



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: TUESDAY, 13 NOVEMBER 2018 at 5:30 pm

P R E S E N T:

Councillor Dr Barton (Chair)
Councillor Shelton (Vice Chair)
Councillor Dr Moore

Also present:

Ms Fiona Barber	Independent Member
Mr Mike Galvin	Independent Member
Ms Jayne Kelly	Independent Member
Ms Alison Lockley	Independent Member
Mr Simon Smith	Independent Member
Mr Mick Edwards	Independent Person
Mr David Lindley	Independent Person

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1. INTRODUCTIONS

The Chair welcomed everyone to the meeting and led introductions.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rae Bhatia.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda.

There were no declarations of interest.

4. TERMS OF REFERENCE

The Monitoring Officer submitted a copy of the Terms of Reference for the Standards Committee and its sub-committees which included minor modifications regarding procedural arrangements and referred more inclusively to the two sub-committees of the main committee and had been endorsed by full council.

NOTED:

The Terms of Reference for the Standards Committee and its sub-committees.

5. MEMBERSHIP OF THE COMMITTEE

NOTED:

The membership of the Standards Committee for the 2018/19 municipal year as below:

Councillors:

Chair: Councillor Dr Barton

Vice-Chair: Councillor Shelton

Councillor Dr Moore

Councillor Rae Bhatia

Independent Members:

Ms Fiona Barber

Mr Mike Galvin

Ms Jayne Kelly

Ms Alison Lockley

Mr Simon Smith

Standing Invitees:

Mr Michael Edwards (Independent Person)

Mr David Lindley (Independent Person)

6. DATES OF MEETINGS 2018/19

NOTED:

The dates of Standard Committee meetings for 2018/19 as follows:

- Tuesday 13th November 2018 at 5.30pm
- Tuesday 2nd April 2019 at 5.30pm

7. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Standards Committee meeting held on 28th November 2017 be confirmed as a correct record.

8. COMPLAINTS POLICY & PROCEDURE FOR MANAGING VEXATIOUS CUSTOMERS

The Director of Finance submitted a report outlining details of the Complaints Policy & Procedure for Managing Vexatious Customers.

James Rattenberry, Principal Policy Officer and Nilkesh Patel, Service Improvement Manager introduced the report and it was noted that:

- The council had been operating a single stage non-statutory complaints regime since April 2016, this included a triage process to determine the route of the complaint and who would need to be involved.
- The aim now was to put in place a written policy for corporate non-statutory complaints to support the standardised regime.
- Complaints regarding Councillors, Children Services and Adult Social Care had their own complaints policy and procedure so would not be subject to this proposed policy.
- The policy would inform customers how the council defined and dealt with complaints with additional guidance drafted to manage vexatious customers.

Members were invited to provide feedback which included the following comments and suggestions:

- In relation to managing vexatious customers and recognising mental health issues once a customer was deemed vexatious, discussions were held with other departments to identify and address needs. Officers agreed to consider including some provision for that point within the policy
- Last financial year the council dealt with 98% of complaints within 10 working days, 2% of those were referred to the local government ombudsman. As far as the resolution process the council responded within 10 working days, if the customer remained unsatisfied they could refer to the local government ombudsman. Once the local government ombudsman contacted the council, the council responded again within 10 working days.
- The phrasing used on page 19 para 3.1 should be altered to something like “Complaints that are bound to fail” rather than “Complaints made that are groundless”.
- The policy did not include how to make a complaint about an officer’s conduct, behaviour or attitude.
- The policy did not mention the route for making a complaint via a councillor, although there was a separate procedure there should be reference to that. A flow chart would be helpful to show parallel processes for customer complaints and complaints taken up by Councillor’s.
- In terms of comments on page 17 para 6.1 those should be pitched to give assurance to complainants for example if their complaint related to a failure to provide service then they would want to be given confidence that the service would be provided.
- It would be helpful to explore how people’s expectations were managed and include that as part of Councillors induction process.

The Chair thanked officers.

RESOLVED:

That the contents of the report be noted and officers take account

of the feedback given above.

9. CODE OF CONDUCT FOR EMPLOYEES

The Head of Human Resources submitted a report inviting the Standards Committee to review the Code of Conduct for Employees.

Craig Picknell, Head of Human Resources introduced the report explaining the original policy was developed in 2013 in consultation with unions. The purpose of the Code of Conduct for Employees was explained, and Members were advised that the policy was kept up to date where there was a legal requirement to do so. Members were assured that the policy was comprehensive, robust and frequently referenced in terms for example of information technology or dress code. The Code of Conduct for Employees formed part of the terms and conditions for all employees therefore any substantial variations would require consultation with unions and it would have to be very clear that it merited amending the code of conduct as it would be subject to an involved process.

Members noted that there were no significant changes to the Code of Conduct for Employees.

During discussion Members comments included the following:

- In relation to standards of dress there was no specific line on women wearing a burkha or niqab and there were no known cases where this had been an issue.
- In terms of Gifts and Hospitality, the Code of Conduct for Councillors specified an amount exceeding £25 whereas the Code of Conduct for Employees did not. It was recognised that whilst there was a case for consistency most people would realise if a gift was of trivial value that didn't merit registering or if a gift was inappropriate and should be declared.
- Referring to page 39 it was suggested that there was no clear statement about using council computers for inappropriate use. Members were assured that there were other policies in place that provided more detail for specific areas such as IT usage and Social Media Guidance and the council blocked access to various sites including social media such as Facebook.

RESOLVED:

That the contents of the report be noted, and no changes be made at this time to the Code of Conduct for Employees.

10. PRIVATE SESSION

Into Private Session

RESOLVED:

That the press and public be excluded during the next 2 items on the agenda, in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involved the likely disclosure of “exempt” information, as defined in the Paragraph detailed below of Part 1 of Schedule 12A of the Act, and taking all circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 7a

Information which is subject to any obligation of confidentiality

Paragraph 7c

The deliberations of a standards committee or a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

11. ANY OTHER URGENT BUSINESS

AOB 1

With the approval of the Chair, the Monitoring Officer advised Members that Mr David Lindley, Independent Person had raised a point following a recent news story about a Councillor that was pertinent and relevant to be mentioned.

Mr David Lindley, Independent Person referred to the recent conviction of a Councillor following trial at Crown Court. He queried whether the fact of a police investigation resulting in conviction at court ended matters or whether there was a parallel with a Coroners Court for example, and at conclusion of criminal proceedings the inquest would reopen to fulfil its statutory process. Whilst some might say what was the point of an investigation of the Code of Conduct the issue was he remained a Councillor and so the council should consider the Code of Conduct, further the Code of Conduct for Employees included a requirement to disclose criminal convictions and that the authority reserved the right to further investigate.

Members discussed the points made and the feasibility to take this up within the Standards Regime.

The Chair commented that any investigation around the Code of Conduct could not go behind the conviction or have an opinion on incidents leading to the conviction although the incidents leading to the conviction would seem to have

happened whilst on council business and that would make it part of the Code of Conduct.

The Monitoring Officer advised it would be prudent to await the outcome of any appeal lodged and it could be checked, quite simply. If Members decided to take up the matter, there would have to be formed a subcommittee to go through proper process.

The Monitoring Officer advised that as this had seemed to happen whilst on council business it was legitimate for someone to challenge the council to look at the ethical conduct of the Councillor concerned and although there was no power to remove a Councillor there was the power of public censure.

RESOLVED:

That the Monitoring Officer reflect on this discussion and take due action with Independent Persons as to how this case should be treated in the Standards regime.

12. HEARING PANEL RECOMMENDATIONS - COMPLAINT 2018/05

The Monitoring officer submitted a report seeking the Committee's endorsement of the recommendations of the Hearing Panel following their determination of the complaint 2018/05 by Mr X against Councillor Corral.

It was noted that the Hearing Panel had considered the investigators report on the complaint and Councillor Corral's open letter to the panel.

The Hearing Panel had found that there had been a breach of the Council's Code of Conduct for Elected Members and had recommended that:-

- a) Councillor Corral apologise directly to Councillor Z and Mr X in writing within 14 days of today for the offence caused,
- b) The Monitoring Officer publishes the Decision Notice of the Hearing Panel, and a suitably redacted version of the Investigator's Report, on the Council's website,
- c) The Labour Group and/or the Elected Mayor withdraws Councillor Corral's appointment to any outside bodies on which he serves as a representative of the Council.

The Monitoring Officer advised that the findings of the Hearing Panel were advisory, and the Standards Committee was required to consider those findings and either endorse or reject them. If the Standards Committee rejected the findings of the Hearing Panel, then that would be the end of the process for dealing with the complaint.

The Committee discussed the Investigators report and Councillor Corral's open letter together with the Decision Notice which set out the detailed findings of the Hearing Panel during which the Monitoring Officer responded to any questions regarding the complaints process.

18.41pm Members agreed and endorsed the findings of the Hearing Panel and

moved into Public Session to announce the resolutions of the Standards Committee.

RESOLVED:

1. That the findings of the Standards Hearing Sub-Committee held on 13th November 2018, as recorded in the Decision Notice of that meeting, be endorsed,
2. That Councillor Corrall apologise directly to Councillor Z and Mr X in writing within 14 days of today for the offence caused,
3. That the Monitoring Officer publish the Decision Notice of the Hearing Panel and a suitably redacted version of the investigators Report to the Council's website forthwith,
4. That the Labour Group and/or the Elected Mayor withdraws Councillor Corrall's appointment to any outside bodies on which he serves as a representative of the Council.

There being no further business the meeting closed at 18.43pm.