



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 13 JANUARY 2010 at 5:30 pm

P R E S E N T:

Mrs Sheila Brucciani (Independent Member) – Chair

Ms Kate McLeod
Ms Mary Ray

Independent Member
Independent Member

Councillor Draycott
Councillor Shelton

Councillor Scuplak
Councillor Thomas

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108. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Corrall and Councillor Keeling.

109. DECLARATIONS OF INTEREST

Councillor Scuplak queried whether she needed to declare that she was Vice Chair of the Licensing Committee in relation to item 4, Code of Practice for Member Involvement in Licensing Matters. This was noted but Councillor Scuplak was advised that there was no need to declare this as an interest.

110. INTRODUCTION OF DIRECTOR OF CORPORATE GOVERNANCE

Members welcomed the Director of Corporate Governance to the meeting and were informed he was due to take over the role of Monitoring Officer with effect from 1 February. Members commented on the excellent contribution Peter Nicholls, the Solicitor and Monitoring Officer had made to the work of the Standards Committee during his time in the role of Monitoring Officer.

111. MINUTES OF PREVIOUS MEETING

Members enquired about the status of an ongoing Standards investigation. The Solicitor and Monitoring Officer stated the report was completed recently with clear recommendations. A Special Meeting of the Standards Committee will be held on 8th February to consider the report.

Minute 101 – Standards Committee First Annual Report 2007-9

The Chair stated that the changes suggested by the Committee had been incorporated in the report, which will be presented at Cabinet and Full Council later this month.

Minute 104 – Mediation and Other Action

It was felt that the wording should be changed to reflect that staff would undertake *training* after observing mediation, not imply staff should undertake a mediation role after only observation without sufficient expertise.

It was also felt that the wording: “it wouldn’t be binding mediation, but not to co-operate could be seen as a breach of the Code of Conduct” be removed as for mediation to work, all parties needed to be willing, and there should be no element of coercion.

Minute 105 – Code of Practice – Member Involvement in Licensing Decision-Making

It was felt that Number 7 should be simplified to state: “Independent Members regularly attending Cabinet meetings, there was discussion around this issue.” It was felt that the detail of the discussion was superfluous and not necessary to record.

112. CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN LICENSING MATTERS

The Solicitor and Monitoring Officer submitted a report presenting the Code of Practice for Member Involvement in Licensing Matters.

Amendments to the wording of the Code were agreed on the following paragraphs:

- 2.2 Relationship to the Member Code of Conduct
the word “apply” be replaced by “comply”
- 3.5 General
“includes trust” be amended to “requires trust”
- 4.2 Role of Ward Councillors
It was noted that ward Councillors now have the right to make representations under legislation and the code would be amended to reflect this.
- 5.1 Members Interests
Amend “as if they were an individual” to make explicit their right to make representations.
- 5.6 Members Interests
“subject to the guidance listed above” be added to the end of the point.
- The Chair suggested the licensing objectives should be defined clearly at the start of the report.

Concern was raised about the following paragraphs in the Code. It was agreed they would remain unchanged after Officers had explained the reasons for it:

- 2 Relationship to the Member Code of Conduct
the first paragraph be depersonalised so it was consistent with the rest of the Code. Officers explained that this was deliberate to give it more immediacy.
- 3.4 General
“Hearings are not defined as formal committees”
- 8.1 City Council Applications
it was felt the wording “no regard to the interests of the Council” was unduly strong and inconsistent with the wording in the Planning Code of Conduct. Officers explained that it was worded so an informed outsider would be aware of the impartiality required.

Discussion then focussed on the Members Notes and Record of Decision form appended to the Code. Concern was raised that the form wouldn’t be used in practice by Members and would be a duplication of effort as the decisions and reasons underpinning them were already recorded at Licensing Hearings by officers.

Officers responded by stating it would be up to the discretion of members whether or not to use the form; it was an option if it was found to be useful. It was also remarked that the form was designed in part to act as a memory aid to assist the Members in structured decision-making. A similar device was often used by judges, and it could help when explaining the decision to the applicant/appellant at hearings. It was felt that any Member chairing a hearing will already have received training and should be clear on the process involved. Members commented that further discussion could take place on the form at the Licensing Committee.

RESOLVED:

that the Code of Practice for Member Involvement in Licensing Matters be amended on the basis of the comments made by the Committee.

113. CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

The Solicitor and Monitoring Officer submitted a report presenting the Code of Practice for Member Involvement in Development Control Decisions.

It was stated that wording regarding “trespass” (defined as members dealing with issues on other member’s wards) had been tightened and would be fed into the constitution in due course.

Some Committee Members strongly felt that the Code needed to explicitly state trespass was not acceptable, rather than it being a matter for the Development Control chair’s discretion: to ensure the relevant ward Councillor had been informed of the issue by the “trespassing” member. Concerns were raised that in practice this was not effective in ensuring ward Councillors were kept informed. It was also commented that as the majority of Development Control

decisions were dealt with at officer level via delegated powers, a mechanism should be in place to inform ward Councillors of any trespass or overlap.

Officers commented that the wording was as prescriptive as possible and that relevant development control officers try to support members, give their representations full consideration and attempt to reach a resolution in consultation with members. It was also remarked that in cases where, for example the site in question was near a ward boundary and the residents most affected by a decision were in a neighbouring ward, then an absolute rule on trespass would not give enough flexibility. It was further requested that officers should have to keep members informed of any trespass in decisions that were taken by officers under delegated powers, in the same way members are expected to keep each other informed.

Concern was raised about the statement in paragraph 5.6 that representations would only be circulated “if the necessary copies are provided or paid for and adequate notice is given”. It was suggested that this does not represent a public centred approach and may discourage members of the public. Officers responded that discretion was used in practice, and this wording was used because of instances of excessively large representations being submitted at short notice.

RESOLVED:

- 1) That the Committee recommended that the Code of Practice for Member Involvement in Development Control Decisions be reviewed after a twelve month period giving particular consideration to the ‘trespass’ issue.
- 2) That the Head of Planning Management and Delivery be requested to ask officers to inform ward Councillors where a Councillor has made a representation or a request for a Committee decision on a planning application which is not in their ward. This is to also apply where representations are made on applications being considered by officers under delegated powers.

114. MEMBER CONDUCT AT MEETINGS

The Solicitor and Monitoring Officer submitted a report that informed Members of the Proposed Protocol – Member Conduct at Meetings.

The Chair noted that the report was an update on the 2004 version to bring it in line with the Standards for England Code of Conduct.

It was commented that the Member Development Working Party was looking at meeting etiquette also and whether the Committee’s discussion had been the prompt for the proposed protocol. Officers responded that this was a separate piece of work but the two would dovetail well.

The following amendments were suggested:

- “avoid abusive language” could be extended to specifically include

racist, ageist, homophobic etc. language. It was agreed that it was better to keep the new protocol more succinct and general.

- Concern was raised that interruption should not be precluded as it was part of healthy debate and the caveat “persistent” interruption should be added.
- It was also remarked that “body language can appear intimidating” should be simplified to: “avoid intimidating body language”

The Chair surmised that the purpose of the protocol was to act as a guide and reminder and was an improvement on the previous version.

RESOLVED:

that the Proposed Protocol Member Conduct at Meetings be agreed for adoption, subject to the minor amendments suggested above.

115. COMPLAINTS AGAINST COUNCILLORS - INFORMATION FOR COUNCILLORS

The Solicitor and Monitoring Officer submitted a report that informed Members of the process for dealing with complaints about a Councillor.

It was commented that the report attempted to simplify the process and would eventually be in the form of a leaflet for members. It could be uploaded on the Council’s website in time for full Council.

The following amendments were suggested:

Flowchart:

- that No Action be added as an option alongside Sanctions
- that duplication in “Code of Conduct related complaint” be removed
- that the order of the 4 referral options be amended.

Do’s and Don’ts:

- that “Do take care to recall events and retain evidence” be added
- that “Don’t contact Members of the Standards Committee” be added
- that “Do inform Whip and Group leader for their information” be added
- that above Do’s and Don’ts it should be stated: you will be offered support from Officers if required.

It was felt that the need to prevent any complaint being too widely discussed and blown out of proportion needed to be balanced against the possibility of the member being complained about feeling isolated and unable to access support.

RESOLVED:

that Complaints Against Councillors – Information For Councillors be redrafted by the report author in collaboration with the Chair to incorporate the changes recommended by the Committee.

116. PETITIONS PROCESS

The Solicitor and Monitoring Officer submitted a report that informed Members

of the process for dealing with petitions.

The Chair felt that the report did not show at what stage in the petitions process that the petitioner receives a response from officers and this should be made clear.

It was commented that the report made limited reference to the role of ward Councillors and gave the appearance they are disenfranchised from the process. It was stated that in practice ward Councillors usually receive regular updates on the progress of petitions.

Concern was expressed that since the decision of the Overview Scrutiny Management Board (OSMB) to no longer consider all petition reports as a matter of course, petitions were getting lost in the system and not being responded to satisfactorily. It was felt that petitions were an important consultation tool and channel for public expression, therefore a system needed to be in place that showed the Council took them seriously and gave ward Councillors a chance to be involved in the response. Further it was not felt that consideration of petitions by Task Group leaders met these requirements.

Officers in response commented that whilst there were initial difficulties following the decision of OSMB, a meeting had taken place with the Chair and Vice Chair, a process was agreed and detailed guidelines were being prepared for officers. Petition responses could still be considered by OSMB but this wouldn't happen as a matter of course. It was also noted that legislative changes were coming forward which required a more customer friendly approach to petition responses, this included an online petitions facility and specific guidelines on responding.

Discussion then focussed on how to take the matter forward. It was felt that the process needed reviewing in the short term and not wait for full government guidance. Doubt was expressed about the legitimacy of Task Group leaders giving approval to petition reports, it was requested that this was looked into. It was also requested that there be engagement with OSMB to express the Committee's concerns that the public should be put at the centre of the petitions process and that the current process has not been an improvement. It was also requested that the petition monitoring report be circulated to all Councillors.

RESOLVED:

- 1) that officers are requested to undertake a further review of the petitions process which seeks to make the process more customer friendly and consider whether there are governance issues;
- 2) the views of Standards Committee regarding petitions are to be forwarded to OSMB for information and comment;
- 3) that the petitions monitoring report be circulated to all Councillors on a regular basis;

- 4) that the Standards Committee receive an update at its next meeting.

117. STANDARDS FOR ENGLAND BULLETIN 46

The Solicitor and Monitoring Officer submitted the latest Bulletin from Standards for England.

The Monitoring Officer and Solicitor stated that the 2009 Annual Assembly 'Bringing Standards into Focus' conference had reflected the top 5 issues faced by the Standards Committee, and the experiences of the Committee had been fed into a conference survey. It was also noted that "The Assessment Made Clear" DVD from the conference was informative, was available to Members and was being circulated.

RESOLVED:

That the Standards Committee notes the bulletin.

118. STANDARDS COMMITTEE ANNUAL WORK PROGRAMME 2010

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

The following comments were made:-

- Training 1: joint training with the Planning Committee had been progressed. Training materials had been created and would be used in May and June when new members get trained on committees.
- Standing Item 2: no comparative data had been received from Nottingham Council but in the future ongoing comparisons were being made with other Local Authorities; Derby Council had been especially cooperative in providing data.
- Speaker at next Meeting: it was suggested the Leader, the Chief Executive or the District Auditor be invited to the next meeting of the Standards Committee.

RESOLVED:

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

119. CLOSE OF MEETING

The meeting closed at 7:03pm.

