



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: THURSDAY, 6 MARCH 2008 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) - Chair
Kate McLeod (Independent Member)
Mary Ray (Independent Member)

Councillor Draycott Councillor Coley
Councillor Mugglestone

31. MEMBERSHIP OF THE COMMITTEE

The Committee welcomed Mary Ray and Kate McLeod as two new Independent Members appointed to the Committee by Council.

32. APOLOGIES FOR ABSENCE

No apologies were recorded.

33. DECLARATIONS OF INTEREST

No declarations were given.

34. MINUTES OF THE PREVIOUS MEETING

The Chair noted that the resolved items 1 and 4 were duplicated under item 27.

Resolved:

that the minutes of the previous meeting on 21 November 2008
be agreed as a correct record, subject to the above amendment.

35. STANDARDS BOARD FOR ENGLAND (SBE) - BULLETINS 36 AND 37

The Town Clerk and Corporate Director Resources submitted a report that gave details of the recent Standards Board for England bulletin.

The Chair reported that the Standards Board for England had published two Bulletins (36 in December 2007 and 37 in February 2008). These were a bi-

monthly summary of news and guidance, which were of particular interest to the Standards Committee.

It was reported that Bulletin 36 emphasised the importance of the 'Local Government and Public Involvement in Health Act 2007' to the Standards Committee, in that it abolished the role of the independent adjudicator and transferred responsibility for the standards agenda to the local authority. The Bulletin is also gave details of the findings from the local assessment pilots and provided a checklist for local authorities in the run up to April 2008.

Tom Stephenson, Town Clerk and Corporate Director of Resources, highlighted the importance of the advice regarding the responsibility transfer, which noted that Members would not be able to both hear a complaint and sit on the appeal. The Committee would therefore need to be divided into two, which would enable this process to take place. The Chair suggested that this would allow the Committee to develop their own working style with sub-committees. Independent Members acknowledged that the Council had made progress with the new system, despite the absence of the guidelines. It was noted that a date had not been given for the publication of the guidelines.

A Member of the Committee enquired if the 'Case Review 2007' was available to members. Charles Poole, Service Director acknowledged that it was and agreed to make it available.

The Chair reported that Bulletin 37 discussed how to help the public understand complaints, with examples of good practice in publicising the local assessment of complaints.

RESOLVED:

(1) that the Committee noted the report.

(2) that the 'Case Review 2007' be made available to members of the Standards Committee

36. STANDARDS COMMITTEE - FUTURE SIZE, COMPOSITION AND TERMS OF REFERENCE

The Town Clerk and Corporate Director of Resource submitted a report seeking the views of the Committee on its future size, composition and Terms of Reference in the light of the Standards Committee's new responsibilities in the ethical framework. Including matters arising from the Local Government and Public Involvement in Health Act 2007, and the initial feedback from the Comprehensive Performance Assessment (CPA).

The Chair discussed the issues presented in the report and the relevance to the Committee. She noted that the composition of the Committee needed to be considered in that the presence of Senior Councillors could have a detrimental effect in the eyes of the public. In addition there might be a need to increase the membership to account for the increased workload of members complaints, which might not be compatible with a mix of experiences. She reported that

she had discussed this matter with the Inspectors who had conducted the Authority's Comprehensive Performance Assessment and Standards Chairs from other areas. The feedback was that it was not wise to have senior Members on the Committee, as they were concerned that senior members were more likely to have complaints against them and it could be seen by the public as a mechanism for control. However, the Chair felt that there were also advantages to having Senior Members as they were more experienced in the workings of the Council and it had not been found in Leicester that many complaints had been made.

Charles Poole, Service Director Resources, noted that the law stated that the Lord Mayor was not allowed to sit on the Committee and that only one Cabinet Member was permitted.

A Member of the Committee expressed concern that the Committee had not been briefed of this at the previous meeting. In response it was noted that the issue had not arisen at that time.

Members discussed the options available and noted that there were advantages and disadvantages to having inexperienced Members on the committee. Concern was expressed over the disadvantages as the new Members might have difficulty in participating in complaint cases due to lack of experience and understanding of the Council's functions. It was also felt that these Members would not have the same influence over their political group.

Members disagreed with some of the concepts in that high profile Members in Leicester were not generally complained about more. In response it was noted that this had related to public perceptions of the workings of the Committee with the aim to try and eliminate bias.

Members felt that with the existing membership it could be seen that the Council was taking its Standards role seriously and they were aware of discipline issues within groups. The Committee discussed the importance of maintaining links with the existing members to offer assistance with their experience and authority over the Groups. The Chair noted that once the new committee was established if it did not work it could be reviewed.

A Member of the Committee explained the difficulty within his party to find Members for this role, as most were very long standing and all but one had previously been a Cabinet Member. Members also explained that each party appointed members to committees through applications by individual members. They expressed concern on how Members would be selected and that the criteria would need to be specific for defining what a 'senior Member' was. It was requested that this issue be discussed at Whips for an input.

Members accepted that the advantage to the new Members would be that they could be trained on the new code along with the Independent Members, and would not take forward the older format. It was felt that with adequate training the committee would then have a chance to develop.

The Committee accepted that the membership needed to be increased to allow for hearings and appeals from different Members. It was suggested that this be increased to either 6 or 7, which would depend on the capacity of the Green Members. The composition of the membership could therefore contain 2 Conservatives, 2 Labour, 2 Liberal Democrats and 1 Green Councillor. It was suggested that a report would go to Council for a decision on the Committee size, composition and request that the terms of reference be changed to allow the committee powers to create their own sub-committee.

The three Councillor Members expressed disappointment on not being able to continue on the Committee, however felt that following the report this action had to be taken. Independent Members acknowledged the Members disappointment and expressed regret at losing them from the Committee.

RESOLVED:

- (1) that it be suggested to Council that senior members withdraw from the Standards Committee to be replaced with new Members.
- (2) that Officers be requested to prepare a report for Council requesting a change to the terms of reference to allow the Standards Committee to arrange their own sub-committees and to increase their membership and composition as stated above.
- (3) that Group Whips be requested to consider the membership of the Standards Committee.
- (4) that the report be noted.

37. ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND - CONSULTATION

The Town Clerk and Corporate Director of Resources submitted a report, which gave details of the consultation on the new Conduct regime, and the response submitted by the Town Clerk to the Department of Communities and Local Government.

Kate Owen, Members Support Officer, reported that under the new regime the Standards Board for England was to take a more remote role on action into allegations of misconduct.

The Chair suggested in relation to point 11 of the report (joint working) that the Council could sometimes work along side Leicestershire County, Nottingham and Derby City Councils. This would allow possible occasional exchanges of members to allow for complete independence or to participate in joint training. Leicestershire County Council had already expressed an interest in joint working. Members suggested that costs involved would need to be agreed between the authorities in advance. Tom Stephenson, Town Clerk, noted that the joint working could have a positive impact in building relationships.

RESOLVED:

that the report be noted.

38. ANY OTHER URGENT BUSINESS

COMPLAINTS RELATING TO ELECTED MEMEBERS

Members of the Committee were briefed on the outcome of four complaints against Elected Members, which had been lodged with the Standards Board for England. In all cases the Standards Board for England had concluded that no action was necessary.

RESOLVED:

that the briefing be noted.

39. CLOSE OF MEETING

The meeting closed at 6.35pm

