



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 18 NOVEMBER 2009 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) – Chair
Ms Mary Ray (Independent Member)

Councillor Corrall
Councillor Scuplack
Councillor Mary Draycott MBE
Councillor Shelton
Councillor Thomas

98. APOLOGIES FOR ABSENCE

Apologies were received from Kate McCleod.

99. DECLARATIONS OF INTEREST

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

Councillor Thomas queried whether he needed to declare that he was Chair of the Licensing Committee in relation to item 9, Code of Practice – Member Involvement in Licensing Decision Making. The Solicitor and Monitoring Officer advised that this wasn't necessary and in any event it was intended to ask Committee Members for a deferral on this item.

100. MINUTES OF PREVIOUS MEETING

Members enquired about the status of an ongoing Standards investigation. The Solicitor and Monitoring Officer noted that as this wasn't an urgent issue, he wasn't able to give an update at the meeting, but would seek to provide Committee Members with a written update.

Minute 89 – Local Democracy, Economic Development and Construction Bill

Some concerns were expressed with regard to the way the Council responded to petitions, particularly the length of time it was taking to receive responses on petitions and the fact that reports in response to petitions were no longer being

considered by the Overview and Scrutiny Management Board. It was felt that the Standards Committee should review this area to ensure that a suitable process was in place for managing petitions.

It was agreed that the Committee consider a process for handling petitions at a future meeting.

Minute 90 – Standards Board for England – Yearly Return Submission Statistics 2008-9

It should now read 'Standards for England'.

Minute 91 – Ethical Governance Report – Audit Commission

It was welcomed that there was a request for the Audit Commission to be invited to the Committee in the Work Programme, however it was felt that the minutes needed to reflect the fact that this was discussed at the last meeting.

Minute 96 – Standards Committee Work Programme

It was felt that the wording needing to be amended, it needed to be clarified, why the Leader of the Council was to be invited to a meeting of the Committee.

The Committee reiterated its request to invite the Leader of the Council to a future meeting.

101. STANDARDS COMMITTEE FIRST ANNUAL REPORT 2007-2009

The Independent Chair of the Standards Committee submitted a report presenting the achievements of the Standards Committee for the years 2007 – 2009 and considered challenges for the year ahead.

Some Members commented that the diagram style of the report was 'busy' and difficult to understand. It was explained that the idea was to get away from a traditional style, every line from the central point, led to an achievement of the Committee. Other Members, however, felt that this style of doing the report was preferable to having a detailed wordy report.

It was suggested that some of the achievements be brought out in more detail, such as the fact that there were concerns about the complaints procedure when it was introduced, but now a workable system had been achieved. It was also suggested that there should be some comment in the report about the frustrations and the bureaucratic nature of the complaints system, its ambiguities and how more informal routes were now being considered.

The Chair undertook to attend Licensing meetings once a decision making code of practice was in place.

In terms of the style of the document, it was suggested that the main points coming from the centre be in bold and the further out elements be in a lighter shade. Further, it was suggested that 4/5 theme headings could be developed.

With regard to training, it was commented that Members had been involved in

training other than with regard to the complaints process, such as with regard to the Planning and Development Control Committee.

RESOLVED:

The Chair undertook to make amendments to the report based on the Committee's comments.

102. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES ON 12TH AND 13TH OCTOBER

The Solicitor and Monitoring Officer submitted a report which provided the Committee with feedback from the Annual Assembly of Standards Committees.

The Solicitor and Monitoring Officer presented the report, giving a detailed breakdown of the learning points from the Assembly and the suggested actions.

Members of the Committee commented on the importance of keeping up to date on case law with regard to Standards complaints and investigations.

It was further commented that the general direction of Standards work seemed to show that it was a growing area and was turning into something that would sit alongside all parts of the Council's work. Further, it was felt that Standards Committees would be becoming more involved in Partnership Working, but it was not clear how this would work.

Members considered this area further, noting that there were Standards bodies for the Police, Fire Services and Health Services. It was suggested that there could be an executive body of the heads of Standards bodies for all these partners. Further, it was noted that it was previously agreed to make contact with the Standards Committee in the County Council, but it was not yet clear what form this would take. The Solicitor and Monitoring Officer felt that there would be some use in establishing a local Standards network to share experiences and develop common guidelines.

Members asked that details of the dates of next year's Assembly be circulated.

RESOLVED:

- (1) that the feedback from the Assembly be noted; and
- (2) that Members wished to ensure that current casework was reported to them on a regular basis;
- (3) that Members' views on developing joint / Partnership Standards arrangements, be noted. and
- (4) that dates of next year's Assembly be circulated to Members.

103. MEMBER CONDUCT AT MEETINGS

The Solicitor and Monitoring Officer submitted a report reviewing the 'Member Conduct at Meetings' Protocol.

The Chair stated that she intended to draw up an amended protocol and provide it to the Committee for consideration at the next meeting, however she was happy to consider any comments / suggestions that Committee members had.

A range of comments were made with regard to the general lack of guidance for Councillors for wider Council meeting matters. It was felt that as well as the Protocol, there should be guidance on meeting etiquette, such as the need to stand up when the Lord Mayor enters the room. It was also felt that there should be guidance on other practical matters such as moving of motions and voting. It was recommended that this guidance should be put together in a pocket sized booklet and should be promoted particularly with new Councillors.

With regard to the Member Conduct Protocol, the following comments were made:-

- There was no reference to the Chair, ie being seen to avoid bias and cutting off debate.
- The Protocol should relate to the Members' Code of Conduct.
- Dealing with Transgressions needed further consideration – would personal comments be referred to Standards for England? The Chair said that wording needed tightening up in this respect such as the Lord Mayor requiring an apology or the grounds on which to ask for removal from a meeting.
- With regard to number 13, about interrupting, it was felt that interruptions would always happen and it was a key part of debate. The Chair commented that it wasn't intended to stop the 'rough and tumble' of debate, but there shouldn't be continual interruptions.
- There should be a comment in the protocol about the Chair being 'first' and that this role was needed to control the meeting.

RESOLVED:

- (1) that the comments of the Committee be noted; and
- (2) that the Committee consider an amended Protocol at its next meeting.

104. MEDIATION AND OTHER ACTION

The Solicitor and Monitoring Officer submitted a report which considered the use of mediation and other action when dealing with complaints about Members' conduct.

Members commented with regard to the use of trained mediators. It was felt that there would be people with skills within the Council who could undertake this kind of work and that this should be investigated before buying in these

kinds of skills. If mediators were brought in, staff should observe proceedings with a view to undertaking the role in future.

Members also considered at what point mediation could be brought into the proceedings. The Solicitor and Monitoring Officer advised that it should always be the case that the full initial assessment Standards Sub-Committee should take place to undertake a proper assessment of a case and mediation, if appropriate should take place after that. It was further noted that all parties would need to be willing to get involved in mediation, it wouldn't be binding mediation, but to not co-operate could be seen as a breach of the Code of Conduct.

Members welcomed the publicising of this option on the Internet.

RESOLVED:

that the report be noted and the use of mediation as a means of resolving complaints at any stage in the process where appropriate be supported.

105. STANDARDS COMMITTEE 2009 WORK PROGRAMME

Members of the Committee considered a work programme for the Committee.

The following comments were made:-

- An item on exploring and developing the role of ethical governance should be included.
- The 'Not Proven' issue was felt to be a worthwhile area for further work.
- The proposal for a booklet on meeting guidance and etiquette should be included.
- The agenda for the January meeting looked large – the invite to the Leader of the Council could be delayed.
- Number 9, Standards Performance – the date should read Jan 10.
- Number 7, Independent Members regularly attending Cabinet meetings – It was suggested that if this happened then due to familiarity, Members may lose their ability to keep a judgemental distance. Councillors felt that this wouldn't be an issue as you could still maintain a critical eye on proceedings despite being familiar with people – it was good to have a range of views when looking at proceedings.

RESOLVED:

that amendments be made to the work programme based on the comments of the Committee.

106. CODE OF PRACTICE - MEMBER INVOLVEMENT IN LICENSING DECISION-MAKING

It was agreed to defer this item until the next meeting.

107. CLOSE OF MEETING

The meeting closed at 6.55pm.