

Leicester
City Council

Public Document Pack

MEETING OF THE STANDARDS COMMITTEE

DATE: THURSDAY, 31 OCTOBER 2002

TIME: 5.30 PM

**PLACE: COMMITTEE ROOM 1, 'B' BLOCK, NEW WALK CENTRE,
KING STREET, LEICESTER**

Members of the Committee

Councillors Coley, Draycott, and O'Brien

Ms. Jill Bellingham (Independent Member) (Chair for this meeting)

Mrs. Caroline Roberts (Independent Member)

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

for Town Clerk

*Officer contact: Frances Wake
Committee Services, Town Clerk's Department
Leicester City Council
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(Tel. 0116 252 6028 Fax. 0116 247 1181)*

INFORMATION FOR MEMBERS OF THE PUBLIC

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If there are any particular reports that you would like translating into Braille or providing on audio tape, the Committee Administrator can provide this for you (production times will depend upon equipment/facility availability).

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PUBLIC SESSION

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

2. MINUTES OF PREVIOUS MEETINGS

Appendix A

The Minutes of the ordinary meeting of the Committee held on 9 January 2002 and the special meeting of the Committee held on 29 July 2002, are attached and the Committee is asked to confirm them as a correct record.

3. COMPLAINTS AGAINST MEMBERS

Appendix B

The Town Clerk submits a report which reviews the approach to complaints against Members, in the light of the Standards Board's procedures. The Committee is asked to give guidance on the preferred approach, so far as imminent Regulations permit.

4. DISPENSATIONS

Appendix C

The Town Clerk submits a report informing the Committee of its power to grant Dispensations with regard to interests both to Members of the Council and voting co-opted members. The report also details the arrangements to ensure adherence to this process. The Committee is asked to note the Regulations, endorse the need for all Members to review their potential need for dispensation, particularly well in advance of the budget consideration; and note that consideration of dispensation requests will in future appear as a Standard item on the Committee's agenda and is likely to form a significant part of the next two agendas. The Committee is also asked to note the likelihood of the need for urgent meetings to consider dispensation applications should there be a change in Members' circumstances.

5. TRAINING AND DEVELOPMENT

Appendix D

The Town Clerk submits a report proposing a forward programme of training and development for Members of the Standards Committee, Elected Members and officers of the Council to ensure that matters of probity and Standards of Conduct are embedded within the organisation. The Committee is asked to comment on the proposed programme.

6. OVERVIEW OF COMMITTEE'S CURRENT ROLE AND WAYS OF RAISING ITS PROFILE

Appendix E

The Town Clerk submits a report which reviews the current role of the Standards Committee and the way in which its profile can be raised. The Committee is asked to comment on the proposals in the report.

7. ANY OTHER URGENT BUSINESS

8. PRIVATE SESSION

AGENDA

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, and consequently that the Committee makes the following resolution:-

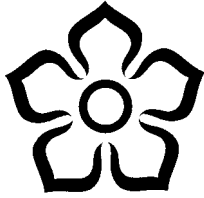
"that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act."

Paragraph 1

Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office holder under the authority.

9. AGENDA NOTE: COMPLAINTS RELATING TO ELECTED MEMBERS

The Town Clerk will brief Members regarding the numbers and nature of complaints against Elected Members received since the adoption by the Council of the new National Code of Conduct and revised Political Conventions in November 2001.



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY 09 JANUARY 2002 at 5.30pm

P R E S E N T :

Ms Jill Bellingham (Independent Member) (Chair)

Councillor Coley

Councillor O'Brien

Councillor Draycott Mrs Caroline Roberts (Independent
Member)

17. DECLARATIONS OF INTEREST

Members were requested to declare any interests they may have in the business on the agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applied to them.

No declarations were made.

18. MINUTES OF PREVIOUS MEETING - 12 SEPTEMBER 2001

RESOLVED:

That the Minutes of the meeting held on 12 September 2001, having been circulated to Members, be received, taken as read and signed by the Chair as a correct record.

19. NEW MODEL CODE OF CONDUCT FOR MEMBERS - IMPLEMENTATION

The Town Clerk submitted a report which identified the key provisions and requirements of the new Model Code of Conduct for Members and the necessary measures to ensure both compliance and its effective implementation.

It was noted all Members, including co-opted Members, were bound by the Model Code and must agree in writing within two months of its adoption, that they would observe the provisions of the Code. If any Member failed to sign up to the Code within the statutory timescale, they would cease to be a Member of the Council. It was noted that the two month deadline was 29 January 2002 and not 26 January, as detailed in the report.

It was proposed to publish the Registers of Members' Interests on the Internet

and Intranet, although it was noted that under the provisions of the Data Protection Act, a Member could refuse to have their Register details published in this medium.

Members were asked if they supported the proposal that Members be advised to take advice from the Town Clerk, in the first instance, before taking up any issues with the Standards Board for England.

Members were happy for such advice to be given as long as this did not in any way restrict Members referring issues to the Standards Board if they should wish.

RESOLVED:

- (1) to note that all Members were bound by the new Model Code (as the Council's local code) and must agree in writing within two months of its adoption that they would observe the code and that if any Member failed to sign up to the local code within two months of it being adopted by Council (ie. by 29 January 2002), they would cease to be a Member;
- (2) that the wording for the Declaration of Acceptance of Office and the Undertaking to observe the Code of Conduct, as detailed at Appendix 6 of the report, be noted;
- (3) that the proposal to provide comprehensive briefings for all Members on the new Model Code, alongside mandatory briefing on the Political Conventions (as determined by the Standards Committee), be endorsed;
- (4) that approval be given in principle to the new Register of Members' Interests and Register of Gifts and Hospitality both being held in electronic form, as well as hard copy, and published on the Council's intranet and internet sites, subject to the consent of each Member

20. THE STANDARDS BOARD FOR ENGLAND - LAUNCH

The Town Clerk submitted a report advising the Committee on the remit, functions and responsibilities of the recently launched Standards Board for England and how the Board envisaged interacting with local bodies.

It was noted that the regional launch of the Board had been held on 17 December and was attended by Tom Stephenson and Caroline Roberts. It was noted that all complaints about alleged breaches of the Code had to go to the Standards Board without any local input. The Board would then decide whether to take no further action, refer it back to the Authority's Standards Committee to deal with (possibly with added powers) or send it to the Tribunal. Only if a complaint was referred back to the Authority could the local processes and procedures be set in motion. The referral back mechanism was dependent

on the provision of Regulations made by virtue of Section 66 of the Local Government Act 2000. However, it was not anticipated that these would be issued before June 2002. The Committee expressed concern about the long delay in issuing Regulations, which would determine the future operation of the Standards Committee and agreed that a letter should be sent to the Standards Board voicing its disappointment in this and that there was no provision under the new Code for any local resolution of issues.

It was also noted that the inter-relationship of the National Model Code of Conduct and the Authority's local Political Conventions was not yet clear. Further consideration would need to be given to this, as necessary, in liaison with the Standards Board, to determine the extent to which breaches of the locally agreed Political Conventions could be dealt with without external reference.

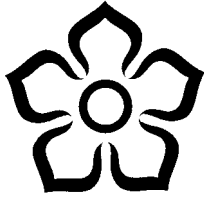
RESOLVED:

- (1) that the launch of the Standards Board for England and the manner in which it intended to oversee the ethical framework for members of local public bodies, be noted;
- (2) that the process of referral of alleged breaches of the Model Code to the Standards Board, be noted;
- (3) that the dependency of the referral back mechanism of complaints to the Authority's Standards Committee on the provision of Regulations, be noted;
- (4) to note that further consideration would take place as the most appropriate mechanism for dealing with alleged breaches of the Political Conventions which did not involve an associated breach of the Model Code; and
- (5) that the Town Clerk draft a letter to the Standards Board on behalf of the Committee, for signature by the Chairs, expressing the Committee's disappointment in the delay in issuing Regulations, as detailed above.

21. CLOSE OF MEETING

The meeting ended at 6.36pm.

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Leicester
City Council

Minutes of the Special Meeting of the
STANDARDS COMMITTEE

Held: MONDAY, 29 JULY 2002 at 10.00am

P R E S E N T :

Mrs Caroline Roberts (Independent Member) (Chair)

Ms Jill Bellingham (Independent Member) Councillor Coley
Councillor Draycott Councillor O'Brien

1. DECLARATIONS OF INTEREST

The Chair invited Members to declare any interests in the business before the Committee. Councillor Draycott said that, for the sake of transparency, she wished to state that she was the Cabinet Lead for Housing but had no involvement in any of the complaints or the investigation. She was present as the Labour Group Member. She therefore had no prejudicial interest. Councillors O'Brien and Coley confirmed that they too had no interest in the issues before the Committee. Councillor Coley's role as Liberal Democrat Group Whip had ended just before the events in question.

2. 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."

Paragraph 1

Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office holder under the authority.

3. COMPLAINTS AGAINST COUNCILLOR SIMONS

The Committee considered a report by the Town Clerk inviting them to decide whether Councillor Simons had breached the Council's Code of Conduct and Political Conventions. There were 24 specific complaints against Councillor Simons brought by the Director of Housing on behalf of various Housing Department Officers.

The complaints had been investigated and the Committee dealt with them in accordance with the Council's "*Procedure for Dealing with Complaints Against Councillors*". The Director of Housing attended as complainant, accompanied by the Housing Service Director (Resources) in the capacity of "*friend*". Councillor Simons did not attend. The Committee regretted this but decided to proceed in her absence as, in the circumstances, it would not be fair on her or the officers to prolong the matter any further. They considered that Councillor Simons had been given all reasonable opportunity to put her side of the case and had contributed to the investigation. Further she was aware of the hearing and its implications and had called the Council that morning to say she should not be contacted by e:mail, telephone or letter as she would be on holiday for a month from that date.

The Committee heard the Director of Housing's statement and put questions to him. They also considered:

- The complaints as submitted.
- A report by and advice from the Town Clerk.
- An independent investigator's report, including the evidence he gathered from Councillor Simons, the Director of Housing and other Councillors and officers.
- Written comments from Councillor Simons dated 12 July 2002.

The Director of Housing and Service Director withdrew before the Committee considered their decisions. The Committee followed the Procedure fairly and objectively and made their decisions after considering carefully and in detail the evidence relating to each complaint. All of their decisions were unanimous.

The Committee decided whether or not to uphold each of the complaints and then whether Councillor Simons' actions amounted to a breach of the Code and the Conventions. They also considered a response to Councillor Simons' written comments, the lessons to be learnt from the process and general action which should be taken.

RESOLVED:

- (1) That the complaints be upheld or not upheld as set out in the "*Decision for Publication*" detailed below;
- (2) That, given the nature of the complaints upheld, Councillor Simons had breached the Council's Code of Conduct and Political Conventions

through:

- Inappropriate pressure on, and criticism of officers.
 - Inappropriate involvement in casework.
 - Putting the Council at risk of legal action.
 - Bringing the Council into disrepute, given the way her behaviour would be likely to be viewed by reasonable members of the public and the perception of the Council she would have given to her constituents.
- (3) That the Committee reprimand Councillor Simons for her breaches of the Code and the Conventions, and ask that this reprimand be administered publicly at the next full Council meeting;
- (4) That Councillor Simons be requested to:
- Apologise to the officers to whom she has behaved inappropriately.
 - Give an undertaking that her future behaviour will comply with the Code of Conduct, the Political Conventions and Council procedures and that she will treat officers with due courtesy.
- (5) That the current arrangements be endorsed and confirmed for Councillor Simon's access to Housing Department officers and premises (that is, initial contact channelled through a limited number of officers, with further contact on each issue defined on initial contact);
- (6) That, for having brought the Council into disrepute, the Council be recommended, at its next full meeting to:
- Remove Councillor Simons forthwith and until 30 April 2003, as its representative on all outside bodies (currently the East Midlands Local Government Association and the Leicester Bus Users' Panel)
 - Allow Councillor Simons no permanent or substitute place on any of its Committees, Sub-Committees, or Working Parties until 30 April 2003.
- (7) That a full Decision Notice, with the Committee's reasons for these decisions, be prepared in consultation with the Chair and served on Councillor Simons and the Director of Housing on 30 July 2002;
- (8) That a statement of the Decision for Publication be prepared in consultation with the Chair and published after service of the Decision Notice;
- (9) That a report be brought to the Committee on the options for further

induction, training and awareness-raising of Councillors and officers on Councillor/Officer relationships and Conventions, including procedures for making and responding to visits and telephone calls; and

- (10) That the Town Clerk consider what further steps might be taken to preserve the confidentiality of future investigation reports.

STANDARDS COMMITTEE

DECISION FOR PUBLICATION

The Complaints

The Standards Committee met on 29 July 2002 to decide whether Councillor Julie Simons had breached the Council's Code of Conduct and Political Conventions. There were 24 specific complaints relating to matters raised by Housing Department officers. The complaints had been investigated and heard under the Council's "*Procedure for Dealing with Complaints Against Councillors*".

The Hearing

The Committee considered an independent investigator's report which contained evidence from Councillor Simons, other Councillors and officers. They also considered written comments from Councillor Simons and statements and answers to questions from the Director of Housing, who attended the hearing.

Councillor Simons did not attend. The Committee regretted this but decided to proceed in her absence as, in the circumstances, it would not be fair on her or the officers to prolong the matter any further. They considered that Councillor Simons had been given all reasonable opportunity to put her side of the case and had contributed to the investigation. Further she was aware of the hearing and its implications and had called the Council that morning to say she should not be contacted by e:mail, telephone or letter as she would be on holiday for a month from that date.

The Committee followed fairly and objectively the Procedure which Councillor Simons accepted by virtue of being a Councillor. They made their decisions after considering carefully and in detail the evidence relating to each complaint. All of their decisions were unanimous.

The Standard Committee's Decisions

The Committee considered the complaints under seven headings. Of these, two were not upheld, one was partially upheld and four were upheld. Given the nature of the complaints upheld, the Committee decided that Councillor Simons had breached the Council's Code of Conduct and Political Conventions through:

- (1) Inappropriate pressure on, and criticism of officers.
- (2) Inappropriate involvement in casework.
- (3) Putting the Council at risk of legal action.
- (4) Bringing the Council into disrepute, given the way her behaviour would be likely to be viewed by reasonable members of the public and the perception of the Council she would have given to her constituents.

The seven categories of complaints were:

1. *Failure to apologise and offer assurance about future behaviour as recommended by the Town Clerk in a report dated 22 June 2000 dealing with earlier complaints.*

Complaint not upheld.

2. *Unsubstantiated and improper allegations of political bias by senior officers.*

Complaint not upheld.

3. *Spreading accusations, without adequate evidence, that officers have misused vehicles and Council property.*

Complaint upheld.

4. *Incidents of rudeness, bullying and offensiveness towards officers.*

Complaint upheld.

5. *Incidents of rudeness about or undermining of managers to their officers.*

Complaint upheld.

6. *Action towards certain officers over a period which resulted in their referral to Occupational Health on the grounds of stress.*

Complaint upheld.

7. *Putting the Council at risk of legal claims for unfair dismissal and personal injury (through stress caused), necessitating the seeking of legal advice.*

Complaint partially upheld.

Amongst their detailed findings, the Committee decided that:

- There was no evidence of political bias by Housing officers, senior or junior.
- While it was legitimate for Councillor Simons to pursue matters on behalf of her constituents she had, on occasions, overstepped the line in the way she brought matters to the attention of relevant officers. She took matters into her own hands and proceeded in an inappropriate manner and without sufficient evidence.
- Councillor Simons' actions could legitimately be described as "*bullying*". She misused her power and position as Councillor in her dealings with officers.

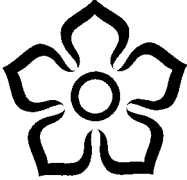
Sanctions Against Councillor Simons

1. The Committee decided to reprimand Councillor Simons for her breaches of the Code and the Conventions. The Committee will ask that this reprimand be administered publicly at the next full Council meeting.
2. The Committee has requested that Councillor Simons:
 - Apologise to the officers to whom she has behaved inappropriately.
 - Give an undertaking that her future behaviour will comply with the Code of Conduct, the Political Conventions and Council procedures and that she will treat officers with due courtesy.
3. The Committee endorsed and confirmed the current arrangements for Councillor Simon's access to Housing Department officers and premises (that is, initial contact channelled through a limited number of officers, with further contact on each issue defined on initial contact).
4. For having brought the Council into disrepute, the Committee recommends that the Council, at its next full meeting:
 - Removes Councillor Simons forthwith and until 30 April 2003, as its representative on all outside bodies (currently the East Midlands Local Government Association and the Leicester Bus Users' Panel).
 - Allows Councillor Simons no permanent or substitute place on any of its Committees, Sub-Committees, or Working Parties until 30 April 2003.

4. CLOSE OF MEETING

The meeting ended at 2.43pm.

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Leicester
City Council

WARDS AFFECTED
All Wards (Corporate Issue)

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
STANDARDS COMMITTEE**

31 OCTOBER 2002

COMPLAINTS AGAINST MEMBERS

Report of the Town Clerk

1. Purpose of Report

- 1.1 To review the approach to complaints against Members, in the light of the Standards Board's procedures.

2. Summary

Previous Arrangements

- 2.1 Prior to the Standards Board for England being established, the Council expected the Standards Committee to have the "*front line*" role in dealing with complaints against Members. The emphasis is normally on complaints being handled locally before higher level procedures come into play (as with Ombudsman complaints). The Committee therefore developed the attached Procedure (**Appendix 1**). This is aimed at all participants having a fair opportunity to put their case. It is also designed, through the Committee's Co-Chairs and the Groups Whips, to filter out unwarranted complaints, and to match the response to the nature and seriousness of the issues.

Standards Board Arrangements

- 2.2 Regulations have now established the Standards Board and most of its procedures. It has been able to deal with complaints since 5 May 2002, but the Regulations to refer complaints back to the Council are still awaited. The Board's procedure is attached (**Appendix 2**). In essence:
- (1) The Board deals with allegations that Councillors or co-opted Members have broken their local code of conduct (in our case, the Political Conventions which incorporates the national Model Code).
 - (2) All allegations about breach of the code should be sent, without any local investigation, to the Board for consideration "*to ensure consistency and a fairness of approach*".

- (3) One of the Board's Ethical Standards Officers (ESOs) will review the complaint and may then reject or investigate it.
- (4) The ESO may decide:
 - There is no evidence of breach or the breach is not serious enough to justify action; or
 - (When "*section 66 Regulations*" have been made), the matter should be referred to the Council's Monitoring Officer to be dealt with locally; or
 - The matter should be referred to the Adjudication Panel for England.
- (5) The Adjudication Panel has power to suspend a Member from the Council or from particular activities. It can also disqualify from working in public office for up to five years. It cannot award compensation.
- (6) When an investigation is referred to the Monitoring Officer (under the awaited Regulations), he would complete the investigation if not fully completed by the ESO, when he completes it, or if it is already completed by the ESO, the Monitoring Officer reports to the Standards Committee who decide what action to take. At this stage, they will have the power to suspend or partially suspend the Member for up to six months. The Member has a right of appeal to an appeals tribunal, drawn from the Adjudication Panel.

2.3 By September 2002, the Standards Board had received about 1,000 complaints, around half against parish Councillors. They were arriving at about 100 a month. Most, so far, were from other Members and Officers. Over half had been referred to the Board's investigations unit and the first to be referred to the Adjudication Panel was expected soon. The Board reported that about half the complaints it received needed investigation with some of them going for full adjudication within a five months period.

Problems To Be Resolved

- 2.4 Referring all complaints to the Board before any local consideration creates, I believe, these difficulties:
- (1) Additional delay particularly over unjustified and trivial matters which need not be determined nationally.
 - (2) Lack of local context when the seriousness of a complaint is being assessed.
 - (3) A reversal of normal good practice (compare Ombudsman complaints) where the first stage is normally to attempt informal resolution locally, then exhaust the local procedure before going to higher levels.
 - (4) No allowance for complainants who just want the matter dealt with, rather than go through a formal procedure.
- 2.5 I therefore suggested to the Standards Board allowing the complainant to opt for the national or a local procedure in the first instance. I also suggested that the Board might

consider views from the Standards Committee or Monitoring Officer before deciding how to respond to a complaint. These suggestions were not accepted (correspondence in **Appendix 3**) although other organisations, such as SOLACE, have also raised them.

2.6 There has been debate on this requirement of the Model Code of Conduct:

“7. A member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the authority’s code of conduct, make a written allegation to that effect to the Standards Board or England as soon as it is practicable for him to do so.”

2.7 Narrowly interpreted, this could place an unacceptable burden on Members to report every minor and inadvertent breach to the Board. Failure to do so would itself be a breach. This can hardly be the intention, so what exactly does this duty require Members to do?

2.8 Further issues may be raised by the final section 66 Regulations and Guidance. The draft proposals suggest, for example, that:

- (1) The Monitoring Officer should advise potential complainants on the Code and other sources of redress – avoiding investigation of any kind until the Board has investigated.
- (2) The Monitoring Officer should not recommend that a Councillor apologises or makes amends, even if the Councillor wishes to and this would satisfy the complainant. The rationale is that the Monitoring Officer “*should not seek to short-circuit the proper process of investigation*”. I find this advice bizarre and it goes against all my instincts.
- (3) There will be guidance on whether and when the Monitoring Officer should tell the Councillor that a complaint has been made.
- (4) All complaints must be referred to the Standards Committee who will have a duty to refer them straight to the Board. This seems to be an unnecessary bureaucracy and delay.

Changes Required

2.9 The Committee will need to review its arrangements in the light of the final section 66 Regulations and Guidance. So far as these allow, the Committee may wish to consider:

- (1) Authorising the Town Clerk to refer external complaints straight to the Standards Board and informing the Committee.
- (2) Using the existing arrangements to consider the referral of complaints from Member and Officers (Town Clerk consults the Co-Chairs and Group Whips before referral).
- (3) Urging the Town Clerk to advise potential complainants of:

- What might amount to a breach of the Code.
- the importance of evidence and a case to answer.
- all alternatives which the complainant might choose to follow, including asking the Councillor to apologise and make amends.

- (4) Asking the Town Clerk to inform the Councillor when a complaint has been referred to the Board, unless there are exceptional reasons not to, and to use his discretion whether it is appropriate to reveal the identity of the complainant and the nature of the complaint.
- (5) Using their existing Complaints Procedure, adapted in the light of guidance, as the basis for dealing with complaints referred back by the Board.
- (6) Urging all Members to take the Town Clerk's advice before exercising their duty under paragraph 7 of the Model Code, and to note that the Town Clerk prefers a broad interpretation of the duty, so that:
 - *"Reasonable belief"* in a breach requires a sufficiency of evidence.
 - Trivial breaches may be ignored on the *"de minimis"* principle.
 - *"Heat of the moment"* lapses and matters swiftly corrected may be ignored

3. Recommendations

- 3.1 That guidance be given on the preferred approach, so far as imminent Regulations permit.

4. Financial, legal and other implications

- 4.1 There are no financial implications.

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		
Policy	No		
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		

5. Report Author/Officer to contact:

Tom Stephenson
Town Clerk
Ext: 6300

**LEICESTER CITY COUNCIL
PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS**

1. The Standards Committee will consider complaints referred to it in accordance with the following procedure. The procedure may be initiated locally, or by referral from the Standards Board.

Initiating a Complaint

2. Complaints should be referred to the Town Clerk and should normally be in writing.
3. A complaint will only be accepted if it concerns the Code of Conduct, the Political Conventions or where a Council interest is involved. Political matters will not be addressed. The reality of the whole situation will be taken into account to determine this.
4. Allegation alone will not normally be enough to initiate a complaint and mere "*fishing expeditions*" will not be accepted. There could, very occasionally, be the need to address an allegation which in itself could significantly damage the Council's interests unless resolved. Otherwise, allegations must be "*on information*", that is, with sufficient indication of a case to be answered.
5. Where the "*information*" is a person's direct evidence of what happened, that person must be prepared to have the evidence used for an investigation – in effect, to stand up and be counted. There may, exceptionally, be "*whistle blowing*" justification for preserving anonymity, but it must be realistic to investigate and report meaningfully on that basis.

Determining the Level of Response

6. The emphasis will be on resolving problems and avoiding recurrence, with formal reporting of an investigation as the last resort. The response to a complaint will depend on:
 - (1) the seriousness and consequences of the issues;
 - (2) whether the alleged conduct appears inadvertent or deliberate;
 - (3) any relevant previous issues of conduct; and
 - (4) the likelihood of recurrence.

APPENDIX 1

7. The Town Clerk will be guided by a majority of the Group Whips and the Independent Members on how he should respond to a complaint (with reasons for the approach adopted being given to those concerned):
 - (1) Reject the complaint for lack of a case to answer;
 - (2) Hold informal discussions with those concerned with a view to an agreed resolution;
 - (3) Consider the issues without a full investigation and without conclusions on the facts; the resulting report will merely clarify the proper approach and recommend action without forming a view on any transgression.
 - (4) Investigate the facts fully, leading to a report with conclusions on the facts and any transgressions, and with recommended action.
8. The Town Clerk will keep a record of and report periodically to the Standards Committee on the pattern of complaints received and the resultant consideration.

Convening the Standards Committee

9. Agreed resolution of a complaint after informal discussions will not be reported to the Standards Committee. The Committee will be convened to consider the Town Clerk's report on a complaint as followings:
 - (1) A report which merely considers the issues will be reported only if a majority of the Whips or one or more of the Independent Members consider that there has not been an adequate response to the recommended action.
 - (2) A full investigation will always be reported.
10. The Standards Committee will, as necessary, be convened within a period of six weeks from the issuing of the report on a complaint by the Town Clerk.
11. The complainant and the person complained about will be given notice of the meeting and a copy of the Town Clerk's report at least fifteen working days in advance.
12. Any written comments to the Standards Committee from either party must be submitted to the Town Clerk at least ten working days before the meeting, and the Town Clerk will copy them to the other party as quickly as possible.
13. At least ten working days notice must be given to the Town Clerk of any witness a party would like to give evidence to the Standards Committee. The parties will have the opportunity to present all their evidence during the Town Clerk's investigation. A witness would normally be appropriate at the meeting only with a view to demonstrating that a conclusion in the report is incorrect. New issues may not be introduced.

Procedure at the Meeting

14. Both the person complained about and the complainant may be accompanied at the meeting by a *“friend”*. The Town Clerk will be the Committee’s adviser.
15. The matter will normally be considered by the Standards Committee in the absence of the press and public, under the appropriate exemption to the access to information provisions. The Committee will conduct the meeting as informally as the circumstances allow.
16. The normal procedure will be:
 - (1) The Town Clerk will explain his conclusions and recommendations.
 - (2) The complainant may make a statement and (subject to paragraph 11) call witnesses. The person complained about, or person accompanying him/her may question a complainant who makes a statement and any witness.
 - (3) The person complained about or person accompanying him/her, may make a statement and (subject to paragraph 11) call witnesses. The complainant may question the person complained about if a statement has been made, and any witness.
 - (4) The person complained about, or person accompanying him/her, may make a final statement before the Committee considers its decision.
 - (5) The Committee will indicate when and how it will announce its decision. It will then consider its decision in the absence of the parties, after which a Formal Decision Notice, with reasons, will be sent, in writing , to all parties in dispute.

Rights to Confidentiality

17. Publishing or commenting on allegations prematurely could be unfair and could sometimes itself be a cause of complaint.
18. The Town Clerk will not comment publicly on complaints or investigations before their conclusion and afterwards will only respond factually to matters in the public domain.

Updated: September 2001

APPENDIX 2

How to make a complaint to the Standards Board for England

This guide

This guide describes how you can make a complaint about certain types of inappropriate behaviour by elected and co-opted members of a range of authorities, including councils.

In addition to describing the sort of behaviour that is covered, it explains what will happen to your complaint.

A form to help you make sure you are sending us all the information we need at this stage is also included.

If we can be of any further help, or if you would like a copy of this leaflet in one of the other languages commonly used in the United Kingdom, or on tape, please call us on 0800 107 2001.

1 What do we do?

We investigate written complaints of misconduct by councillors in local government and members of the other authorities listed in section 5. We were set up under the Local Government Act 2000 and are independent of the Government. Our investigators, known as Ethical Standards Officers (ESOs), have extensive powers, allowing them to investigate matters thoroughly and without bias. There is no charge for our service.

This leaflet describes:

- **what complaints we can investigate;**
- **how to make a complaint to us;**
- **how we will deal with your complaint.**

This leaflet refers to 'members' of 'authorities', but it applies to all councillors, members and co-opted members of all of the authorities listed in section 5. A co-opted member is a member of an authority, or one of its committees, who was appointed to their position rather than being elected.

2 What is misconduct?

Parliament has approved model codes of conduct for members of the authorities listed in section 5. All of these authorities must draw up their own local code of conduct, based on the model code, which all members of the authority must sign up to. 'Misconduct' is where a member of an authority acts in a way that breaches (breaks) any part of their local code of conduct.

You can get a copy of an authority's code of conduct from the authority itself.

3 What complaints can we investigate?

We can investigate your complaint if:

- **it is in writing;**
- **it is about a member of one of the authorities listed in section 5;**
- **it is about misconduct (see section 2);**
- **it is about matters the law allows us to look into (see section 4).**

4 Who can make a complaint?

Anybody who reasonably believes that a member of one of the authorities listed in section 5 has broken their local code of conduct. This includes members of the public, as well as members and staff of the authority. You do not have to have been directly affected by their action to make a complaint.

If you are a member of staff of the authority, you may make your complaint to us under the Public Interest Disclosure Act (PIDA). This means that you can give us information about suspected misconduct of a member without having to fear harassment or victimisation in the workplace. If you would like more information about this, please call us on 0800 107 2001.

5 Who can you complain about?

You can complain to us about councillors and co-opted members in any **county, district, borough, city, parish** or **town council** in England.

You can also complain about any member or co-opted member in any of the following authorities:

- **National Parks** and the **Broads Authority;**
- **Fire service authorities;**
- **Police authorities;**
- **Passenger transport authorities;**
- **The Greater London Authority;**
- **The Metropolitan Police Authority;**
- **The London Fire and Emergency Planning Authority.**

6 What can't we investigate?

There are some complaints we cannot investigate, such as:

- **incidents where there has been a fault in the way the council has or has not done something** (this is known as 'maladministration' and is a matter for the Local Government Ombudsman);
- **complaints about council officers** (we can only investigate complaints about councillors, members and co-opted members);
- **incidents that happened before the authority adopted its local code of conduct;**
- **incidents or actions that are not covered by the member's local code of conduct** (the authority can give you a copy of the code);
- **complaints that are not in writing.**

How to complain

APPENDIX 2

Please send your complaint, in writing, to the address at the end of this leaflet. You can use the complaint form that is included in this leaflet, or you can download it from our website at www.standardsboard.co.uk. If you don't want to use the form itself, you can write a letter including all the points covered in the form.

If this is difficult, ask someone to help you, for example your local Citizens Advice Bureau. If you cannot write your complaint in English, we can arrange to have it translated. Please include any documents that support your complaint with your form or letter.

If you make a complaint, you should be aware that we are unlikely to be able to keep your identity confidential. If you would like to discuss this before making a complaint, please contact us on 0800 107 2001.

7 What happens to your complaint?

When we receive your complaint, we will write to you to let you know we have received it. We will then review your complaint to see if it is suitable for investigation. One of our officers may contact you personally to go through the details of your complaint.

If we cannot investigate, or decide not to investigate, your complaint, we will write to you explaining why. If you disagree with our decision not to investigate, you have the right to ask us to review our decision.

If your complaint is one that we decide to investigate, one of our ESOs will carry out an independent investigation. We will let you know when the investigation has started and tell you how long we expect it to take. At the end of the investigation, we will write to you to tell you the outcome.

An ESO may decide that:

- 1 there is no evidence that the member has broken any part of their local code of conduct;
- 2 the breach of the local code of conduct was not serious enough to justify any action being taken;
- 3 the matter should be referred to the monitoring officer (usually the Chief Legal Adviser) of the member's authority;
- 4 the matter should be referred to the Adjudication Panel for England.

The Adjudication Panel for England is an independent tribunal that decides on the findings of investigations referred to it by ESOs. It can punish councillors in a number of ways, from publicly revealing what they did wrong, suspending them from the council or particular activities, or disqualifying them from working in public office for up to five years. The Adjudication Panel does not award damages or compensation.

8 How can you contact us?

You can contact us at:

The Standards Board for England
PO Box 36656
London

SE1 OWN

Telephone: 0800 107 2001

E-mail: newcomplaints@standardsboard.co.uk

Website: www.standardsboard.co.uk

9 Before you complain

Before you complain, please consider the options below and tick the box (or boxes) that describes the misconduct you believe has taken place. A member has:

- discriminated against someone, failed to treat people with respect, or done something to prevent those who work for the authority from being unbiased;
- revealed information that was given to them in confidence, or stopped someone getting information they are entitled to by law;
- damaged the reputation of their office or authority;
- used their position to their own or someone else's advantage or disadvantage;
- allowed the authority's resources to be misused for the activities of a registered political party;
- failed to report another member's misconduct to us;
- failed to register financial or other interests;
- failed to reveal a personal interest at a meeting;
- taken part in a meeting or made a decision where they have an interest that is so significant that you think it may affect their judgement;
- failed to tell the authority's monitoring officer about any gifts or hospitality they have received worth over £25.

We can only deal with complaints about individual councillors, not the council as a whole. If you have not ticked any of the boxes above, then your complaint is probably not a matter we can deal with. If this is the case, you should contact your local Citizens Advice Bureau, Law Centre or other advice centres to find out if another organisation can help.

APPENDIX 2

Complaint form

We can only accept complaints in writing. One of our officers may contact you personally to go through the details of your complaint.

We are unlikely to be able to keep your identity confidential if you make a complaint. Please continue your answers on a separate sheet if there is not enough space on this form.

About you

Mr Ms Mrs Miss Other

First name: _____

Surname: _____

Address and postcode: _____

Daytime phone number: _____ Evening phone number: _____

E-mail: _____

Please consider the complaint I have described below and in the evidence attached.

Signature: _____ Date: _____

Your complaint

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken their local code of conduct and the name of their authority/ies.

Name of the individual/s

Name of their council/s

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please tick here if you work for the council/s shown above:

Complaint form

What are you complaining about?

Include the **date** and **details** of the alleged misconduct, and any background information that supports the allegation. We can only investigate allegations that a member has broken a local code of conduct. Continue on a separate sheet if there is not enough space on this form.

Evidence (if this applies)

Please attach to this form copies of *correspondence*, *documents*, names and details of *witnesses*, and any other evidence that you feel is relevant to your complaint.

Please tick this box if you would like us to return the evidence to you:

Please send this form to:

The Standards Board for England
New Complaints Unit
PO Box 36656
London
SE1 0WN

If you have any questions or difficulties filling this form in, for example if English is not your first language or you have a disability, please contact the New Complaints Unit on 0800 107 2001. You can also e-mail them at newcomplaints@standardsboard.co.uk

APPENDIX 3

Please ask for: Tom Stephenson
Direct Line: 0116 252 6300
Direct Fax: 0116 255 1843
Our Ref: TS/AFW/1123

Date: 23 July 2002

Mr Toft
The Standards Board for England
PO Box 36656
London
SE1 0WN

Dear Mr Toft

STANDARDS COMMITTEE PROCEDURESPolitical Conventions

Here is a copy of our Political Conventions, as you requested. They include the Model Code and form part of our Constitution which can be viewed on our website at www.leicester.gov.uk.

The document has stood Leicester in good stead since 1998 by defining a consistent set of ground rules for day to day working relationships; consistency is vital here. However, I believe that the process of developing and discussing conventions is more important than the finished product. It has built up understanding and commitment which we reinforce during inductions and workshops based on (almost) real life "*scenarios*". I have found this a simple but effective training technique, and have used it at external sessions.

Complaints Against Members

Also enclosed is a copy of the Complaints Procedure we use for complaints against Councillors. It is a formalised version of the approach I have used here for six years, with the Standards Committee hearing added. I put the emphasis on trying to solve the problem with the parties, resorting to the more formal stages only when all else fails and for the more recalcitrant and serious cases.

I think that the all-party and officer support this approach enjoys is, in large part, due to the effort taken in filtering out inappropriate complaints and determining the level of response (see paragraphs 3 to 7). Allegation alone does not automatically trigger the process, to avoid unfair damage to reputations. There must be a case to answer and it must relate to the Conventions or a Council interest, rather than purely political matters. I judge the level of response in consultation with the Group Whips and Standards Committee Chairs; views so far have always been unanimous.

STANDARDS COMMITTEE PROCEDURES

Relationship Between National and Local Procedures

I should appreciate your views and guidance on this. It seems to me that Standards Board processes would quickly seize up if every complaint, serious or trivial, had to be routed through them. Even with a modest level of referrals, it is likely to take weeks for the course of each complaint to be determined. Meanwhile, the complainant perceives justice to be delayed, and the Councillor has a doubt hanging over his or her reputation.

In my view, the local stage should not always have to wait whilst the Board considers the right approach. Also, local input is almost always essential to judge the best way forward. The Ombudsman, for example, will usually urge complainants to exhaust the authority's internal procedures first. If they insist on going straight to the Ombudsman, he always seeks the authority's views before investigating.

I believe that, irrespective of the Section 66 Regulations, the procedure should involve:

1. The complainant may opt for the complaint to be dealt with under the authority's local procedure, or under the national procedure.
2. After the local procedure has been used, the complainant may still refer the matter to the Standards Board, or the Standards Committee may decide to do so. The Board may investigate the matter afresh, or may instead choose to proceed by way of a review of the local Standards Committee's decision.
3. Before deciding how to respond to a complaint the Standards Board will seek the views of the local Standards Committee or the Monitoring Officer on its behalf. Such views may be offered by the Committee or the Monitoring Officer when a complaint has been referred to the Board.

I believe that this kind of approach is essential to make the system workable, to flush out vexatious complaints and to ensure that issues are addressed at the right level. Do you feel this offers a sensible way forward? I would be more than happy to discuss these, and any other Standards matters, with you further.

Yours sincerely

TOM STEPHENSON
TOWN CLERK

Encs

APPENDIX 3 (CON'TD)



Mr T Stephenson
Town Clerk
Leicester City Council
Town Clerk's & Corporate Resources
New Walk Centre
Welford Place
Leicester
East Midlands LE1 6ZG

PO Box 36656
London SE1 0TE

Enquiries: 084 5078 8181
Fax: 020 7922 0001

enquiries@standardsboard.co.uk
www.standardsboard.co.uk

7 August 2002

Dear Mr Stephenson

Thank you for your letter dated 23 July 2002 (Your ref: TS/AFW/1123).

Thank you for sending the various papers – they will prove to be very useful as we consider our future guidance.

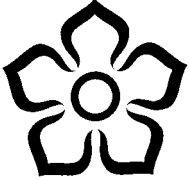
We are also grateful for your comments on the relationship between national and local procedures. It would appear that such ideas were discussed both before and during the consultation phase on the Section 66 regulations, the result of which will soon be published.

It is the intention of the Standards Board at present, however, that an initial uniform response be made to all allegations of misconduct and a procedure followed that is consistent for all such cases. This necessitates the Standards Board receiving all complaints and filtering through them for referral to an Ethical Standards Officer. Of course, this approach may well change in the future.

Thank you once more for your assistance.

Yours sincerely

MICHAEL TOFT
Policy and Guidance



Leicester
City Council

WARDS AFFECTED
All Wards (Corporate Issue)

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

31 October 2002

Dispensations

Report of the Town Clerk

1. Purpose of Report

- 1.1 To inform the Committee of their power to grant Dispensations to Members of Council and Voting Co-opted Members and the arrangements to ensure adherence to this process.

2. Summary

- 2.1 The Government has issued Regulations which prescribe arrangements for the granting of dispensations to Members including, as a new concept, Co-opted Members with voting rights (attached at **Appendix 1**).
- 2.2 The Regulations provide for the Standards Committee to grant dispensations in the following circumstances:
- The Member has made a written request to the Standards Committee explaining why the dispensation is required.
 - The business of the Council will be impeded if a dispensation is not granted because the restriction prevents the participation of more than 50% of the Members entitled, or required, to participate in the consideration of the matter, or
 - The restriction prevents the Council from maintaining the balance between political groups in considering the matter that is required by Section 15(4) of the Local Government and Housing Act 1989.
- 2.3 The Standards Committee cannot grant a dispensation to allow a Member of a Scrutiny Committee or one of its Sub-Committees to participate in considering a decision made by another Committee or Sub-Committee of which they are also a Member.
- 2.4 Dispensations made under these Regulations will be effective for a maximum period of four years, and the Standards Committee must ensure that a written record of all dispensations granted is kept with the Register of Members' Interests maintained under Section 81(1) of the Local Government Act 2000.

- 2.5 The previous powers of the Secretary of State to grant dispensations has been abolished and sole responsibility for dispensation now rests with the Standards Committee. There are no mechanisms which would allow dispensations to be granted other than by the Standards Committee meeting formerly to approve such action.
- 2.6 All Members, including Co-opted Members, will be circulated with an explanatory leaflet regarding dispensations and the rules which now apply. On past experience, it is envisaged that there will be a number of dispensation applications for the Standards Committee to consider, particularly in the period prior to the annual budget consideration – where non-participation of Members (particularly at full Council) is most likely to affect political balance. Every effort will be made to address these at the earliest possible time, and the issue will appear as a standard item on future Agendas of the Committee. Members of the Committee should however note that there is also a likelihood of urgent meetings of the Committee being requested to consider dispensation applications, should there be a change in Members' circumstances.

3. Recommendations

3.1 Members are recommended to:

- (i) note the Dispensation Regulations;
- (ii) endorse, for all Members, that they review their potential need for dispensation, notably well in advance of the budget consideration; and
- (iii) note that consideration of dispensation requests will in future appear as a Standard item on the Committee's Agenda, is likely to form a significant part of the Committee's agenda for the next (and possibly two) meeting(s) and also that there is a likelihood of urgent meetings being requested to consider dispensation applications should there be a change in Members' circumstances.

4. Financial, Legal and Other Implications

4.1 There are no financial implications.

4.2 Legal Implications.

A member who has a personal and prejudicial interest but participates in the consideration of a matter giving rise to the interest, without first obtaining a dispensation from the Standards Committee is in breach of the Political Conventions (which incorporates the Model Code of Conduct). This puts them at risk of a complaint to the Standards Board which, in turn, could result in investigation and reference to the Adjudication Panel, possibly leading to disqualification from office.

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		

Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

5. Report Author/Officer to contact:

Charles Poole
Service Director (Democratic Services)
extn. 7015

APPENDIX 1

Statutory Instrument 2002 No. 339

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002

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STATUTORY INSTRUMENTS

2002 No. 339**LOCAL GOVERNMENT, ENGLAND AND WALES****The Relevant Authorities (Standards Committee) (Dispensations) Regulations
2002**

<i>Made</i>	<i>18th February 2002</i>
<i>Laid before Parliament</i>	<i>25th February 2002</i>
<i>Coming into force</i>	<i>18th March 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 53(6), 81(5) and 105(2) of the Local Government Act 2000^[1], and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1. - (1) These Regulations may be cited as the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 and shall come into force on 18th March 2002.

(2) These Regulations apply in relation to standards committees of relevant authorities in England^[2], and police authorities in Wales^[3], and references to "authority" shall be construed accordingly.

Interpretation

2. In these Regulations -

"the Act" means the Local Government Act 2000;

"dispensation" shall be construed in accordance with section 81(4) of the Act^[4];

"mandatory provisions" means the mandatory provisions of a model code of conduct which for the time being applies to the authority^[5]; and

"member" means a member or co-opted member^[6] of an authority.

Circumstances in which dispensations may be granted

3. - (1) The authority's standards committee may, subject to paragraph (2) below, grant a dispensation to a member in the following circumstances -

(a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because -

(i) the number of members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate; or

(ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989^[7];

(b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and

(c) the standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.

(2) Nothing in sub-paragraph (1) above shall permit a dispensation to be granted -

(a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or

(b) where the effect of the mandatory provisions from which a dispensation is sought

APPENDIX 1

is that -

(i) a member is prohibited from participating in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority, or sub-committee of that committee, where that consideration relates to any decision made or action taken by any other of the authority's committees, sub-committees, joint committees, or joint sub-committees of which he may also be a member; or

(ii) a member of the authority's executive^[8] is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by him solely.

Records of dispensations

4. The authority's standards committee must ensure that -

(a) the existence, duration and nature of any dispensation is recorded in writing; and

(b) that such record is kept with the register of interests established and maintained under section 81(1) of the Act.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

Alan Whitehead

Parliamentary Under Secretary of State, Department for Transport, Local Government and the Regions

18th February 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the circumstances in which a standards committee may grant dispensations to members and co-opted members of relevant authorities in England, and police authorities in Wales. If a member or co-opted member acts in accordance with the

grant of a dispensation, any participation in business prohibited by the mandatory provisions of a model code of conduct issued under section 50(1) of that Act is not a failure to comply with the authority's code of conduct.

Regulations 1 and 2 make provision on citation, commencement and application, and define terms used in the Regulations.

Regulation 3 sets out the circumstances in which standards committees may grant dispensations. Paragraph (1) specifies that dispensations may only be granted if half the members entitled or required to participate in the business of the authority would not otherwise be able to, or the authority would not be able to comply with political balance principles. It specifies further that a member must submit a written request for a dispensation and that the standards committee must conclude that having regard to these matters and all the other circumstances of the case, it is appropriate to grant the dispensation. Paragraph (2) provides that a dispensation cannot be granted in respect of business conducted after four years. It also specifies that the circumstances in which dispensations can be granted do not extend to allowing a member of an overview and scrutiny committee to participate in the scrutiny of the decision of another committee in which he was involved or to allowing an individual to exercise executive functions where he is prohibited by the mandatory provisions from doing so.

Regulation 4 makes provision on keeping records of the dispensations granted.

Notes:

[1] 2000 c. 2. [back](#)

[2] See section 49(6) of the Local Government Act 2000 ("the Act") for the definition of "relevant authority." [back](#)

[3] See section 81(8) of the Act for the power of the National Assembly for Wales to prescribe in regulations the circumstances in which standards committees of relevant authorities in Wales (other than police authorities) may grant dispensations. [back](#)

[4] Section 81(4) of the Act provides that any participation by a member in any business which is prohibited by the mandatory provisions of the model code of conduct applicable to an authority is not a failure to comply with the authority's code of conduct if that member has acted in accordance with a dispensation granted by the authority's standards committee. [back](#)

[5] See the model codes of conduct in the Local Authorities (Model Code of Conduct) (England) Order 2001 (S.I. 2001/3575), the Parish Councils (Model Code of Conduct) Order 2001 (S.I. 2001/3576), the National Park and Broads Authorities (Model Code of Conduct) (England) Order (S.I. 2001/3577) and the Police Authorities (Model Code of Conduct) Order 2001 (S.I. 2001/3578). Under section 51(4)(a) of the Act, a code of conduct adopted by an

APPENDIX 1

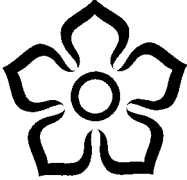
authority must incorporate the mandatory provisions of a model code of conduct which for the time being applies to the authority.[back](#)

[6] See section 49(7) of the Act for the definition of "co-opted member". Under section 83(3) and (4) of the Act, references to a member of a relevant authority include references to an elected mayor, an elected executive member, the Mayor of London and a member of the London Assembly.[back](#)

[7] 1989 c. 42. Section 15 has been modified by the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1990/1552).[back](#)

[8] Part II of the Act makes provision for executive arrangements for county councils, district councils, and London borough councils. Sections 14 to 16 make provision for individuals to exercise functions which are the responsibility of an executive.[back](#)

ISBN 0 11 039352 X



Leicester
City Council

WARDS AFFECTED
All Wards (Corporate Issue)

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

31 October 2002

Training and Development

Report of the Town Clerk

1. Purpose of Report

To propose a forward programme of training and development for Members of the Standards Committee, Elected Members and officers of the Council to ensure that matters of probity and Standards of Conduct are embedded within the organisation.

2. Summary

One of the principal responsibilities of the Standards Committee is 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 Codes and Conventions.

Within the next nine months this training needs to be directed to the following target audiences:-

- (i) Members of the Standards Committee
- (ii) New Councillors (arising from 1/5/03 elections)
- (iii) All Councillors
- (iv) Co-optees
- (v) Officers
- (vi) Those working in partnership with the Council and Member/Officer representation on Outside Bodies.

Targeted and specific training needs to be provided for each of those constituent elements, as detailed in the supporting report.

3. Recommendations

Members are recommended to:

- (i) comment upon the programme of training and development.
- (ii) subject to any changes arising out of recommendation (i) above, agree to and support the proposed programme of training and development.

4. Headline Financial and legal Implications

The provision of the training and development programme will be achieved through a mixture of external opportunities and in-house provision. The costs, however, can be contained within existing budgetary provision.

Legislation, notably the Local Government Act 1972 and Local Government Act 2000, imposes a number of requirements on Elected Members, including voting co-optees and officers in relation to matters of ethics and probity. This report seeks to ensure that all those so affected receive sufficient training to enable them to fulfil their legal obligations.

3. Report Author/Officer to contact:

Charles Poole
Service Director (Democratic Services)
extn. 7015



WARDS AFFECTED
All Wards (Corporate Issue)

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

31 October 2002

Training and Development

SUPPORTING INFORMATION

1. Report

Included within the Terms of Reference of the Standards Committee are the following:-

1. To oversee and promote the arrangements to be made by the Council to promote probity and maintain the highest standards in the conduct of business by Members (including co-opted members) and officers; and,
2. 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 Codes and Conventions.

Training and development within this context can be categorised into six areas:-

- (i) Members of the Standards Committee
- (ii) New Councillors
- (iii) All Councillors
- (iv) Co-optees
- (v) Officers
- (vi) Those working in partnership with the Council (and Member/officer representation on Outside Bodies).

(i) Members of the Standards Committee

Both the Independent Members and Elected Members of the Standards Committee bring to that area a wealth of knowledge and experience, not least gained from other aspects of their life. Within this setting, it is then appropriate to encompass further training and development associated specifically with the role, functions and activities of the Standards Committee.

The Standards Board for England, which nationally has the lead role for arranging such training and development, is providing the following opportunities:-

(a) Second Annual Assembly of Standards Committees

The second Annual Assembly of Standards Committees is scheduled to be held on 9/10 June 2003, at the International Conference Centre, Birmingham. Other than incidental travel and subsistence, there is no attendance fee for this seminar. Members of the Standards Committee are urged to consider attendance at this event, which is intended to provide the annual national focus on matters of standards and probity.

Furthermore, in an attempt to gain ownership of this event by practitioners, a Steering Committee (approximately 15 in number) has been set up, made up of some of those who attended last year's conference.

This Steering Committee has met twice and will meet again on a further one or two occasions. The organisers would be happy to extend the size of that Steering Committee if any Member felt they wished to join or, alternatively, could join in by e-mail consultation. Alternatively, Members may wish to consider whether they would wish to join at the outset the Steering Committee for the 2004 Conference.

(b) "Talk Back, Look Forward" Regional Roadshows

The Standards Board will be running a series of nine regional roadshows across England, between November 2002 and March 2003. The East Midlands Regional Roadshow is scheduled to be held at the offices of Nottingham City Council in March (date to be determined).

These roadshows are intended to provide an opportunity to share experiences in the first year of operation and discuss some of the important issues that have arisen. Workshop sessions will be specifically tailored for monitoring officers, Members of Standards Committees and Parish Councils.

Members of the Committee may also wish to consider attendance at this Workshop (subject, of course, to availability once the actual date is confirmed).

(ii) New Councillors

All out elections for the City Council will be held on 1 May 2003, out of which it can be anticipated that some people may be elected as Councillor for the first time (or since the introduction of the new National Code, Political Conventions, etc.). Such newly Elected Members will have specific training and associated needs in the area of probity and standards. These can be summarised as follows:-

(a) Ever Thought of Becoming a Leicester City Councillor

A briefing session for persons interested in becoming a Councillor was held on 15 October 2002. This included a session, led by the Town Clerk, on Ethics and Probity, thereby stressing, right from the very first expressions of interest by prospective candidates, of both the legislative position and also the importance placed within the Council on maintaining the highest standards of conduct and probity.

(b) Election Candidate Information Packs and Candidate Briefings

As part of the Information Packs prepared locally for Election Candidates, all persons considering standing for Council receive, as part of their information pack, a copy of the Declaration of Acceptance of Office they will be required to sign, a copy of the National Code of Conduct and a Summary of the Council's Political Conventions.

It is recommended that this practice continue, supplemented by a specific reference to standards and probity at the associated Candidates Briefing Session.

(c) Declaration of Acceptance of Office

A person elected to the office of Councillor must positively accept office by making a declaration of acceptance of that office in a form and manner prescribed by the Secretary of State. Failure to so accept within two months leads to the office becoming automatically vacant. To avoid any such dangers this task has, in Leicester, been traditionally undertaken immediately after the declaration of result. This practice could continue or it could be encompassed into the induction process – notably regarding ethics and probity – thereby ensuring attendance at such a session by all Members.

(d) Induction Workshop

A comprehensive induction programme is being planned for all newly elected Councillors. As part of this programme, it is recommended that a Workshop be run to fulfil two objectives:-

- ✧ To provide information and guidance on probity and standards, including guidance on the Political Conventions, incorporating the National Code, as locally adapted.
- ✧ Completion of the Forms associated with the Declaration of Members Interests – with practical assistance and guidance for Members on completing their Declaration form.

(iii) All Councillors – Training and Development

Arrangements are currently being put in place whereby the training and development needs of each Councillor can be both identified and, thereafter, addressed. As part of that process, it is recognised that there will be a number of core elements applicable to all Members, e.g. health and safety, the Council's decision-making processes, etc. Issues of ethics and probity would properly be part of that list.

It is recommended that appropriate training on probity and standards – in all probability in a workshop format – be provided for all Members.

In addition, the existing annual provision of training for those Members who sit on the Regulatory and Development Control Sub-Committees must also be maintained, to conform with both Government guidance and best practice.

(iv) Co-optees

The Local Government Act 2000 now embraces co-optees, and notably those co-optees with voting rights, into the probity and standards framework.

Whilst numerous of the issues are in common with all Councillors, nevertheless, co-optees cannot be expected to have the overview of local government activities that may perhaps be expected of Elected Members. It is, therefore, proposed that there be a specific training package targeted at co-opted members.

(v) Officers

The Consultation Draft of the Officers Code of Conduct is still awaited. However, when introduced, in its final form, there will need to be comprehensive training of officers throughout the authority on the provisions of the new Code.

In addition, whilst one round of training has been undertaken, there is an ongoing need to provide training for officers on the Political Conventions including also the practical aspects of the officer/Member interface, as contained within the Conventions. A further programme of such training needs to be provided for all departments. The views of Members of the Standards Committee concerning an input by them into this training process would also be welcomed.

(vi) Partnership Working with the Council (including Appointments to Outside Bodies)

The extent of partnership working by a whole range of agencies with the Council continues to grow. Also, Members and officers are appointed as Council representatives on a range of outside bodies.

The potential for probity issues has been recognised by the production of the Council's Probity Rules for Partnerships. However, the topic of partnership working remains a very dynamic area and one which needs some refreshment. Similarly, appointments to a range of outside bodies by both Members and

officers can lead to complexities and the need for clarity of roles and responsibilities. It is, therefore, recommended that appropriate training also be established, targeted specifically at those officers and Members involved in partnership working or who are appointed as Council representatives on outside bodies.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

The provision of the training and development programme will be achieved through a mixture of external opportunities and in-house provision. The costs, however, can be contained within existing budgetary provision.

2. Legal Implications

Legislation, notably the Local Government Act 1972 and Local Government Act 2000, imposes a number of requirements on Elected Members, including voting co-optees and officers in relation to matters of ethics and probity. This report seeks to ensure that all those so affected receive sufficient training to enable them to fulfil their legal obligations.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	In providing training to the required standards, account will be taken of the diverse needs of Members and officers to ensure that all undertaking the training can do so to maximum benefit.	
Policy	No		
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	Yes	Human Rights implications will form an integral part of the training.	
Elderly/People on Low Income	No		

4. Background Papers – Local Government Act 1972

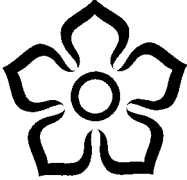
None.

5. Consultations

None.

6. Report Author

Charles Poole
Service Director (Democratic Services
extn. 7015



Leicester
City Council

WARDS AFFECTED
All Wards (Corporate Issue)

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

31 October 2002

OVERVIEW OF COMMITTEE'S CURRENT ROLE AND WAYS OF RAISING ITS PROFILE

**Report of the Town Clerk and Director of Resources,
Access and Diversity**

1. Purpose of Report

To review the current role of the Standards Committee and ways in which its profile can be raised.

2. Summary

The Terms of Reference of the Standards Committee are defined within the Council's Constitution.

As Regulations are introduced, through the National Standards Board, the role of the Committee is becoming clearer, but also, in certain areas, more prescribed.

An examination of the work of Standards Committees in other authorities has shown that virtually all are 'feeling their way' and that the work pattern of Leicester's Committee is typical of the national picture.

Linked to that picture is a need to also raise the profile of the Standards Committee within the Council, both with Members and officers.

3. Recommendations

The Committee is recommended to comment upon the proposals, detailed in the attached supporting report, to raise the profile of the Committee, both with Members and officers.

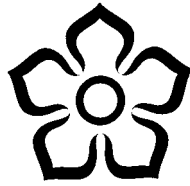
4. Headline Financial and Legal Implications

There are no financial implications associated with this report.

The Standards Committee now operates within the legislative provisions of the Local Government Act 2000 and associated Regulations. The Terms of Reference of the Committee within the Council's Constitution reflect those legislative requirements.

5. Report Author/Officer to contact:

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extn. 7015



Leicester
City Council

WARDS AFFECTED
All Wards (Corporate Issue)

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

31 October 2002

OVERVIEW OF COMMITTEE'S CURRENT ROLE AND WAYS OF RAISING ITS PROFILE

SUPPORTING INFORMATION

1. Report

(i) Overview of Current Role

The current roles and responsibilities of the Standards Committee are defined in the Committee's Terms of Reference within the Council's Constitution. These are attached at Appendix A.

The City Council's Standards Committee was established in advance of the formation of the Standards Board for England. At that time, it was in order for the Standards Committee, amongst other items, to consider and, as appropriate, conduct Hearings concerning complaints made against Elected Members. Since the introduction of Regulations (which is currently ongoing) by the Standards Board for England under the Local Government Act 2000, the role of the Standards Committee has, in terms of complaints handling, become more prescribed. As detailed in a further report on the Agenda of the Committee, expected 'Section 66' Regulations are likely to further change the role of the Committee in respect of consideration of complaints against Elected Members.

Examination of the work of Standards Committees across the country has shown that other Standards Committees are experiencing similar issues, reflected by the cancellation of meetings due to lack of business, 'thin' agendas and reports being submitted for note rather than for action.

Nevertheless, putting aside the legislative requirement, there seems a generally accepted underlying view that the existence of Standards Committees are

inherently beneficial, not least as an affirmation and guardian of the Authority's probity and standards of ethical conduct.

2. Profile Raising

In order for the Committee to fulfil its role to best effect, it is important that a strategy is developed which ensures that an appropriate degree of profile is maintained within the Council at all times. The key elements to be incorporated within the Strategy are recommended as follows:-

(i) Training and Development of Members

As described in a further report on the Agenda of the Committee, training and development in issues of probity and ethical standards for Members, Co-opted Members, officers and those involved in partnership working within the Council is a key element of the Committee's remit. Such training, of itself, will help significantly to raise the profile of the Committee. Fully recognising the time commitment which would ensue, the continued attendance and participation of one or more Members of the Committee at these training events would maintain a powerful message to those participating.

(ii) Audit of Probity and Integrity

Members will be aware that the Council is now required to regularly review and report upon its arrangements in the area of Corporate Governance. This includes not only legislative requirements but also the promotion of best practice. Issues of probity, integrity and standards are an integral thread in numerous elements of this Corporate Governance.

As part of the Corporate Governance review process, it is recommended that the Standards Committee fulfil the role of 'Audit Committee for Standards', which would require them to formally sign off the probity and integrity elements of corporate governance, having received and examined documentary evidence in support of the Audit view being put forward.

(iii) Dispensations

The responsibility for the issue of dispensations by the Standards Committee is dealt with elsewhere on the Agenda for this meeting. This function, of itself, will also act to raise the profile of the Committee in the eyes of Members.

(iv) Standards Bulletins

To provide a regular channel of information and communication, it is recommended that the Committee also consider the issues of a regular Standards Bulletin (approximately 3 times a year) to both update Members and officers on changes to legislation, Regulation and procedure and also

give guidance on day to day issues – for example different facets of declared interests - personal and prejudicial.

(v) Annual Report to Council

Members of the Committee may wish to consider whether or not an Annual Report of the Committee to Council would be of benefit. Although Reports to Council from the Committee on particular issues may be forthcoming, these are unlikely to be on a regular basis and may also be of a somewhat ‘negative’ nature, e.g. reporting on issues relating to a Member’s conduct. An Annual Report to the Council would serve to bring the Committee’s proactive approval to matters of probity and integrity before all Members.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

There are no financial implications associated with this Report.

2. Legal Implications

The Standards Committee now operates within the legislative provisions of the Local Government Act 2000 and associated Regulations. The Terms of Reference of the Committee within the Council’s Constitution reflect those legislative requirements.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

4. Background Papers – Local Government Act 1972

None.

5. Consultations

None.

6. Report Author

Charles Poole
Service Director (Democratic Services) - extn. 7015

APPENDIX ASTANDARDS COMMITTEE
TERMS OF REFERENCE

1. To oversee and promote the arrangements to be made by the Council to promote probity and maintain the highest standards in the conduct of business by members (including co-opted members) and officers.
2. To oversee and promote observance of the Members and Officers' Code of Conduct and Political Conventions.
3. To advise on the adoption or revision of the Council's Political Conventions and monitor their operation.
4. 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 Codes and Conventions.
5. To consider and determine matters referred to the Council by the National Standards Board following investigation on its behalf.
6. To consider and determine matters relating to the conduct of Members raised directly with the Council.
7. To refer to the National Standards Board matters relating to the conduct of Members as the Committee deems appropriate and/or in accordance with national legislation and guidance.
8. To provide dispensations in accordance with national guidance and legislation.