



Leicester
City Council

Minutes of the Special Meeting of the
STANDARDS COMMITTEE

Held: MONDAY, 29 JULY 2002 at 10.00am

P R E S E N T :

Mrs Caroline Roberts (Independent Member) (Chair)

Ms Jill Bellingham (Independent Member) Councillor Coley
Councillor Draycott Councillor O'Brien

1. DECLARATIONS OF INTEREST

The Chair invited Members to declare any interests in the business before the Committee. Councillor Draycott said that, for the sake of transparency, she wished to state that she was the Cabinet Lead for Housing but had no involvement in any of the complaints or the investigation. She was present as the Labour Group Member. She therefore had no prejudicial interest. Councillors O'Brien and Coley confirmed that they too had no interest in the issues before the Committee. Councillor Coley's role as Liberal Democrat Group Whip had ended just before the events in question.

2. PRIVATE SESSION

RESOLVED:

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 Paragraphs detailed below of Part 1 of Schedule 12A of the Act."

Paragraph 1

Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office holder under the authority.

3. COMPLAINTS AGAINST COUNCILLOR SIMONS

The Committee considered a report by the Town Clerk inviting them to decide whether Councillor Simons had breached the Council's Code of Conduct and Political Conventions. There were 24 specific complaints against Councillor Simons brought by the Director of Housing on behalf of various Housing Department Officers.

The complaints had been investigated and the Committee dealt with them in accordance with the Council's "*Procedure for Dealing with Complaints Against Councillors*". The Director of Housing attended as complainant, accompanied by the Housing Service Director (Resources) in the capacity of "*friend*". Councillor Simons did not attend. The Committee regretted this but decided to proceed in her absence as, in the circumstances, it would not be fair on her or the officers to prolong the matter any further. They considered that Councillor Simons had been given all reasonable opportunity to put her side of the case and had contributed to the investigation. Further she was aware of the hearing and its implications and had called the Council that morning to say she should not be contacted by e:mail, telephone or letter as she would be on holiday for a month from that date.

The Committee heard the Director of Housing's statement and put questions to him. They also considered:

- The complaints as submitted.
- A report by and advice from the Town Clerk.
- An independent investigator's report, including the evidence he gathered from Councillor Simons, the Director of Housing and other Councillors and officers.
- Written comments from Councillor Simons dated 12 July 2002.

The Director of Housing and Service Director withdrew before the Committee considered their decisions. The Committee followed the Procedure fairly and objectively and made their decisions after considering carefully and in detail the evidence relating to each complaint. All of their decisions were unanimous.

The Committee decided whether or not to uphold each of the complaints and then whether Councillor Simons' actions amounted to a breach of the Code and the Conventions. They also considered a response to Councillor Simons' written comments, the lessons to be learnt from the process and general action which should be taken.

RESOLVED:

- (1) That the complaints be upheld or not upheld as set out in the "*Decision for Publication*" detailed below;
- (2) That, given the nature of the complaints upheld, Councillor Simons had breached the Council's Code of Conduct and Political Conventions

through:

- Inappropriate pressure on, and criticism of officers.
 - Inappropriate involvement in casework.
 - Putting the Council at risk of legal action.
 - Bringing the Council into disrepute, given the way her behaviour would be likely to be viewed by reasonable members of the public and the perception of the Council she would have given to her constituents.
- (3) That the Committee reprimand Councillor Simons for her breaches of the Code and the Conventions, and ask that this reprimand be administered publicly at the next full Council meeting;
- (4) That Councillor Simons be requested to:
- Apologise to the officers to whom she has behaved inappropriately.
 - Give an undertaking that her future behaviour will comply with the Code of Conduct, the Political Conventions and Council procedures and that she will treat officers with due courtesy.
- (5) That the current arrangements be endorsed and confirmed for Councillor Simon's access to Housing Department officers and premises (that is, initial contact channelled through a limited number of officers, with further contact on each issue defined on initial contact);
- (6) That, for having brought the Council into disrepute, the Council be recommended, at its next full meeting to:
- Remove Councillor Simons forthwith and until 30 April 2003, as its representative on all outside bodies (currently the East Midlands Local Government Association and the Leicester Bus Users' Panel)
 - Allow Councillor Simons no permanent or substitute place on any of its Committees, Sub-Committees, or Working Parties until 30 April 2003.
- (7) That a full Decision Notice, with the Committee's reasons for these decisions, be prepared in consultation with the Chair and served on Councillor Simons and the Director of Housing on 30 July 2002;
- (8) That a statement of the Decision for Publication be prepared in consultation with the Chair and published after service of the Decision Notice;
- (9) That a report be brought to the Committee on the options for further

induction, training and awareness-raising of Councillors and officers on Councillor/Officer relationships and Conventions, including procedures for making and responding to visits and telephone calls; and

- (10) That the Town Clerk consider what further steps might be taken to preserve the confidentiality of future investigation reports.

STANDARDS COMMITTEE

DECISION FOR PUBLICATION

The Complaints

The Standards Committee met on 29 July 2002 to decide whether Councillor Julie Simons had breached the Council's Code of Conduct and Political Conventions. There were 24 specific complaints relating to matters raised by Housing Department officers. The complaints had been investigated and heard under the Council's "*Procedure for Dealing with Complaints Against Councillors*".

The Hearing

The Committee considered an independent investigator's report which contained evidence from Councillor Simons, other Councillors and officers. They also considered written comments from Councillor Simons and statements and answers to questions from the Director of Housing, who attended the hearing.

Councillor Simons did not attend. The Committee regretted this but decided to proceed in her absence as, in the circumstances, it would not be fair on her or the officers to prolong the matter any further. They considered that Councillor Simons had been given all reasonable opportunity to put her side of the case and had contributed to the investigation. Further she was aware of the hearing and its implications and had called the Council that morning to say she should not be contacted by e:mail, telephone or letter as she would be on holiday for a month from that date.

The Committee followed fairly and objectively the Procedure which Councillor Simons accepted by virtue of being a Councillor. They made their decisions after considering carefully and in detail the evidence relating to each complaint. All of their decisions were unanimous.

The Standard Committee's Decisions

The Committee considered the complaints under seven headings. Of these, two were not upheld, one was partially upheld and four were upheld. Given the nature of the complaints upheld, the Committee decided that Councillor Simons had breached the Council's Code of Conduct and Political Conventions through:

- (1) Inappropriate pressure on, and criticism of officers.
- (2) Inappropriate involvement in casework.
- (3) Putting the Council at risk of legal action.
- (4) Bringing the Council into disrepute, given the way her behaviour would be likely to be viewed by reasonable members of the public and the perception of the Council she would have given to her constituents.

The seven categories of complaints were:

1. *Failure to apologise and offer assurance about future behaviour as recommended by the Town Clerk in a report dated 22 June 2000 dealing with earlier complaints.*

Complaint not upheld.

2. *Unsubstantiated and improper allegations of political bias by senior officers.*

Complaint not upheld.

3. *Spreading accusations, without adequate evidence, that officers have misused vehicles and Council property.*

Complaint upheld.

4. *Incidents of rudeness, bullying and offensiveness towards officers.*

Complaint upheld.

5. *Incidents of rudeness about or undermining of managers to their officers.*

Complaint upheld.

6. *Action towards certain officers over a period which resulted in their referral to Occupational Health on the grounds of stress.*

Complaint upheld.

7. *Putting the Council at risk of legal claims for unfair dismissal and personal injury (through stress caused), necessitating the seeking of legal advice.*

Complaint partially upheld.

Amongst their detailed findings, the Committee decided that:

- There was no evidence of political bias by Housing officers, senior or junior.
- While it was legitimate for Councillor Simons to pursue matters on behalf of her constituents she had, on occasions, overstepped the line in the way she brought matters to the attention of relevant officers. She took matters into her own hands and proceeded in an inappropriate manner and without sufficient evidence.
- Councillor Simons' actions could legitimately be described as "*bullying*". She misused her power and position as Councillor in her dealings with officers.

Sanctions Against Councillor Simons

1. The Committee decided to reprimand Councillor Simons for her breaches of the Code and the Conventions. The Committee will ask that this reprimand be administered publicly at the next full Council meeting.
2. The Committee has requested that Councillor Simons:
 - Apologise to the officers to whom she has behaved inappropriately.
 - Give an undertaking that her future behaviour will comply with the Code of Conduct, the Political Conventions and Council procedures and that she will treat officers with due courtesy.
3. The Committee endorsed and confirmed the current arrangements for Councillor Simon's access to Housing Department officers and premises (that is, initial contact channelled through a limited number of officers, with further contact on each issue defined on initial contact).
4. For having brought the Council into disrepute, the Committee recommends that the Council, at its next full meeting:
 - Removes Councillor Simons forthwith and until 30 April 2003, as its representative on all outside bodies (currently the East Midlands Local Government Association and the Leicester Bus Users' Panel).
 - Allows Councillor Simons no permanent or substitute place on any of its Committees, Sub-Committees, or Working Parties until 30 April 2003.

4. CLOSE OF MEETING

The meeting ended at 2.43pm.

