



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: THURSDAY, 5 SEPTEMBER 2013

TIME: 5:30 pm

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

Members of the Committee

Councillor Waddington (Chair)
Councillor Shelton (Vice-Chair)

Councillor Sood
One Non-Grouped Member Vacancy

Ms Amanda Fitchett (Independent Member)
Mr Desmond Henderson (Independent Member)
Ms Joanne Holland (Independent Member)
Two Vacancies (Independent Members)

Standing Invitees:
Mr David Lindley (Independent Person)
Ms Caroline Roberts (Independent Person)

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

for the Monitoring Officer

Officer contact: Graham Carey
Democratic Support, Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8813 Fax. 0116 229 8827)

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 Graham Carey, Democratic Support on 0116 229 8813 or email Graham.Carey@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. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

3. MEMBERSHIP OF THE COMMITTEE

The Annual Council Meeting on 23 May 2103 appointed the following members of the Committee for the municipal year 2013 /14.

Councillors:

Chair: Councillor Waddington

Vice Chair: Councillor Shelton

Councillor Sood

1 Non-Grouped Member*

*Note – The Non-Grouped Member place will remain vacant until further notice. The place was offered to the Non-Grouped Members but no one wished to take the place.

Independent Members:

Amanda Fitchett

Desmond Henderson

Joanne Holland

4. DATES OF COMMITTEE MEETINGS

The Committee is asked to note that future meetings will take place on the following dates:

Thursday 7 November 2013

Thursday 30 January 2014

Thursday 10 April 2014

Wednesday 21 May 2014

All meetings are scheduled to take place at 5.30 pm in the Fountain Room, Ground Floor, Town Hall, Leicester.

5. MINUTES OF PREVIOUS MEETING

Appendix A

The minutes of the meeting of the Standards Committee, held on 14 November

2012, are attached and Members are asked to confirm that they are a correct record.

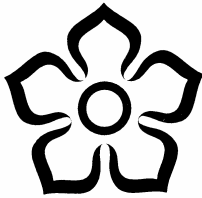
6. REVISION TO STANDARDS CODE AND ARRANGEMENTS

Appendix B

The Monitoring Officer to submit a report on the revised 'Code' and 'Arrangements' for dealing with complaints against Members and co-opted Members under the Localism Act 2011.

Members are asked to comment on the revised version of the 'Code' and 'Arrangements', prior to them being submitted for approval to the Council Meeting on 19 September 2013.

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 14 NOVEMBER 2012 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)

Councillor Shelton

Councillor Sood

Also present:

Mr Desmond Henderson	Independent Member
Ms Joanne Holland	Independent Member
Mr David Lindley	Independent Person
Ms Glynis Middleton	Independent Member
Ms Caroline Roberts	Independent Person

* * * * *

16. INQUORATE MEETING

As the meeting was inquorate at its start, it was agreed that the meeting would continue, with discussions on the agenda items being held and recommendations made where appropriate.

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Grant, Amanda Fitchett (Independent Member) and Caroline Roberts (Independent Person).

18. APPOINTMENT OF VICE-CHAIR

RECOMMENDED:

That Councillor Shelton be appointed as Vice-Chair of the Committee for the remainder of the municipal year.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the meeting held on 1 October 2012 be confirmed as a correct record.

21. QUORATE MEETING

The meeting became quorate, and thus able to resolve matters where needed, at 5.34 pm with the arrival of Councillor Sood at the meeting.

22. MATTERS ARISING FROM THE MINUTES

Further to minute 10, "Changes to Constitution – Standards Committee", members were reminded that the quorum of the Standards Advisory Board was three, with a majority or equal number of Independent Members. As such, if more than one Independent Member was absent from a Board meeting, one or more Councillors could be required to withdraw. The Committee therefore was asked to consider whether it still wished to leave the current vacancy for an Independent Member unfilled.

RESOLVED:

That the vacancy for an Independent Member be not filled at present, but that this position be reviewed if further vacancies arise, or if problems are experienced in determining attendance at Standards Advisory Board meetings.

23. INVESTIGATION OF MEMBER MISCONDUCT

The Monitoring Officer submitted a flowchart explaining how complaints about Councillors were dealt with. From this, it was noted that the Monitoring Officer considered complaints in consultation with an Independent Person from the time the complaint was received. This ensured that it was clear that the complaint was being dealt with objectively.

It was stressed that Independent Persons were statutory advisers, not decision-makers. As such, the Standards Advisory Board could decide to not accept their advice. If this happened, the minutes of the meeting would need to record the advice and the Board's reasons for departing from it.

The Monitoring Officer also reminded the Committee that it had asked at its last meeting that the Monitoring Officer revisit the range of sanctions available to the Committee under the new "Arrangements" following the investigation of member misconduct. Advice on this was submitted to the Committee.

From this advice, the Committee noted that, if a letter of sanction was to be sent to a Councillor, the Chair of the relevant meeting of the Standards Advisory Board would, before the letter was sent, consult the Board members who had made the decision, so that the letter could be sent in the name of the Board.

It was suggested that Council could be asked to delegate powers to the Standards Committee to remove a Councillor from a committee on the recommendation of the Standards Advisory Board. This would only apply to those appointments made by Council, but a report could be made to Council suggesting that the Standards Committee's terms of reference be changed to permit this.

However, it was noted that a lot of appointments were not made by Council, so this course of action would not cover these. For example, the Group Whip(s) would need to be contacted for appointments made by them. This meant that the only course of action for ungrouped Members would be to obtain Council approval to their removal, which would lead to there being one regime for grouped Members and a different one for ungrouped.

In view of concerns about parity of treatment of grouped and ungrouped Members, it was suggested that a recommendation be made to Council that all Members be asked to agree that all removals from committees as a sanction be delegated to the Standards Committee, irrespective of who made the original appointment.

The Committee questioned how a sanction could be imposed. For example, would a Councillor against whom sanctions had been recommended have a right to make representations to either the Standards Advisory Board and/or the Standards Committee? the Monitoring Officer undertook to clarify this.

RESOLVED:

- 1) That the flowchart explaining how complaints about Councillors were dealt with be noted; and
- 2) That the Monitoring Officer be asked to clarify whether the power of sanction now lies with the Standards Advisory Board hearing a particular case, or with the Standards Committee.

RECOMMENDED:

That the power to remove any Councillor from a Committee as a sanction following a complaint made about that Councillor be delegated to the Standards Committee, to ensure parity of treatment of grouped and ungrouped Councillors.

24. POLITICAL CONVENTIONS

The Monitoring Officer submitted revisions to the Political Conventions that were being prepared, noting that the Conventions had not been significantly

rewritten.

The following points were made during discussion:-

- The obligations on Members during election periods were not clear, as they currently were included in the “Convention” column of Section 8;
- It could be useful to expand the Convention relating to publicity during election periods, (third bullet point of Section 8, “Election Periods”). However, it was noted that it had been worded in this way so that it related to all elections; and
- It would be useful to expand the Conventions relating to Election Periods to cover social media.

RESOLVED:

- 1) That the Monitoring Officer be asked to make the following amendments to Section 8 the draft Political Conventions (Election Periods):-
 - a) the obligations on Members to be moved from the “Convention” column to the “Members” column; and
 - b) consideration to be given to whether this Convention needs expanding to cover the use of social media during election periods;
- 2) That the draft Political Conventions be referred to the Overview Select Committee for comment and to increase the awareness of Councillors of the Conventions; and
- 3) That the Political Conventions be resubmitted to this Committee when feedback has been received from the Overview Select Committee.

25. DISCLOSURE STRATEGY FOR LEICESTER CITY COUNCIL

The Monitoring Officer submitted a report setting out the Council’s strategy in respect of disclosures that could be made by a range of people about the conduct of local authority staff.

The Monitoring Officer advised the Committee that this Strategy had arisen from a request for a Whistleblowing Policy, but it did not give guidance on expected standards of behaviour. It therefore was proposed to introduce a suite of policies, combined in to a Disclosure Strategy, to ensure that the correct protection was given to people with different needs.

“Whistleblowing” was a very explicit legal term that gave employees protection at work, including redress through a tribunal if they felt they had been unfairly dismissed for whistleblowing. It was felt that the Whistleblowing Policy

proposed was robust, encouraging the right type of disclosures at the right level, but not discouraging people from disclosing concerns. If a complaint was legitimate, it would be considered and the staff member dealt with, but there was no automatic right for the whistleblower to know the outcome(s) of their report.

The Monitoring Officer reported that there had been some debate amongst Members and officers about whether Whistleblowing reports should be considered internally, or through an external agency. There was concern that making the reports to an external agency could lead to a lot of trivial reports being made. It therefore had been decided to keep the process in-house, so that it was kept in one place.

It was noted that:-

- The Whistleblowing Policy gave protection on an individual basis, (as this was an employment law remedy), although the malpractice reported could include more than one person;
- The Committee suggested that it could be stressed in section 9 of the Whistleblowing Policy, (“Protection and Support for Whistleblowers”), that protection applied to individuals, so anonymous reports were not encouraged;
- The Whistleblowing Policy stated that an individual should report malpractice to the next relevant person in seniority in their service. This meant that it did not have to be the immediate supervisor if that manager was involved in the malpractice being reported. If the whistleblower had doubts that anyone in their section would deal with the matter appropriately, the policy gave the option of reporting the matter to Human Resources or the Monitoring Officer;
- The Committee requested that the wording of the Policy be reviewed, to ensure that all options for reporting malpractice were clear all of the way through the Policy;
- The Committee also suggested that an option be included in the policy of speaking to trade unions if a whistleblower had concerns about speaking to managers. However, there was concern that trades unions often kept reports anonymous, which could be unhelpful. It was hoped that trades unions would take joint ownership of the Policy and guide their members to complain in their own right. This was important, as legal protection could only be attached to an individual;
- All officers were encouraged to strictly follow the remedies outlined in the policy. This would be especially important if the whistleblower felt they had to resign as a result of their actions; and
- A deficiency of previous policies had been their lack of profile. A suite of training therefore was being arranged for all tiers of staff, (but particularly

managers), on all of the policies being redesigned, including how to deal with complaints. This would stress that processing whistleblowing reports was a legal obligation.

RESOLVED:

- 1) That the Monitoring Officer be asked to consider the following amendments to the Whistleblowing Policy:-
 - a) the wording of the Policy be reviewed, to ensure that all options for reporting malpractice are clear all of the way through the Policy;
 - b) that the second sentence of paragraph 5.2 of the Policy be amended as follows (new text in italics):

“Should the Monitoring Officer consider that your concern should not have been raised with them, *they will discuss with you how your concern will be dealt with* ~~it will be redirected to your line manager or another appropriate manager.~~”; and
 - c) that it be emphasised in section 9 of the Policy, (“Protection and Support for Whistleblowers”), that protection applies to individuals, so anonymous reports are not encouraged; and
- 2) That any further comments on the revised Whistleblowing Policy be passed to the Monitoring Officer.

26. WORK PROGRAMME

RESOLVED:

- 1) That the Committee’s work programme be noted; and
- 2) That a report be submitted to the meeting scheduled for March 2013 summarising complaints received over the previous year and the action taken on these.

27. 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

28. 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 no review request had been received in relation to complaint reference 2012/15.

The Monitoring Officer confirmed that letters sent to complainants were being developed to include information on what had been learned from incidents reported.

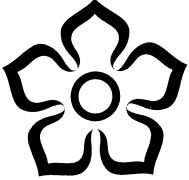
RESOLVED:

That the report be noted.

29. CLOSE OF MEETING

The meeting closed at 6.46 pm

This page is left blank intentionally.



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Standards Committee

5th September 2013

Standards 'Code' & 'Arrangements' - revisions

Report of the Monitoring Officer

1. PURPOSE OF REPORT

To seek the approval of Standards Committee and Full Council to the revised "Code" and "Arrangements" for dealing with complaints against Members and co-opted Members under the Localism Act 2011.

2. SUMMARY

The Council adopted a new Code of Conduct (and associated 'Arrangements') on 1st July 2012 pursuant to changes in the law. The attached Appendices represent minor modifications to that documentation, based on the first full-year's experience of operating the Scheme. The changes are largely designed to make the processes easier to follow, or to provide clarification of meaning.

3. RECOMMENDATIONS (OR OPTIONS)

That the Standards Committee receives the revised version of the Code and the Arrangements and makes comments thereon. The approved version will be submitted to Full Council on 19th September for inclusion in the Constitution, as part of a wider review/update of the latter document.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

None

4.2 Legal Implications

The report is concerned throughout with legal implications. The changes are required as a result of legislative changes brought about by The Localism Act 2011.

5. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities	NO		
Policy	YES		
Sustainable and Environmental	NO		
Crime and Disorder	YES		
Human Rights Act	NO		
Elderly/People on Low Income	NO		
Corporate Parenting	NO		

6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

7. CONSULTATIONS

8. REPORT AUTHOR

Kamal Adatia, Monitoring Officer, Tel 0116 454 1401

Appendix B1

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

* The Code therefore applies when performing your duties in meetings, or when acting alone

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 Disclosable Interest (ODI)"
- 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

(The above list is not exhaustive, and any conduct which breaches the principles set out in section 2 can constitute a breach of this Code)

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

In addition to conducting yourself in accordance with the principles set out in section 2 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 withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI), by either leaving the room or by ceasing further participation in the item (where acting alone outside of a meeting)

- The requirements cover not only DPI's of 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 law provide for the circumstances in which a Member 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 A. or B. below and you will either:

- disclose that interest (regular ODI), or
- disclose and withdraw from the meeting (prejudicial ODI).

A. Regular ODI

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

- You may need to register such "Other Disclosable Interest" into the Register of Interests operated by the Monitoring Officer
- If you attend a meeting at which any item of business is to be considered and you are aware that you have an "ODI" 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

B. Prejudicial ODI

In addition to the above:

Where your 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	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. 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).
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the 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.

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. <http://www.leicester.gov.uk/councillors-democracy-and-elections/complaints-about-councillors/>

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) and the Independent Person (IP) 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 with 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 be **suspended**.

D. THE NEW PROCESS

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: monitoring-officer@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 and is available on request from Reception at the Civic Offices.

The complainant should provide their name and a contact address or e-mail 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. 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 (by sending a copy of the full complaint) 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. Refer the matter for further fact finding by Monitoring Officer (where further information is needed before deciding what route to follow).
- c. Reject the complaint on the grounds that it is not related to the Code of Conduct, or may be covered by another process
- d. Reject the complaint on the basis that it is (i) trivial or (ii) not in the public interest to pursue or (iii) vexatious.
- e. Recommend informal resolution (i.e. complaint potentially valid and substantiated but of sufficiently low level not to warrant investigation).
- 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.

Review of a complaint - The complainant may seek a “review” of a decision only under outcomes c. d. or e. 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 - The Monitoring Officer will undertake this fact finding exercise by inviting the Member to attend for a discussion within 10 working days, or submitting information in writing. 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 outcomes c. to g. above.

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). The outcome of 'informal resolution' does not require approval of the complainant or the subject Member (though the complainant may exercise a right to seek a "review" as per above)

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 updating report at each meeting

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 (acting through its Standards Advisory Board), this time with the mandatory requirement to consult the Independent Person, who may determine:

- no further action
- referral for hearing

The option of 'no further action' may only flow from an investigator's own conclusion that no breach has occurred. If the Investigator finds breaches, then the Board cannot decide, without a hearing, that no breach has occurred and no further action needs to be taken.

The option of 'informal resolution' is not available once a matter has been referred for formal Investigation (and the Investigator finds breaches). Equally, where the Board refer a matter for hearing in order to establish if breaches have occurred (for example after disagreeing with an Investigator who concludes there have been no breaches) informal resolution will not, at that point, be a viable outcome because the matter has ceased to be dealt with 'informally'.

If the matter is referred for hearing then a Hearing Panel will be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearing Panel is a sub-committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Hearing Panel and his/her views are sought and taken into consideration before the Hearing 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 misconduct.

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 Panel 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

This page is left blank intentionally.