 applied to them.

In respect of Item 5, Standards Framework: The Future, Councillor Porter

declared for the avoidance of doubt that he had contacted various members of the Council about the future of the standards regime and he had also written to the Chair.

In respect of Item 3, Minutes of Previous Meeting, Councillor Kitterick declared a personal interest, as he was the subject member of item AOUB B1, Complaint Against a Councillor – to consider the Investigator’s Findings.

25. MINUTES OF PREVIOUS MEETING

ANY OTHER URGENT BUSINESS B1

The Chair invited Councillor Kitterick to make a statement regarding an item of urgent business on the agenda of the 7 September 2011 meeting, “Complaint against a councillor: to consider the investigator’s findings 2011/02.” The Chair stated that no discussion would be allowed.

Councillor Kitterick stated that he was willing for his statement to be heard in public, as details had already been leaked to the media and he did not have the confidence that the same thing would not happen again.

He stated that he had objected to a phrase in the investigator’s report that stated the he had “misused his position to obtain information.” He had informed the Monitoring Officer that he objected to this, stating that this was untrue and potentially defamatory and would be unfair if it were leaked. He had subsequently received a copy of the final report 48 hours prior to its consideration by the Standards Committee and it contained no log of his objection. He tried to submit a written response to the Committee on 7 September 2011 outlining why he felt that that line should not form part of the report. Following the meeting he was informed that the Committee had been given an opportunity to look at a further representation from him but had voted against this. The story subsequently appeared in the Leicester Mercury on 17 September 2011, including the words “misused his position” in the headline. He stated that he felt it was against natural justice that this line had been published in the Committee minutes and published on line as a permanent record, as it slurred his reputation and he had been denied the right to refute it. He asked for assurance that the Chair would look at the issue with the Monitoring Officer and report back to the Committee with a recommendation for action.

Councillor Kitterick then left the meeting.

Members raised concern that public minutes were required of private reports, stating that media coverage allowed for potential identification of subject members. They felt that they should be dealt with in the same manner as the Standards assessments and reviews whereby a decision notice was kept for public viewing and not published. They were informed that a public minute was required by law, as it took place in a Committee meeting. The minutes did not identify the individuals concerned. The Head of Litigation agreed that officers could consider whether anything could be done to change future private minutes within the law.

SOCIAL NETWORKING

Councillor Naylor reported that he had been in discussions about this and would report to the next meeting.

Members considered the accuracy of the minutes and agreed to make additions as follows:

Minute 14, Discussion with the Lord Mayor:

Add

“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.”

Minute 21, Any Other Urgent Business, Appendix B1

Add

“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.”

RESOLVED:

That the minutes of the meeting held on 7 September 2011 be confirmed as a correct record, subject to the amendments detailed above.

26. DISCUSSION WITH THE CITY MAYOR

The Chair welcomed the City Mayor and invited him to address the Committee.

The City Mayor stated that maintaining the highest standards and probity was an overriding concern for him and felt that even if changes were not being driven nationally, there would be need for the authority to review its arrangements in the light of the new structure. He felt that it was important for the City Mayor to be, and be seen to be, under the same rules as other elected members, to ensure that he was held to account, there was propriety about decision making and transparency about potential conflicts of interest.

He welcomed the work that had gone into the report about the future of standards and outlined key principles for the Committee to consider as follows.

1) The Committee must be seen to be independent. There were issues to discuss concerning the balance of councillors and independent members and the mechanism of how councillors were appointed to the committee, to ensure robustness and impartiality.

- 2) The committee must be enabled to be proactive and encouraged to look at policies and procedures, rather than being dominated by complaints.
- 3) It must be able to be proportionate in its response to complaints.
- 4) It must have the ability to look authority-wide, including the interface between councillors and officers.
- 5) It must have whatever support necessary and be well connected to the resources of the organisation.

27. STANDARDS FRAMEWORK - THE FUTURE

The Chair submitted a report that informed discussions of the Standards Committee on the future of the Standards framework for Leicester. She reported that the Localism Act was now in place, which would allow the Committee to begin to decide what should be in place in Leicester.

She asked for Members' opinions on the structure and composition of the Committee, including whether there should continue to be a committee. She stated that her view was that the Committee should have a stronger independent element, static membership annually, with firmly committed members who had been interviewed prior to appointment.

There was general support for retaining the Standards Committee. It was felt that the Council should retain the Standards Committee, in accordance with the comments previously made by the City Mayor, in order to maintain the highest standards across the Authority. Any members appointed to the Committee should consider it a priority.

Members considered the proportion of independent members to councillors. It was recognised that Councillors could be more likely to accept sanction from their peers, whereas the public would prefer a greater independent presence. A range of opinions were expressed, including retaining the current levels and increasing or decreasing independent membership. Members also considered the appointment of Councillors. It was generally felt that commitment and stable membership was important. Some Members agreed that an interview process would be useful, but others did not, as it would increase bureaucracy. It was suggested that any interviews should remain part of the annual Group selection processes. Members were reminded that whatever the Committee recommended, it would need to be embraced by all Council Members.

The suggestion was made that Members consider why the changes were introduced by Government, namely that they were trying to reduce bureaucracy, simplify it and make it more democratic.

Members considered how complaints could be dealt with. It was felt that it was important to retain independence in investigations, as Members were influenced by the investigators' findings. Such investigations should only take place when necessary. Assessments and reviews were felt not to be useful. It was suggested that more appropriate ways of dealing with individuals should be investigated, such as retraining and support.

The Committee was asked to recognise how difficult the role of Independent Member was, and to consider this in any future appointments. They were urged to consider carefully the job description, person specification and advert for any future appointments.

The Monitoring Officer stated that work would be done on the implications of the Localism Act, but gave a brief overview. The requirement for a Standards Committee had been removed, but prior case law indicated that the council required a mechanism for dealing with conduct matters. The Localism Act required the Council to have an independent person outside the Committee to consult on complaints. This person could not be any of the current independent members, as they were excluded by the Localism Act. Any independent members on the committee in future were likely to be co-opted with no voting rights. There was still a need for a register of interests and a code of conduct; a criminal offence had been established to cover non-declaration of pecuniary interests. He stated, in response to questions, that the responsibility for considering sanctions lay with the Authority, but it would be free to make its own arrangements and it could delegate these decisions to the Standards Committee. Common law allowed for potential censure or removal from particular positions within the Council. It was hoped that more guidance would be provided on this matter.

Members considered issues relating to the Code of Conduct and the political conventions. The Chair suggested that a draft code be produced by the Independent Members, working with senior legal officers, based on the old one, but aligning it more to the Nolan principles. Members agreed that the Nolan principles would form a good basis and that that the code should be simplified. Concern was expressed that there would be no elected member involvement in this initial stage and it was felt that at least one should be included. It was felt that, once drafted, there should be wide consultation. The Chair felt that only a small group was required to prepare the first draft. The draft would then be circulated more widely. She also felt that the Independent Members were more equipped to draft the code, as they had experience of every complaint the Committee had dealt with. The Committee would have first look at the draft. It was suggested that officers could also be covered by the code.

It was felt that the political conventions could be considered in parallel to the code. Some concern was expressed about the current political conventions, as aspects of it disadvantaged Members as compared with the rights of residents in obtaining information.

Members considered what process could be put in place to deal with complaints against councillors. It was felt that it should be flexible and proportionate, with an emphasis on informal resolution where possible, and more could be dealt with by including a filter for vexatious or irrelevant complaints. Others could be dealt with by using a similar process as employee appeals, by having both parties in a meeting together to address the issue without lengthy investigations, allowing for each perspective to be voiced. Where investigations were required, these should be dealt with speedily. It was

felt that this process could result in a reduction in frivolous complaints. It would also be fairer by allowing the subject member opportunity to defend him or herself at an earlier stage. It was stressed, however, that the process should not be used to duplicate other forms of accountability. It was also felt that an appeals process would be required.

Members were informed that the new arrangements were likely to come into effect in April 2012. Members were keen to include comprehensive consultation with other elected members before the process was agreed, to enable them to feel more ownership of it.

The City Mayor stated that he would welcome the opportunity to be further involved in the Committee's discussions. The City Mayor then left the meeting.

RESOLVED:

That a first draft of the Code of Conduct and proposals for the consideration of complaints against councillors be submitted to the next meeting of the Committee.

28. MATTER REFERRED FROM AUDIT AND RISK COMMITTEE

Members considered a matter referred from the Audit and Risk Committee which asked the Committee to consider whether Members' oversight of allegations of officer misconduct was sufficient.

The Director of Corporate Governance outlined current employee disciplinary arrangements and Member involvement, stating that employees had a last option to appeal to the Employees Appeals Committee. He also explained that members appointed and dismissed officers at director level but there was a gap in the way disciplinary issues relating to directors with statutory protection were handled. The Standards Committee could review all disciplinary procedures without dealing in detail with individual employee issues.

Members discussed the issue and asked for a paper to be brought to the next meeting outlining options for Standards Committee involvement in officer disciplinary procedures.

RESOLVED:

That the Monitoring Officer be asked to submit a report to the next meeting of the Standards Committee which describes the current disciplinary arrangements for officers at all levels and any potential issues that the Committee may wish to address.

29. STANDARDS COMMITTEE WORK PROGRAMME

The Director of Corporate Governance submitted a work programme for the Standards Committee for the rest of the municipal year.

He informed the Committee that an investigator's report into an outstanding complaint against a councillor was nearing completion. It was agreed that this

should be considered at a special meeting of the Standards Committee prior to Christmas, if possible.

RESOLVED:

That the work programme be noted and that consideration of the investigator's report take place before Christmas if possible.

30. CLOSE OF MEETING

The meeting closed at 6.50pm.

