



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: MONDAY, 1 OCTOBER 2012 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)

Councillor Grant
Councillor Shelton

Councillor Sood

Also present:

Ms Amanda Fitchett
Ms Joanne Holland
Mr David Lindley
Ms Caroline Roberts

Independent Member
Independent Member
Independent Person
Independent Person

* * * * *

1. WELCOME

The Chair welcomed everyone to the meeting and introduced herself.

All present were then invited to introduce themselves.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Desmond Henderson (Independent Member) and Glynis Middleton (Independent Member).

3. MEMBERSHIP OF THE STANDARDS COMMITTEE

The City Barrister and Head of Standards reminded the Committee that the law had changed in July 2012. This had required the Standards Committee to be reconstituted to comprise Councillors, who were voting members of the

Committee, and Independent Members, who were non-voting members of the Committee.

A new role prescribed by law was that of Independent Person. The Council's Independent Persons were not members of the Committee, but had a standing invitation to attend. Their role was to work with the Monitoring Officer at the early stages of complaints, to decide how they should proceed, and advise the Committee on handling complaints at later stages of the process.

It was noted that the Independent Members and Councillors were also members of the Standards Advisory Board.

4. APPOINTMENT OF VICE-CHAIR

It was suggested that it could be appropriate to appoint a Councillor as Vice-Chair of the Committee, as they were the only Committee members who could vote. Members were reminded that no financial allowance was available for this post.

RESOLVED:

That the appointment of a Vice-Chair of the Committee for the remainder of the 2012/13 municipal year be deferred to the next meeting of this Committee.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 7 March 2012 were be approved as a correct record, subject to the Chair of the meeting being amended to Kate McLeod, (not Sheila Brucciani).

7. TERMS OF REFERENCE

The Committee noted that it was required to appoint a Standards Advisory Board to consider the more serious allegations of Councillor misconduct. The same four Councillors as were members of the Committee would be members of that Board.

The Independent Members would be co-opted members of the Standards Advisory Board, (with voting rights) and one of them would chair it. The Independent Persons would not be members of the Board, as their role was to work with the Monitoring Officer to progress cases. They therefore would have a role advising the Committee on how cases could be progressed.

It was noted that a meeting of the Standards Advisory Board would be needed soon, to consider Investigating Officers' reports on some cases that had been

started under the previous standards regime.

RESOLVED:

- 1) That the appointment of a Chair of the Standards Advisory Board be deferred to enable those eligible to consider if they wish to be considered; and
- 2) That the City Barrister and Head of Standards be asked to consider how the first bullet point of paragraph 11 of the Terms of Reference can be amended to clarify the role of the Independent Persons.

8. CODE OF CONDUCT FOR MEMBERS

The Committee received the Code of Conduct for Members, noting that it had been agreed by Council on 28 June 2012, (minute 13 referred).

It was noted that the first seven principles underpinning the Code, (set out in section 2, "Principles"), were required by law. The other two principles, ("Respect for others" and "A commitment to uphold the law"), had been included in the previous Code and it was felt that it would be useful to also include them in this one.

Members of the Committee asked if conduct while social networking should be included in the Code. In reply, the City Barrister and Head of Standards advised that it had been hoped to keep the Code very general, so that it did not cross-reference too many specific policies, which could make it difficult to read and/or find things in.

RESOLVED:

That the report be noted.

9. ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS UNDER THE LOCALISM ACT 2011

The Committee noted that, at the Council meeting held on 28 June 2012, approval had been given to new arrangements for dealing with Standards complaints against Members and co-opted Members of the Council, (including the City Mayor), in response to changes imposed by the Localism Act 2011, (minute 13 referred.) Details of these arrangements were presented to the Committee.

The City Barrister and Head of Standards advised that, although some of the core elements of the new arrangements were derived from the Localism Act 2011, councils had had some freedom to agree arrangements to meet local needs. For example, one significant criticism of the previous system had been that there was no filtering of complaints, so they all had to be submitted to a committee meeting. Under this Council's new arrangements, it was recognised that the most appropriate person to filter the complaints was the Head of Standards, working with the Independent Persons.

The Committee noted that the City Barrister and Head of Standards would submit a report to each Committee meeting giving feedback on complaints against Councillors reviewed and/or determined since the previous meeting and providing an update on progress with outstanding complaints against Councillors.

The City Barrister and Head of Standards reported that a few complaints had been received and processed since the new arrangements had been introduced. This had led to a query from an Independent Person about how complaints should be dealt with if a complainant contacted an Independent Person directly and whether this contact would compromise that Independent Person's role. It was noted that this was an issue that was being discussed nationally and so would be monitored.

It was questioned whether the procedures enabled relevant complaints to be referred to the Police. In reply, the City Barrister and Head of Standards confirmed that this would happen, advising that a key part of his role would be to refer complaints to either this Committee or other agencies as needed.

In considering the arrangements, Members expressed the view that it was unfair that a recommendation that a Councillor who was not a member of a Group on the Council be removed from a committee would have to be considered by full Council, while such a recommendation for a member of a Group would be considered by that Group. There also was the possibility that a member of a Group could want that recommendation considered by full Council, but they did not appear to have that option under these arrangements. The City Barrister and Head of Standards advised that this situation had arisen because of the way that the law, and therefore the Council's Constitution, had been drawn up.

In reply to questions, the City Barrister and Head of Standards confirmed that:-

- A hearing committee could recommend that a Councillor apologised for their actions;
- The withdrawal of facilities provided to a Member referred to privileges beyond the facilities needed by that Member to carry out their role as a Councillor, (for example, the removal of access to office accommodation);
- The sanction of instructing a Councillor found to have breached the Code of Conduct to undergo training was no longer available; and
- An Independent Person would be invited to attend all meetings of the Hearings Panel to advise on how to proceed, but that Panel could accept or decline that advice.

RESOLVED:

- 1) That the City Barrister and Head of Standards be asked to consider whether:

- the Council can delegate the power to remove a member from a Committee when that member has been found to have breached the Code of Conduct; and
 - a sanction can be added to section 5 of the arrangements for dealing with standards complaints, (“Outcomes”), of a letter being sent a Councillor found to have breached the Code of Conduct inviting them to resign a committee position; and
- 2) That the City Barrister and Head of Standards be asked to amend the flowchart appended to the arrangements for dealing with standards complaints to illustrate that the Independent Person will be invited to attend all meetings of the Hearings Panel, but that Panel can accept or decline their advice.

10. CHANGES TO CONSTITUTION - STANDARDS COMMITTEE

Details of the changes to the Constitution agreed at the Council meeting held on 13 September 2012 that related to this Committee were received.

The City Barrister and Head of Standards drew attention to the current vacancy for an Independent Member, suggesting that there currently were enough Independent Members to enable the work of the Committee to be undertaken.

RESOLVED:

That the vacancy for an Independent Member be not filled at present, but that this position be reviewed if further vacancies arise.

11. STANDARDS COMMITTEE WORK PROGRAMME

The Committee considered whether it should establish a work programme and, if so, what issues should be included.

The City Barrister and Head of Standards reminded the Committee that the Council’s Political Conventions covered Councillor and officer relationships. These currently were being redrafted.

The Committee agreed that there was a role for social media in the work of Councillors, as it could provide a good way to connect with the public and to make public statements. However, it needed to be used properly, so it would be useful for guidance on this to be available.

RESOLVED:

That a work programme for this committee be established, including the following items:-

- Monitoring of the Council's Political Conventions as they are redrafted;
- Training on disclosure of interests;
- The Council's Annual Corporate Governance Statement;
- Use of social media by Councillors. (Councillor Grant to work with the Monitoring Officer on this); and
- Any other policies impacting on Standards, (for example, the Employee Code of Conduct, Whistleblowing).

12. DATES OF FUTURE MEETINGS

RESOLVED:

- 1) That meetings of the Standards Committee continue to be held in the early evening;
- 2) That the Democratic Services Officer be asked to contact all members of the Committee, Independent Members and Independent Persons to confirm their availability for revised dates of meetings for November 2012, January 2013 and March 2013; and
- 3) That the frequency of meetings of this Committee be reviewed as the year progresses and amended as necessary.

13. 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 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 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

14. COMPLAINTS AGAINST COUNCILLORS - UPDATE

The Monitoring Office tabled an update on progress with complaints against Councillors reviewed and/or determined since the last meeting of the Committee and updating the Committee on progress with outstanding complaints against Councillors.

It was noted that there currently was no requirement for the Council to publish information on complaints received, but if the Committee so wished an annual report could be prepared, possibly for submission to Council.

RESOLVED:

That the report be noted.

15. CLOSE OF MEETING

The meeting closed at 6.49 pm