



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: WEDNESDAY, 23 NOVEMBER 2011

TIME: 5.30 PM

PLACE: FOUNTAIN ROOM, GROUND FLOOR, TOWN HALL

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

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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 7 September 2011, have been previously circulated and Members are asked to confirm that they are correct subject to the following amendments which have been requested:

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. Following discussion on the matter and a difference of opinion, Members voted on whether to accept it or not. Upon being put to the vote, it was agreed not to accept the additional information.”

4. DISCUSSION WITH THE CITY MAYOR

The City Mayor, Sir Peter Soulsby will be present to discuss with the Committee his views on standards and ethics within the Council and his role in maintaining these standards.

5. STANDARDS FRAMEWORK - THE FUTURE

Appendix A

The Independent Chair of the Standards Committee submits a report that informs discussions of the Standards Committee on the future of the Standards framework for Leicester pending the coming into force of the Localism Bill. Members are recommended to consider and comment on the report.

6. MATTER REFERRED FROM AUDIT AND RISK COMMITTEE **Appendix B**

At its meeting on 28 September 2011 the Audit and Risk Committee resolved the following:

“that the Standards Committee be asked to consider whether Members’ oversight of allegations of officer misconduct is sufficient.”

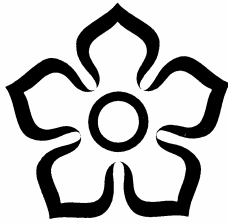
The full minute extract is attached.

Members are recommended to state whether they wish to ask the Monitoring Officer to submit a report to a future meeting of the Standards Committee for further consideration of the matter.

7. STANDARDS COMMITTEE WORK PROGRAMME **Appendix C**

The Director of Corporate Governance submits a work programme for the Standards Committee. Members are recommended to note the work programme and make any amendments as they see fit.

8. ANY OTHER URGENT BUSINESS



Leicester
City Council

Standards Committee

23 November 2011

Standards Framework – the Future

Report of the Independent Chair of the Standards Committee

1. Purpose of report

To inform discussions of the Standards Committee on the future of the Standards framework for Leicester pending the coming into force of the Localism Bill

2. Recommendations

For the Committee to consider and comment.

3. Report

- 3.1 The election of the City Mayor and the imminent demise of Standards for England and its legislative regime present the City Council with an excellent opportunity to revise its standards framework and demonstrate to the citizens of Leicester that matters of conduct and probity of Elected Members are given a high priority and any difficult issues are dealt with fairly and speedily with a minimum of cost.

Over the past months opinions have been sought with regard to how the Council's ethical framework might look in the future but, until now, it has not been practicable to make any real plans as they would be likely to be superseded by the Localism Bill. Although the Localism Act is still not in place some pointers can be found in the House of Lords proposed amendments to the Bill which appear to suggest an opportunity to establish a system that will retain the best aspects of the previous regime while dispensing with those aspects which have not worked well.

It now appears that there will be an obligation on the Council to have a Code of Conduct in place based on the Seven principles of Public Life and a Standards Committee with an independent element to deal with complaints. The arrangements for these will not be set down in

legislation leaving the Council free to adopt its own workable system. It is in this context that the following comments are made

3.2 The Standards Committee

Over the 4/5 years the of its independent existence the Standards Committee has carved out a useful role in monitoring all documentation relevant to the council's ethical framework as well as dealing with conduct complaints. It has made a useful contribution to the development of monitoring systems for planning and licensing as well as reviewing the Council's Corporate Governance Reports. Its remit is already wider than the matter of member conduct and it therefore needs to be retained and strengthened:

- The number of independent members could be increased so as to constitute a majority of the Committee.
- Elected members who would like to serve on the Committee could produce a written statement to support their interest and suitability for the role. They could be selected by interview.
- Members should commit to training and serving on the Committee for at least a year.

This would result in a more stable committee trained and experienced in the necessary skills. It might need to meet more regularly than bi-monthly.

3.3 Code of Conduct for Members

The Code of Conduct for Members introduced in 2007 has increased awareness of conduct issues and is now embedded and familiar. However, it needs to be amended so that it would be easier to understand and to manage. Problems of definition and interpretation have made application of the rules difficult at times, particularly with regard to whether or not the Code actually applies in any particular case. The issue of 'official capacity' has been challenging since precedents in case law need to be considered which complicates matters. It has also been necessary to study case histories for guidance in interpretation of some clauses.

However, potentially the Code could be a very useful tool for maintaining high standards of probity, particularly with regard to pecuniary interests which are a high priority on the Government's agenda.

- A new Code could be drafted by a group consisting of senior legal officers and the current independent members of the Standards Committee which would then be approved by the full Committee before being presented to the City Mayor and full Council

Procedures for dealing with potential breaches of the Code

At present the procedures for dealing with complaints are seen as overly bureaucratic and do not allow for a common-sense approach. A real disadvantage is the lack of power for the Standards Committee to make use of informal and innovative ways of resolving disputes. Its involvement can even appear at times to make matters worse, with the result that neither the complainant nor the subject member feel as if the issue is satisfactorily resolved. The process is also rather slow and expensive.

In the House of Lords debates, emphasis has been put on the need for an 'independent person' whose view must be sought before reaching a decision about an allegation. Baroness Hanham sets out her vision for how local authorities might find a suitable committee system for dealing with complaints. The following quotation might be a helpful steer when establishing new procedures:

"I want to make it clear that whatever the system and whether local authorities have independent members in that committee structure, they will still be required to have a further independent member who will act outside the committee system and will have to be referred to"

This suggests that, instead of needing separate Assessment and Review Sub Committees it could be possible for complaints to be dealt with by the whole Committee in the process of its regular meetings. Members could request that an investigation be undertaken or further information obtained or a mediated approach taken and will often be able to reach a decision on the complaint as received. If there is a requirement for an independent person outside of the Committee, as the Lords recommend, perhaps that person could act as an appeal to any of the Committee's decisions. This would enable much of the bureaucratic process to be dispensed with and for complaints to be dealt with more quickly and informally.

3.4 Political Conventions

The present system of regulating officer/member relationships and defining their respective rights and responsibilities has the advantage of being well established and familiar to officers and members and needs to

be retained. Similarly to the Code of Conduct for Members it applies to the City Mayor providing accountability. However, it has a different role from the Code of Conduct and should not be confused with it although the relationship between the two documents could be made clearer. It would benefit from being reviewed and updated and it might be helpful to have some Standards Committee input in that exercise.

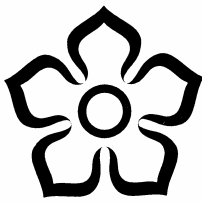
- senior legal officers and the Chair of the Standards Committee could undertake a review of the Political Conventions.

The possibility of Standards Committee involvement in matters of officer conduct will be the subject of a separate discussion.

4. Report Author

Sheila Brucciani

Independent Chair of the Standards Committee



Leicester
City Council

Appendix B

MINUTE EXTRACT

Minutes of the Meeting of the AUDIT AND RISK COMMITTEE

Held: WEDNESDAY, 28 SEPTEMBER 2011 at 5.00pm

P R E S E N T :

Councillor Rita Patel (Chair)

Councillor Dr Chowdhury
Councillor Desai

Councillor Dr Moore
Councillor Singh

Also present:

Councillor Kitterick – Chair, Planning and Development Committee

* * * * *

27. CONSIDERATION OF ITEMS AS URGENT BUSINESS

The Chair advised the Committee that, due to distribution problems, the agenda for this meeting did not go out within the right time frame to enable this meeting to be formally constituted. She therefore had agreed that all of the items on the agenda should be taken as urgent items and asked the Committee to endorse this decision.

RESOLVED:

that all of the items on the agenda for this meeting be taken as urgent items, so that:-

- the general business of the Committee is not delayed, in view of the number of significant items to be discussed; and
- if appropriate, the Committee's views can be passed to the City Mayor and Cabinet and/or Council before they consider any relevant items.

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Grant and Porter.

29. DECLARATIONS OF INTEREST

Councillor Rita Patel declared a personal interest in the general business of the meeting, in that a member of her family was an employee of the City Council.

Councillor B Singh declared personal interests in the general business of the meeting, in that he had portfolios with some voluntary sector organisations and a member of his family worked with Leicester City Council.

41. PRIVATE SESSION

RESOLVED:

that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraph 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:-

LAND AT 349-353 LONDON ROAD, TREE PRESERVATION ORDERS AND TREE REPLACEMENT NOTICES

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

42. LAND AT 349-353 LONDON ROAD, TREE PRESERVATION ORDERS AND TREE REPLACEMENT NOTICES

At the invitation of the Chair, Councillor Kitterick remained in the meeting during consideration of this item, although he was not a member of the Committee. This was considered appropriate, as Councillor Kitterick was present in his capacity as Chair of the City Council's Planning and Development Control Committee.

The Director of Corporate Governance submitted a report regarding tree-related planning regulations and Council policy.

At the invitation of the Chair, Councillor Kitterick addressed the Committee, explaining his concerns about a particular case that had come to his attention. It had arisen from concerns raised by another member of the Council when approached by a member of the community. Following investigation, various conclusions had been drawn. These were presented to the Committee, along with management responses to recommendations made.

Councillor Kitterick suggested that:-

- There appeared to be no standards training for officers, even when taking significant decisions. Regular standards training should be a minimum requirement;

- The officers' register of interests should be transparent, (for example, being kept in an electronic format that enabled it to be viewed on-line); and
- It could be useful to review the Council's whistle-blowing procedures.

The Chair reminded Members that the issues relating to tree preservation orders needed to be considered separately to the Council's whistle-blowing procedures and the Director of Corporate Governance reminded the Committee that its remit was to consider whether appropriate safeguards were in place to ensure the proper management of resources.

The Director of Planning and Economic Development then explained the procedure for the creation of tree preservation orders, from which the Committee noted that safeguards were in place that prevented individual officers from acting alone to create such orders.

The following comments were made in discussion:-

- The Committee expressed concerns that the issues under discussion had taken a long time to be identified and brought to their current position;
- The Committee wanted details of a linked employment tribunal once the litigation had completed to see if there were any lessons to be learned, particularly around the Council's Whistleblowing Procedure;
- Staff were reminded annually of the need to register their interests, but this was insufficient for some work areas. Staff such as planning officers should be reminded of their obligations on a more regular basis;
- The Committee wanted to know whether, if it was discovered that officers had not declared interests, disciplinary action could be taken against those officers;
- The introduction of standards training for officers had been discussed and there was a wish to do this;
- Alternative arrangements for the Council's whistle-blowing procedure were available. For example, a charity had been identified that could act as a single point of contact. One advantage of this was that officers could find it easier to talk to someone from outside the authority; and
- The Committee was clear that good procedures needed to be in place to maintain public confidence in the Council as well as to protect employees.

RESOLVED:

- 1) that the Director of Corporate Governance be asked to send a letter to the former owner of the land in question, explaining this Committee's concern at the apparent lack of accounting procedures and the acceptance of a price for land held by a public body that did not appear to reflect its full market value;

- 2) that the Director of Corporate Governance be asked to give consideration to:-
 - a) the introduction of a regime of standards training for officers and recognised levels of expected behaviour, (this to include sanctions for behaviour not meeting these levels);
 - b) the creation of an on-line register of officers' interests;
 - c) ensuring that appropriate sanctions are in place to deter officers from not declaring interests; and
 - d) the possibility of officers working at a certain level being asked to sign a form giving permission for details of their land holdings to be made available by Land Registry;
- 3) that the Standards Committee be asked to consider whether Members' oversight of allegations of officer misconduct is sufficient;
- 4) that the Director of Corporate Governance make the full findings of the employment tribunal in this case available to the Committee, once all matters relating to the findings of that tribunal have been completed, so that the Council's whistle-blowing procedures can be reviewed in the light of these findings;
- 5) that the Director of Corporate Governance circulate the full findings of the internal investigations in to this case, with due consideration being given to the right to privacy of the individuals concerned; and
- 6) that a further report on these matters be made to the next meeting of this Committee.

Appendix C

Standards Committee 2011/12 Work Programme November 2011

Meeting	Item	Lead
Nov 2011	Discussion with City Mayor	HK
Nov 2011	Localism Bill & future of Standards	SB/PH
Jan 2012	Report back on social networking guidance	Cllr Naylor/John Doyle
Jan 2012	Report on members' role in officer conduct (subject to agreement at November meeting.)	PH
Jan 2012	Summary of complaints against councillors for July-December 2011	HK
As soon as available	Complaint against a Member of the Council – to consider the Investigator's findings	PH/HK

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