

Leicester  
City Council

## Public Document Pack

### **MEETING OF THE STANDARDS COMMITTEE**

**DATE: WEDNESDAY, 29 JANUARY 2003**

**TIME: 5.30 PM**

**PLACE: COMMITTEE ROOM 2, '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*  
*New Walk Centre, Welford Place, Leicester LE1 6ZG*  
*(Tel. 0116 252 6028 Fax. 0116 247 1181)*

## **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. You can ask questions and make representations to Scrutiny Committees and Council. You also have the right to see copies of agendas and minutes. Dates of meetings are available at the Customer Service Centre. There are, however, 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**

The Committee Rooms at New Walk Centre are all accessible to wheelchair users. If wheelchair access is required for Council meetings, which are held at the Town Hall, please contact Charles Poole on 252 7015 or call in at the Customer Service Centre.

### **BRAILLE/AUDIO TAPE**

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).

**General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Frances Wake, Committee Administrator on (0116) 252 6028 or call in at the Customer Service Centre.**

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

## **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 MEETING Appendix A**

The minutes of the meeting of the Committee held on 31 October 2002 are attached and the Committee is asked to confirm them as a correct record.

#### **3. DISPENSATIONS**

To consider any applications for dispensations from Members. Any applications will be circulated at the meeting.

#### **4. STANDARDS COMMITTEE REPORT BACK ON Appendix B TERMS OF REFERENCE**

The Town Clerk submits a report informing the Committee of the deliberations of the Organisations Working Party on the proposal to change the Committee's terms of reference. The Committee is asked to note the report.

#### **5. STANDARDS 'AUDIT COMMITTEE' ROLE Appendix C**

The Town Clerk submits a report on the proposed 'Audit role' for the Committee and asks Members if they wish to adopt a methodology for the systematic auditing of the Council's rules, processes and application of ethical standards and associated regulations.

#### **6. ANY OTHER URGENT BUSINESS**

#### **7. 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 report in private on the grounds that it contains 'exempt' information as defined by the Local Government (Access to Information) Act 1985, and consequently that the Committee makes the following resolution:-

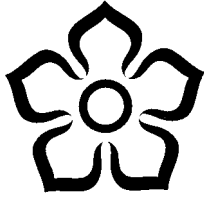
"that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraph detailed below of Part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

Paragraph 1

Information relating to a particular office holder.

**8. MONITORING OF COMPLAINTS**

The Town Clerk submits a report.



Leicester  
City Council

Minutes of the Meeting of the  
STANDARDS COMMITTEE

Held: THURSDAY, 31 OCTOBER 2002 at 5.30 pm

P R E S E N T :

Mrs Caroline Roberts (Independent Member) (Chair)

Councillor Coley

Councillor Draycott

Councillor O'Brien

**5. 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.

**6. MINUTES OF PREVIOUS MEETINGS**

RESOLVED:

That 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, having been circulated, be received, taken as read and signed by the Chair as a correct record.

Under this item, the Committee expressed its disappointment that Councillor Simons had yet to comply with Resolution (4) of the Minutes of 29 July, with regard to offering an apology and an undertaking to future behaviour.

**7. COMPLAINTS AGAINST MEMBERS**

The Town Clerk submitted a report which updated the Committee on the position with regard to dealing with complaints against Members. It was noted that Regulations had now established the Standards Board for England and most of its procedures. The national provisions for dealing with Complaints against Members now replaced the procedure formerly agreed by the Committee. It was noted that the Regulations concerning arrangements for complaints to be referred back by the Standards Board for England to a Local Authority were still awaited.

It was noted that representations had been made to the Standards Board, expressing concern that no provision was made in the new framework for local input or 'filtering' at the local level where some complaints could be speedily addressed to the satisfaction of the complainant. Under the new arrangements, there was no regard for what the complainant was looking for as an outcome and all complaints, no matter what scale, would potentially take some time to be dealt with, which was not considered in the interests of the complainant or the Member being complained about.

The report suggested an approach to dealing with complaints received, so far as Regulations and Guidance may allowed.

Members raised the following issues:-

- provision of legal representation for Councillors complained about
- time it may take to deal with a relatively trivial matter
- the person complained about wouldn't necessarily know
- no time limits for determination of complaints

RESOLVED:

That, as far as Regulations and Guidance allow, the proposals detailed in paragraph 2.9 of the report, for dealing with complaints, be supported.

## 8. DISPENSATIONS

The Town Clerk submitted a report informing the Committee of its power to grant dispensations to Members of the Council and voting co-opted members and the arrangements for the process.

It was noted that the circumstances in which dispensations could be granted were now very limited. They were as follows:-

- the Member had made a written request to the Standards Committee explaining why the dispensation is required, and either:
- the business of the Council would be impeded if a dispensation was not granted because the restriction prevented the participation of more than 50% of the Members entitled, or required, to participate in the consideration of the matter, or
- the restriction prevented the Council from maintaining the balance between political groups in considering the matter, that was required by Section 15(4) of the Local Government and Housing Act 1989.

It was noted that the main issue was ensuring that appropriate arrangements were in place to allow the Committee to deal with applications, as it could only be carried out by the Committee and not delegated to an officer. It was noted that 'Applications for Dispensations' would be a standard item on the

Committee's agendas or up to the next 2 meetings and that urgent meetings may be required. It was suggested that a Standards Committee meeting should be pencilled in some time shortly before each Council meeting. It was noted that the current timetable had a Standards Committee the day before Council in January and the ordinary Council in March. However, it was agreed that a special meeting should be convened on Tuesday 4 March 2003, the day before the Budget Council meeting.

Members also stressed the need to get information to all Councillors as quickly as possible, to alert them about the new arrangements.

**RESOLVED:**

- (1) that the Dispensation Regulations be noted;
- (2) that all Members be asked to review their potential need for dispensations, notably, well in advance of the budget consideration;
- (3) to note that consideration of dispensation requests would appear as an item on the Committee's agenda for all future meetings and also that there was a likelihood of urgent meetings being requested to consider dispensation applications, should there be a change in Members' circumstances;
- (4) that there be a special meeting of the Committee convened on Tuesday 4 March at 4.30 pm.

**9. TRAINING AND DEVELOPMENT**

The Town Clerk submitted 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 were embedded within the organisation.

Members agreed that the declaration of acceptance of office should not be done on election night but should be incorporated in the induction process for new Councillors.

It was suggested that the induction pack should include a list of forms that Councillors were allowed to sign, as a result of their office eg. passport applications.

**RESOLVED:**

That, including the comments above, the proposed programme of training and development as detailed in the report, be approved.

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

The Town Clerk submitted a report which reviewed the current role of the Standards Committee and ways in which its profile could be raised. Members made the following comments:-

Agreed in principle with the idea of an Annual report to Council but noting that individual cases could not be discussed.

Further clarification was requested on the Audit role, as proposed, before a decision was taken on this.

The idea of a Standards Bulletin in a 'question and answer' format was supported.

Agreed that the Monitoring Officer's report be submitted for information and comment.

RESOLVED:

That the Town Clerk take on board the above comments.

**11. AGENDA NOTE:COMPLAINTS RELATING TO ELECTED MEMBERS**

It was agreed to take this item in the public session. The Town Clerk tabled a suggested method for the recording of complaints.

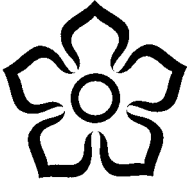
RESOLVED:

That the proposals for the recording of complaints be approved.

**12. CLOSE OF MEETING**

The meeting ended at 7pm.





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**WARDS AFFECTED:**  
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Standards Committee

29 January 2003

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**STANDARDS COMMITTEE  
REPORT BACK ON TERMS OF REFERENCE**

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**Report of the Town Clerk**

**1. Purpose of Report**

To report back to Members of the Standards Committee on a suggested amendment to its Terms of Reference.

**2. Summary**

2.1. The Standards Committee, at its meeting on 31 October 2002, gave consideration to possible changes/additions to its Terms of Reference. It was felt that it may be beneficial to add "consideration of reports, statutory or otherwise, presented to the Standards Committee by the Monitoring Officer".

2.2. This suggestion was considered, in detail, by the Organisations Working Party at its meeting on 13 November 2002. The view of the Working Party was however, that the receipt and consideration of Monitoring Officer Reports (when relating to matters of standards/ethics/probity) was fundamental to the role of the Standards Committee and implicit within the existing Terms of Reference. Should minor drafting changes be required, it is normal practice that these are incorporated into the annual review of Terms of Reference which are formally approved at the Annual Meeting (Mayor Making).

**3. Recommendations**

Members are asked to note the views expressed by the Organisations Working Party.

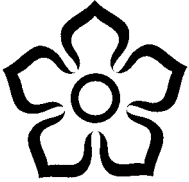
**4. Headline Financial and Legal Implications**

There are no financial or legal implications associated with this report.

**5. Report Author/Officer to contact:**

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

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**WARDS AFFECTED:**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Standards Committee

29 January 2003

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**STANDARDS 'AUDIT COMMITTEE' ROLE**

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**Report of the Town Clerk**

**1. Purpose of Report**

To provide Members with further clarification on the proposed 'Audit Role' for the Committee.

**2. Summary**

2.1. At the meeting of the Committee on 31 October 2002, when considering ways of raising the profile of the Committee, the attention of Members was drawn to the requirement that the Council must regularly review and report upon its arrangements in the area of Corporate Governance, including 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 this Corporate Governance review progress, it was suggested that the Standards Committee fulfil the role of 'Audit Committee for Standards', requiring 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. Before taking a decision on this matter, the Committee asked for further clarification on the audit role as proposed.

2.2. It is envisaged that a process be developed, for adoption by the Committee, which:-

- (i) Identifies the key risks associated with procedures, relating to ethics, standards and probity and ensures that they are reviewed at least annually.
- (ii) Defines the matters which would provide assurance that those risks are being adequately addressed.
- (iii) Ensure that assurance is provided, through Committee consideration, to an annual cycle.

- (iv) Involves sufficient reality checks on the assurance provided, with evidence.
- (v) Completes the annual cycle to feed into the Corporate Governance Annual Report, which is usually prepared in June/July.

2.3. Key areas which would lend themselves to this approach include:-

- \* Political Conventions, including Members Code of Conduct (review, publicity, application)
- \* Officers Code of Conduct
- \* Register of Members Interests (review/monitoring)
- \* Declarations of Interest (Dispensations, monitoring, updating)
- \* Registers of Members and Officers Gifts and Hospitality (review)
- \* Member training and development (both provision and attendance) on matters of ethical conduct, including training in Development Control matters
- \* Member conformance to Data Protection provisions
- \* Complaints against Members (monitoring)

2.4. This approach would have particular validity in the immediate future, having regard to the all-out City Council elections on 1 May 2003 and the introduction of new Members to the Council, as well a continuing changes and development to ethical standards and associated Regulations.

### 3. Recommendations

Members are asked to consider whether they wish to adopt this methodology for a proactive and systematic auditing of the Council's rules, processes and application of ethical standards and associated regulations.

### 4. Headline Financial and Legal Implications

Legal implications to follow.

### 5. Report Author/Officer to contact:

Charles Poole  
Service Director (Democratic Services)  
extn. 7015