



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: MONDAY, 1 OCTOBER 2012

TIME: 5.30 PM

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

Members of the Committee

Councillor Waddington (Chair)

Councillors Grant, Shelton and Sood

Ms Amanda Fitchett (Independent Member)

Mr Desmond Henderson (Independent Member)

Ms Joanne Holland (Independent Member)

Ms Glynis Middleton (Independent Member)

(Vacancy) (Independent Member)

Mr David Lindley (Independent Person)

Ms Caroline Roberts (Independent Person)

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

Elaine Baker

for the Monitoring Officer

Officer contact: Elaine Baker
Democratic Support, Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8806 Fax. 0116 229 8819)

INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

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.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Elaine Baker, Democratic Support on 0116 229 8806 or email Elaine.Baker@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 0116 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. MEMBERSHIP OF THE STANDARDS COMMITTEE

Members are asked to note the membership of the Standards Committee, as detailed on the front of the agenda.

3. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the remainder of the 2012/13 municipal year.

4. 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.

5. MINUTES OF PREVIOUS MEETING

Appendix A

The minutes of the meeting of the Standards Committee held on 7 March 2012 are attached and Members are asked to confirm that they are correct.

6. TERMS OF REFERENCE

Appendix B

The Committee is recommended to note its terms of reference, (attached).

7. CODE OF CONDUCT FOR MEMBERS

Appendix C

The Committee is recommended to note the attached Code of Conduct for Members, which has recently been revised.

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

Appendix D

At the Council meeting held on 28 June 2012, approval was 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.

Details of these arrangements are attached. The Committee is recommended to note the new arrangements and consider any issues arising from them.

9. CHANGES TO CONSTITUTION - STANDARDS COMMITTEE

Appendix E

At the Council meeting held on 13 September 2012, various changes to the

Council's Constitution were approved. Those relating to the Standards Committee are attached.

The Committee is recommended to note these changes and consider any issues arising from them.

10. STANDARDS COMMITTEE WORK PROGRAMME

The Committee is asked if it wishes to establish a work programme and, if so, what issues should be included. For example:-

- Political Conventions
- Training on disclosure of interests
- Annual Corporate Governance Statement
- Any other policies impacting on Standards (eg, Employee Code of Conduct, Whistleblowing)

11. DATES OF FUTURE MEETINGS

Meetings of the Standards Committee for the remainder of the 2012/13 municipal year are currently scheduled to take place at 5.30 pm on the following dates:-

Monday, 12 November 2012

Wednesday, 16 January 2013

Wednesday, 6 March 2013

Wednesday, 8 May 2013

The Committee is asked to either confirm these dates or reschedule meetings as necessary.

12. ANY OTHER URGENT BUSINESS

13. PRIVATE SESSION

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

“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 1

Information relating to any individual

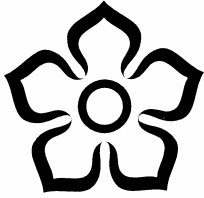
Paragraph 2

Information which is likely to reveal the identity of an individual

14. COMPLAINTS AGAINST COUNCILLORS - UPDATE

The Monitoring Officer will give feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

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Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 7 MARCH 2012 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) (Chair)

Councillor Naylor
Councillor Porter
Councillor Willmott

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Thomas and from Sheila Brucciani (Independent Member and Chair) and Mary Ray (Independent Member).

Apologies for absence also were received from Councillor Westley, who was absent on other Council business.

42. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applied to them.

No such declarations were made, although Councillor Naylor advised the meeting that he recently had been approached by David Maclean, a reporter with the Leicester Mercury, regarding minute 39, "Complaint Against a Councillor: To Consider the Investigator's Findings", of the meeting of this Committee held on 18 January 2012. Councillor Naylor confirmed that he had made no comments on this matter.

43. MINUTES OF PREVIOUS MEETING

The Committee received the minutes of the meeting held on 18 January 2012.

Councillor Willmott advised that he had not attended that meeting as he was a witness in the case to which minute 39, "Complaint Against a Councillor: To Consider the Investigator's Findings", referred. This was the only substantive item on the agenda, and he would not have been able to remain in the meeting during its consideration.

Councillor Porter requested that the approaches he had received from the Leicester Mercury in relation to the same item that he had disclosed at that meeting be recorded in the minutes.

RESOLVED:

that the minutes of the meeting held on 18 January 2012 be approved as a correct record, subject to a new paragraph being added at the end of minute 33, "Declarations of Interest", as follows:-

"Councillor Porter advised the meeting that he had been approached by the Leicester Mercury for a comment on the report to be considered at agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings". Councillor Porter confirmed that he declined to comment or provide an interview after the meeting and had immediately advised the Acting City Solicitor and Monitoring Officer of the request."

44. STANDARDS FRAMEWORK - THE FUTURE

The Chair reminded the Committee that the draft report outlining the new standards arrangements that the Council was required to put in place following the coming in to force of the Localism Act 2011 had been circulated by the Monitoring Officer as a draft for discussion purposes.

The Monitoring Officer advised that he had already received comments on this report from Councillor Willmott. These are attached at the end of these minutes for information.

The Monitoring Officer then reminded Members that the new standards arrangements would now come in to effect on 1 July 2012, (not 1 April 2012 as originally proposed). This meant that the current Independent Members of this Committee could remain in post until the new regime started (ie, until 30 June 2012).

However, this would require the members concerned to be reappointed at the Council's Annual Meeting. It was explained that there were indications that the government was now considering introducing some transitional regulations that would enable existing Independent Members whose term of office had come to an end to be re-appointed as an Independent Person for a limited period of time. In the absence of any transitional regulations, the Council would need to appoint at least one Independent Person, whose appointment would need to be approved by Council

It was likely that the new code would be based on a document that was being prepared by the Association of Council Secretaries and Solicitors. However, it was known that many Councillors nationally were not comfortable with the proposals being made. For example, under the current system, a subject member could appeal against the findings of inquiries in to their conduct to a tribunal, but no provision for this was made under the new system.

It was recognised that the Council could keep parts of the previous system in place and would aim to balance the membership of whichever body was undertaking hearings and processes. Advice on processes would continue to be given to Members before hearings when needed.

The following points were then made in discussion:-

- A clear procedure, including timescales, would need to be put in place for the receipt and processing of complaints against Councillors. This could be based on the current procedure;
- The need for three independent persons was questioned, as the Standards Committee had not had a large workload in the past. It also was suggested that having a higher number of independent persons would pass responsibility to unelected officials, which it was felt was contrary to the government's aims. In reply, it was noted that three had been suggested as the City Council was a large authority and this was the current number of Independent Members, which seemed to work well. Other possibilities could be considered though, such as having one Independent Person with one other as a substitute or reserve member;
- Under the new system, the Independent Person would no longer be a member of any new Standards Committee, although they could attend meetings. They would not have any voting rights;
- It did not seem appropriate for an independent person to be a practising lawyer, but it could be useful if they had knowledge of local government;
- It did not seem fair that complaints against Councillors who were not in a political group should be considered by the whole Council, while other complaints were not. Everyone within the scope of the standards regime should be treated the same, to ensure consistency and transparency;
- If the Committee had to refer matters to the City Mayor the Committee could lose its neutrality and give the appearance of hiding issues. It therefore was important that a clear message was given that the Committee operated independently;
- It was suggested that the Council should “get it right first time” when considering complaints against Councillors, so an appeals process should not be needed. Alternatively, instead of continuing the current system of assessment, review and hearing sub-committees, the committee could hold meetings in the style of a “mini hearing”, so that a response to a complaint

was given and received straight away. However, other Members felt that appeals, (or a review of a decision as a minimum), should be possible for all parties;

- Reviewing the original decision of a complaint hearing would be preferable to allowing an appeal, or new hearing. This would make it clear that new information would not be considered and would be a quicker system than holding new assessments;
- A full investigation would not be needed for every case, but where it was needed it should be done independently. If it was not done independently, the Committee would be both investigating and judging cases;
- It should be possible to apply sanctions to the City Mayor, as well as to Councillors. It was noted that the power of suspension would no longer be available;
- Care needed to be taken to ensure that procedures did not become the focus of the new framework; the aim should be to ensure that someone realised what was inappropriate about their actions and so changed their behaviour at some level;
- Care also was needed to ensure that procedures did not become too complicated. For example, they needed to cover complaints arising from situations such as misunderstandings to serious breaches of codes of conduct and so should be suitable for use in each situation. This also could avoid the system becoming expensive to operate;
- Confidence in the new system needed to be developed. For example, as well as making sure the process was appropriate, people also needed to be confident that they did not have to put up with a situation; and
- Procedures available to resolve a matter before it was submitted as a formal complaint could be publicised more widely, (for example, political group discipline).

The Committee understood that the new arrangement needed to be in place by 30 June 2012, which meant that information on the required processes, (for example, the appointment of Independent Persons and the adoption of the new code of conduct), would need to be made available in the near future.

A draft complaints process should be considered before it was adopted and this also should be shown to appropriate partners for comment. An additional meeting of the Committee could be held to initiate this.

RESOLVED:

- 1) that the Council be requested to enable the current members and independent members of the Standards Committee to continue in office until the new arrangements are introduced, to ensure continuity in the Committee's work;

- 2) that the outstanding hearing to consider the investigator's findings in to a complaint against a Councillor be processed as quickly as possible;
- 3) that the Acting City Solicitor be asked to circulate the draft regulations relating to the new standards arrangements as soon as they are received;
- 4) that the Acting City Solicitor be asked to determine whether any provision exists in the draft regulations regarding the form that hearings in to complaints should take and whether this includes provision for appeals;
- 5) that an additional meeting of the Standards Committee be held in April 2012 to consider the first draft of a new Code of Conduct for members of the City Council, including a procedure for processing complaints made against Councillors; and
- 6) that the draft Code of Practice proposed by the Association of Council Secretaries and Solicitors be submitted to the meeting referred to under 5) above for consideration.

45. SOCIAL NETWORKING GUIDANCE

The Committee noted that Councillor Naylor had held discussions on developing guidance for elected members on social networking and protecting e-identity. However, it had not been possible to progress the work further, as information required from other sources had not been forthcoming. (Minute 18, "Social Networking", 7 September 2011 referred.)

Councillor Naylor advised the Committee that the City Council's Head of Information Security had provided guidance that appeared to be good way to progress the issue. In summary, the suggested guidance was that it was better not to use social networking sites in relation to Council matters. If they were used, Councillors needed to be proceed carefully, thinking how they could be portrayed through social networking and how anything they said could potentially be used.

It was stressed that all Councillors needed to be aware that when using social networking websites they were communicating with a wide audience that was aware of their position as a Councillor. Care therefore should be taken to ensure that they did not say or do anything they would not do elsewhere. Awareness training could be useful to reinforce this and a practical guide to how this would work in practice could be produced.

RESOLVED:

that the draft guidance on social networking and protecting e-identity be considered at the next meeting of this Committee.

46. 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

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.

47. COMPLAINT AGAINST A COUNCILLOR: TO NOTE ACTION TAKEN BY THE MONITORING OFFICER

The Monitoring Officer submitted a report informing the Committee of Other Action taken following a decision of the Standards Assessment Sub-Committee relating to a complaint that had been made in respect of the alleged conduct of a Councillor.

RESOLVED:

- 1) that the position be noted; and
- 2) that the Standards Committee is satisfied with the action taken by the Monitoring Officer.

48. CLOSE OF MEETING

The meeting closed at 6.57 pm

COMMENTS RECEIVED FROM COUNCILLOR WILLMOTT ON PROPOSED NEW STANDARDS REGIME

- There should be a standards regime at the city Council and it should be flexible and proportionate.
- It should be based on the Nolan principles
- It should include all members and the Elected Mayor
- The major issue with the current scheme is that it treats all complaints in the same way regardless of the seriousness, or potential seriousness.
- We need a system that is more proportionate and resolves matters much more rapidly.
- it needs to encompass officers of the council as a means of triggering the council's disciplinary procedure

I suggest that complaints about members are subject to a filtering process at the initial stage. This could be that all complaints have to be in writing. They are considered by the Chair and one other member of the Standards Committee. They can then proceed through one of three routes:

1. Be dismissed as not conforming to the rules/criteria or be considered to be vexatious. In which case the Chair would write giving reasons
2. A hearing in front of 3 members of the committee where both parties are requested to present their case, rather as in an employment appeal. Judgement and findings can be agreed at the time or it can be referred to stage 3. This process should be conducted swiftly, as it seems that many cases are about what one person says about another, or alleges they have been wronged, they do are not always about issues of fact, more of interpretation of standards of behaviour.
3. An independent investigation is carried out because the matter is so serious, or the facts so in doubt that more information is required before a judgement can be arrived at.

Reports of cases can be made to the main committee, and if it was felt that there should be a right of appeal/review this could go to the main committee.

I am not wedded to this particular process, but I do think we should bring both parties together as early as possible to state and defend their positions. The current process is shrouded in secrecy, and complaints get investigated without those being investigated having the opportunity to challenge/refute what has been alleged. I consider this to be contrary to natural justice. Any new system needs to ensure we comply with natural justice.

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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 the City Mayor 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. To appoint a Standards Advisory Board (chaired by an Independent Member) to scrutinise, hear and determine appropriate allegations (as set out in the Authority's "*Arrangements for dealing with Standards Complaints*") that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. Save in exceptional circumstances, to accept the recommendations of the Standards Advisory Board who have determined that an Elected or Co-opted Member of the Council has failed to comply with the City Council's Code of Conduct for Members, including its recommendations as to the appropriate remedy or sanction for such breach.
8. 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.
9. Temporary appointments of Independent Members may be made in accordance with the law and upon appropriate advice from the Monitoring Officer
10. The Standards Committee:

- Composition - The Standards Committee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted non-voting members of the Standards Committee, and it shall be chaired by an Elected Councillor. The Councillor make-up of the Committee will, wherever possible, reflect the political balance of the Council
- Quorum – The quorum for a meeting of the Standards Committee shall be three Councillor Members
- Frequency of Meetings –The Standards Committee will meet as and when required.

11. The Standards Advisory Board:

- Composition - The Standards Advisory Board shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted voting members of the Board, and it shall be chaired by an Independent Member.
- Quorum – The quorum for a meeting of the Board shall be three, with a majority or equal number of Independent Members (with the Independent Chair having the casting vote)
- Frequency of Meetings –The Standards Advisory Board will meet as and when required.

Matters Reserved to the Committee:

1. All matters of significance in respect of policy, governance or training are reserved to the Committee.
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 City Barrister and Head of Standards.

Appendix C

LEICESTER CITY COUNCIL

CODE OF CONDUCT FOR MEMBERS

1. Application

The Code of Conduct applies to you whenever you are acting in your capacity as a Member (to include co-opted Members and the Elected Mayor) of Leicester City Council, including:

- a. At formal meetings of the Council, its Committees and Sub-Committees, its Executive and Executive Committees
- b. When acting as a representative of the Authority
- c. In taking any decisions as a member of the Executive or as a Ward Councillor
- d. In discharging your functions as a Ward Councillor
- e. At briefings meetings with officers
- f. At site visits
- g. When corresponding with the Authority other than in a private capacity
- h. At any other time when you conduct the business of your Authority, or act (or claim to act, or give the impression you are acting) as a representative of the Authority

2. Principles

The Principles underpinning this Code of Conduct are that you will act with:

- a. Selflessness
- b. Integrity
- c. Objectivity
- d. Accountability
- e. Openness
- f. Honesty
- g. Leadership
- h. Respect for others
- i. A commitment to uphold the law

3. General conduct

You must, therefore:

- a. Respect others and not bully or intimidate any person
- b. Respect the confidentiality of information which you receive as a Member. In addition you must (i) not disclose confidential information to third parties other than in accordance with the law and (ii) not act to prevent a third party gaining access to information to which they are entitled in law
- c. Exercise your own independent judgement, paying due regard to any advice provided to you by the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and giving reasons for your decisions as required by the law and the reasonable requirements of the Authority
- d. Uphold the law at all times
- e. Uphold and promote the Authority's discharge of its Equality obligations, in particular to (i) eliminate discrimination (ii) promote equality of opportunity (iii) foster good relations
- f. Uphold and promote these principles by leadership and by example, and act in a way that secures and preserves public confidence
- g. Comply with the requirements regarding registration, declaration and participation in the Authority's business where you have a Disclosable Pecuniary Interest (DPI) or "Other Interest"
- h. When using the Authority's resources, do so in accordance with the Authority's requirements, and not use such resources improperly for political purposes
- i. Not conduct yourself in a manner which is likely to bring the Authority into disrepute
- j. Not use your position as a Member to improperly confer upon yourself or any other person an advantage or disadvantage, but act only to further the public interest
- k. Not do anything which compromises, or is likely to compromise, the impartiality of those who work for (or work on behalf of) the Authority

4. **Disclosable Pecuniary Interests (DPIs)** (see Table 1 enclosed)

You must:

- a. Ensure that your Register of Interests is kept fully up to date, and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPIs
- b. Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any DPI at any meeting at which you

are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.

- c. Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI)
 - “Meeting” is defined in accordance with section 1. above
 - The requirements cover not only subject Members but a DPI of any other “relevant person”, defined as spouse/civil partner, or someone with whom the Member is living as though they were a spouse or civil partner
 - Separate provisions within the Constitution and the Guidance issued with the Register of Interests provide for the circumstances in which a Member should, as a result of a DPI, withdraw from relevant meetings, or may seek a “dispensation”, or may ask that the interest be treated as “sensitive”

5. Other Disclosable Interests (ODIs) (pecuniary or non-pecuniary)

Aside from the statutorily defined DPIs, you may have another type of interest in a matter being discussed. These will be of category 5(b) or 5(c) below and you will either:

- disclose that interest, or
- disclose and withdraw from the meeting.

You will have an “Other disclosable interest” in an item of business of the Authority where:

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family or a person with whom you have a close association (see below), to a greater extent than it would affect the majority of Council Tax payers, ratepayers or inhabitants of the Ward or electoral area, or

It relates to, or is likely to affect, the interests listed in Table 1 but in respect of a family member or someone with whom you have a close association (not being a “relevant person” as defined in section 4 above)

- a. You may need to register such “other disclosable interests” into the Register of Interests operated by the Monitoring Officer
- b. If you attend a meeting at which any item of business is to be considered and you are aware that you have an “other declarable interest” in that item, you should make verbal declaration of the existence and nature of that interest at or before the consideration of that item of business, or as soon as the interest becomes apparent
- c. **Where your “other disclosable interest” (ODI) is of a nature where a member of the public, who knows the relevant facts, would reasonably think your “other disclosable interest” is so significant that it is likely to prejudice your judgement of the public interest you should disclose and withdraw from participating in respect of that matter**
 - “close association” is not defined in law but would reasonably include someone with whom you are in regular or irregular contact over a period of time, who is more than an acquaintance, and is someone whom a reasonable member of the public might think you were prepared to favour or disadvantage when discussing a matter that affects them.

6. Gifts and Hospitality

- a. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority
- b. The Monitoring Officer will place your notification on a public register of gifts and hospitality
- c. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

7. Other

Breaches of this Code will be dealt with under the “Standards Arrangements” as approved by Council on 28.06.12

By virtue of section 28(4) Localism Act 2011 a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with this Code

Table 1

Categories of DPIs

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the</p>

relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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Appendix D

ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS AT LEICESTER CITY COUNCIL UNDER THE LOCALISM ACT 2011

A. CONTEXT

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this Authority has failed to comply with the Authority’s Code of Conduct, and sets out how the Authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Authority or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member against whom an allegation has been made

B. THE CODE OF CONDUCT

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority’s website and on request from Reception at the Civic Offices.

C. PRINCIPLES UNDERLYING THE NEW SCHEME

The following principles should underpin Leicester City Council’s arrangements:

- a. There should be simplicity to the scheme so that it is easily understood and transparent
- b. There should be flexibility at every stage of the process for informal resolution and / or robust decisions to be taken about “no further action”.
- c. There should be Member involvement at key stages in the process.
- d. There should be the involvement of Independent Members (IM) at key stages of the process.
- e. The Monitoring Officer should have greater powers to deal with complaints relating to the Code of Conduct.
- f. Rights for complainants to seek a “review” of a decisions at various stages should be limited, consistent the reduced scope and severity of allowable outcomes that can be imposed under the new regime
- g. At any stage in the process where it is clear that a matter should be referred to the police this should be done and the local investigation should terminate.

D. THE NEW PROCESS

These “arrangements” set out how a person may make a complaint that an elected or co-opted Member of this authority has failed to comply with the Authority’s Code of Conduct and sets out how the Authority will deal with allegations of a failure to comply with that Code. These arrangements are made under Sections 28(6) & (7) Localism Act 2011. These arrangements also provide for the Authority to appoint at least one Independent Person (IP) whose views must be sought before any decision on an allegation is made after investigation. The views of this Independent Person can be sought by the authority at any other stage or by a Member against whom an allegation is made (the subject Member).

1. Who can complain?

Complaints must be about Elected Members (to include the Elected Mayor) or co-opted members and can be made by members of the public, Elected Members or officers of the Council.

2. To whom must a complaint be made?

Complaints must be made to the Monitoring Officer by writing to:

The Monitoring Officer
Legal Services Division
Leicester City Council
A Block, New Walk Centre
Leicester
LE1 6ZG

Or email: monitoringofficer@leicester.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that all of the correct information is available to process the complaint they should preferably be submitted on the model complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices.

The complainant should provide their name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of the complaint and keep them informed of its progress. If the complainant wishes to keep their name and address confidential this should be discussed with the Monitoring Officer. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

3. How to complain?

Complaints must be made in writing either by letter, e-mail or on-line. Anonymous complaints will not be accepted because of the difficulties they cause with investigation. Appropriate safeguards for employees of the Council wishing to make a standards complaint will be afforded in parallel to those that might apply under the whistle blowing policy. The whistle blowing policy itself is not applicable to standards complaints as it is an employee/employer legal protection. Safeguards will also be in place, at the discretion of the Monitoring Officer, to protect confidential or sensitive information about a complainant, the disclosure of which may cause, or be likely to cause, "serious harm"

The complainant should be encouraged (either through questions on the standard complaint form or through subsequent discussion for clarification) what remedy is sought. This will help to identify informal methods of resolution at the earliest stages.

4. What will happen to the complaint?

The complaint will be acknowledged with the complainant within 5 working days

The complaint will also be notified to the subject Member within 5 working days, save where there are exceptional reasons for the Monitoring Officer agreeing with the complainant that there are elements of it, or the entirety of it, that must be kept confidential at this initial stage

Within 15 further working days the following actions will be taken by the Monitoring Officer, after consultation with the Independent Person:

- a. Revert to the complainant to seek further clarification.
- b. Reject the complaint on the grounds that it is not related to the Code of Conduct, or may be covered by another process
- c. Reject the complaint on the basis that it is (i) trivial or (ii) not in the public interest to pursue or (iii) vexatious.
- d. Recommend informal resolution (i.e. complaint potentially valid and substantiated but of sufficiently low level not to warrant investigation).
- e. Refer the matter for further fact finding by Monitoring Officer (where informal resolution not appropriate or not agreed).
- f. Refer the matter for immediate further investigation.
- g. In exceptional cases, refer the matter to the Standards Committee or subcommittee thereof for a decision on a. to f. above on the grounds that the Monitoring Officer feels it would be inappropriate to make the decision himself/herself.

The complainant and the subject Member will receive a letter after expiry of the 15 days indicating which of the above outcomes is to be pursued.

Rejection of a complaint - can be on 'process' related grounds (b. above) or merits grounds (c. above). The complainant may seek a "review" of a decision only under outcomes b. or c. Such requests must be lodged with the Monitoring Officer within 15 working days of receipt of the outcome letter. Any Review will be undertaken by the Monitoring Officer, this time in consultation with a different Independent Person.

Matters referred for fact finding – this will apply in cases where the complaint ostensibly has merit (and in addition, informal resolution is not appropriate or agreed) and an account now needs to be taken from the subject member. The Monitoring Officer will undertake this fact finding exercise by inviting the member to attend for a discussion within 10 working days. After obtaining the subject Member's factual account the Monitoring Officer will engage with the Independent Person (IP) to decide on next steps. The next steps will comprise either of a decision for no further action or for informal resolution or be referred for formal investigation.

The importance of the fact finding stage is not only to obtain the member's account in the interests of fairness before the matter is potentially escalated, but also to give another opportunity for amicable resolution (with the added input of the IP)

Informal resolution - may incorporate acceptance by the subject Member that their behaviour was unacceptable and the offer of apology to the complainant, or other remedial action at the discretion of the Monitoring Officer (e.g. an offer of training).

Note that the above procedure eliminates the role currently fulfilled by the Assessment Sub-Committee. It is proposed that the Monitoring Officer, in conjunction with the Independent Person, if required, makes all decisions up to and including referral for investigation

In the case of all outcomes up to and including referral for formal investigation, the Monitoring Officer will report outcomes to the Standards Committee by quarterly report

Formal investigation - should the matter warrant detailed investigation, the Monitoring Officer will appoint an investigating officer. The investigator will conduct a thorough review within three months. Upon receipt of the investigator's report by the Monitoring Officer he/she will refer the matter for further decision to the Standards Committee or subcommittee thereof (this time with the mandatory requirement to consult the Independent Person) who may determine:

- no further action
- informal resolution
- referral for hearing

The option of 'no further action' may only flow from an investigator's own conclusion that no breach has occurred.

The option of 'informal resolution' may only flow from agreement of the Standards Committee that a breach warrants such resolution. If such resolution is not achievable then the matter should proceed to hearing

If the matter is referred for hearing then a hearing subcommittee will be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearings Panel is a sub-committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The complainant and the subject member would be written to and given reasons for any decision following a formal investigation, and no rights of review shall be afforded, save the right to challenge the process by way of Judicial Review or referral to the Local Government Ombudsman if appropriate

5. Outcomes

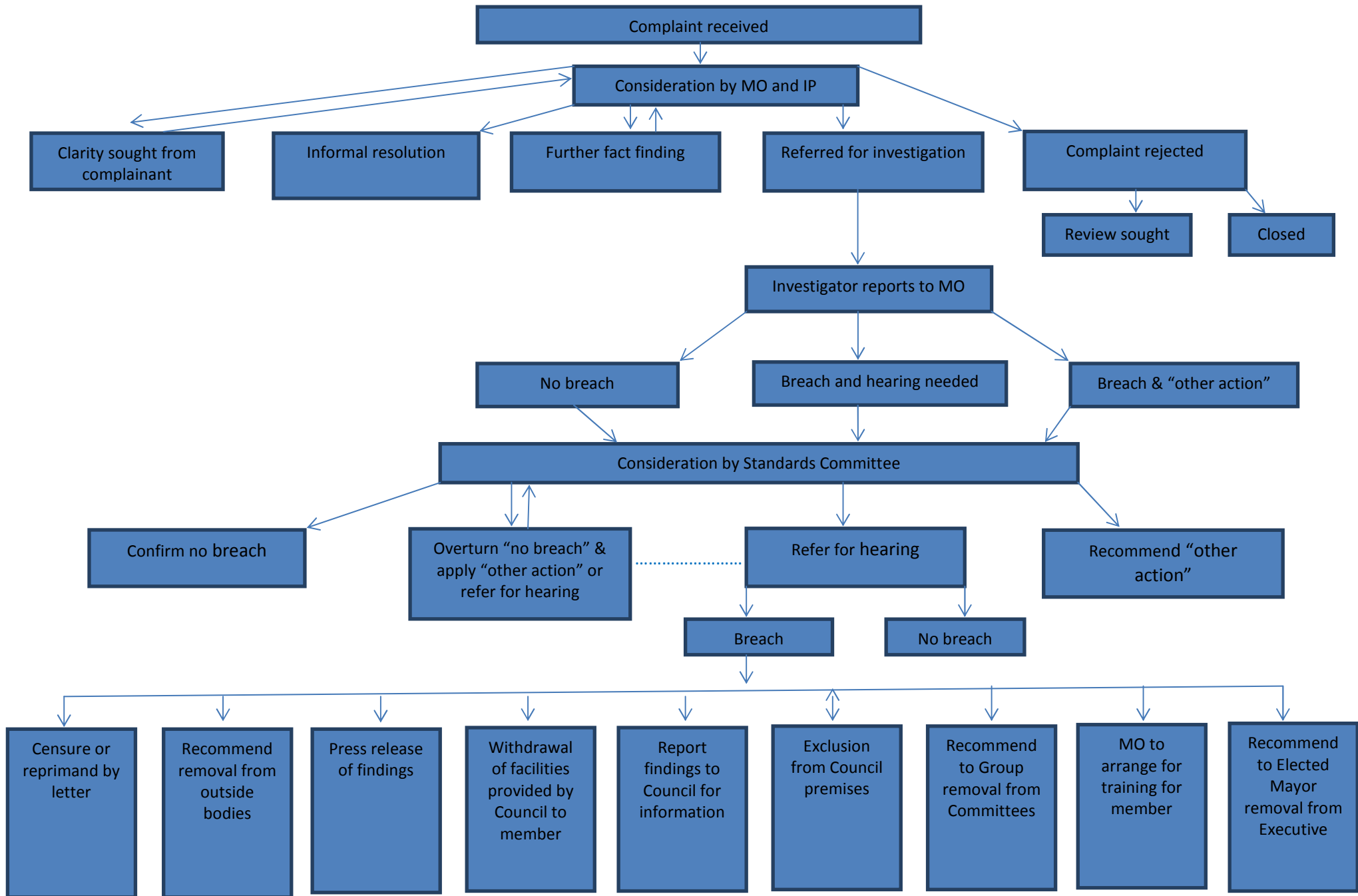
The Hearing Committee may make recommendations to the Standards Committee for:

- a. Censure or reprimand the Member by letter
- b. Press release of findings
- c. Report findings to Council for information (with or without a subsequent motion of censure being proposed by Council)
- d. Recommendation to Group (or Full Council in the case of ungrouped Members) of removal from Committees/subcommittees of Council
- e. Recommendation to Elected Mayor that the Member be removed from The Executive, or from particular portfolio responsibilities
- f. Recommendation that the Member be removed from outside bodies to which they have been appointed by the Council
- g. Withdrawal of facilities provided to the Member by the Council
- h. Excluding the Member from the Council's offices or other premises (with the exception of accessing meetings of Council, Committees and subcommittees)
- i. Instructing the Monitoring Officer to arrange training for the Member

6. Revision of these arrangements

The Council may by resolution agree to amend these arrangements at any time, and delegates to the Monitoring Officer and/or Chair of the Standards Committee the right to depart from these arrangements where he/she considers it is necessary to do so in order to secure effective and fair consideration of any matter

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Appendix E

Miscellaneous revisions to the Constitution consequent to the Council's adoption of new a Standards 'Code' and 'Arrangements' in June 2012

Recommendation 3.4 - To agree the revised wording of Article 10 of Part 2 of the Constitution

The current wording is as follows:

Article 10 – The Standards Committee

10.01 Standards Committee

The Council will establish a Standards Committee. Sub-Committees will also be established as required.

10.02 Role and Function

The Standards Committee will be responsible for promoting and maintaining high standards of conduct by Councillors and co-opted members and officers. It will have roles and functions as set out in Part 3 of this Constitution.

10.03 Composition

Membership

Membership will be determined by the Council each year at the Annual Meeting. This may be varied by the Council from time to time. It will be composed of at least:

- Three Councillors (other than the Lord Mayor); and*
- Two persons who are not Councillors or officers of the Council or any other body having a Standards Committee (Independent Members), who shall be appointed for any period as decided on by the Council. Membership will not include the City Mayor.*

Quorum.

The quorum of the Standards Committee is three members, including an independent member.

10.04 Independent Members.

Independent members will be entitled to vote at meetings.

10.05 Chairing the Committee.

The Committee will be chaired by one of the Independent Members

The proposed wording is as follows:

Article 10 – The Standards Committee

10.01 Standards Committee

The Council will establish a Standards Committee. Sub-Committees (the Standards Advisory Board and various Hearing subcommittees) are to be created as and when required.

10.02 Role and Function

The Standards Committee will be responsible for promoting and maintaining high standards of conduct by Councillors and co-opted members and officers. It will have roles and functions as set out in Part 3 of this Constitution.

10.03 Composition

Membership

Membership will be determined by the Council each year at the Annual Meeting. This may be varied by the Council from time to time. It will be composed of:

- Four Councillors; and,*
- Five persons who are not Councillors or officers of the Council (Independent Members), who shall be appointed for any period as decided on by the Council.*

Quorum.

The quorum of the Standards Committee, and its associated Standards Advisory Board, shall be in accordance with the detailed provisions set out in Part 3 of the Constitution

10.04 Independent Members.

Independent members will be co-opted non-voting members of the Standards Committee, and will have full voting rights when they sit on the Standards Advisory Board. .

10.05 Chairing the Committee.

The Standards Committee will be chaired by an elected member. The Standards Advisory Board will be chaired by an Independent Member

Recommendation 3.5 - To agree the appointment of two Independent Persons pursuant to the authority granted on 28th June 2012 to the Director of Delivery, Communications and Political Governance and the Monitoring Officer to recruit to the aforementioned roles:

The recruitment of Independent Persons was conducted by the Director of Delivery, Communications and Political Governance and the Monitoring Officer. It involved the creation of a Job Description and Person Specification; advertising in local media; shortlisting of written applications and interview. The successful candidates recommended to Council are:

1. David Lindley
2. Caroline Roberts

Mr Lindley is a retired Deputy Chief Constable who used to have a national role for ACPO in terms of standards and has a wealth of experience.

Mrs Roberts is a magistrate who already sits on our Children's Safeguarding Board, School Appeals Panel and who has been involved some years ago as a member of our Standards Committee and for the Police and Fire Authorities

Their Allowance is £2,000 each plus travel expenses, this is less than was paid previously to the Independent Chair of the Standards Committee and is felt reasonable in accordance with the level of work they will be required to undertake.

Recommendation 3.6 - To note the appointment of four Independent Members of the Standards Committee/Standards Advisory Board, recruited by the Director of Delivery, Communications and Political Governance and the Monitoring Officer pursuant to the authority granted to them on 28th June 2012

The recruitment of Independent Members of the Committee/Board was conducted from the same exercise in which Independent Persons were selected. Those candidates who were unsuccessful in being selected for appointment as Independent Persons, but who nevertheless displayed all of the skills and aptitudes required for appointment as Independent Members, were invited to nominate themselves for that role. They are:

1. Desmond Henderson who was previously employed as an Investigator for the Independent Police Complaints Commission and was previously an independent member on the Standards Committee for Oadby and Wigston Borough Council.
2. Amanda Fitchett who is the Course Director of the MA Social Work course at the University of Leicester and who is also actively involved in voluntary work for young people linked primarily to children's safeguarding.

3. Glynis Middleton who is a Senior Probation Officer for Leicestershire and Rutland Probation Trust and who has been previously seconded to the Ministry of Justice and has worked for the Welsh Assembly Government.
4. Joanne Holland who is a self-employed Civil Mediator and who previously worked for the Ministry of Justice running the small claims mediation service for the East Midlands.

Their allowance is £492 each in accordance with agreed allowance for co-opted and independent members set out in the current members allowance scheme.

Recommendation 3.7 - To agree a Standing Order as per the revised wording of Article 2.04 in Part 2 of the Constitution dealing with the withdrawal of Members from meetings where they have a Disclosable Pecuniary Interest (DPI) or a “prejudicial” Other Disclosable Interest (ODI)

The current wording of Article 2.04 is as follows:

2.04 Conduct

The City Mayor and Councillors will at all times observe the Members’ Code of Conduct and the Political Conventions on Member/Officer Relations as set out in Part 5 of this Constitution.

The proposed wording is as follows:

2.04 Conduct

- a) *The City Mayor and Councillors will at all times observe the Members’ Code of Conduct and the Political Conventions on Member/Officer Relations as set out in Part 5 of this Constitution*
- b) *Members and co-opted members who have a Disclosable Pecuniary Interest (DPI) or a ‘prejudicial’ Other Disclosable Interest (ODI) must declare that interest (unless it already appears in that Member’s the Register of Interests) and withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business (including the voting) in which he/she has a DPI or prejudicial ODI, except where permitted to remain as a result of the grant of a valid dispensation.*
- c) *Where a Member or Co-opted member is involved in matters which can be determined by a single member without a meeting (for example where an Individual Executive Decision can be made, or where a member has*

delegated powers to decide a Ward matter) they too must adhere to the rules requiring disclosure, registration and cessation from further involvement in that matter where they have a DPI or "prejudicial ODI. They must not take any steps, or any further steps, in relation to that matter except for the purpose of enabling the matter to be dealt with otherwise than by themselves. Equally, they must not attend any meeting at which that matter falls to be further discussed.

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