



Leicester
City Council

Standards Committee

23 November 2011

Standards Framework – the Future

Report of the Independent Chair of the Standards Committee

1. Purpose of report

To inform discussions of the Standards Committee on the future of the Standards framework for Leicester pending the coming into force of the Localism Bill

2. Recommendations

For the Committee to consider and comment.

3. Report

- 3.1 The election of the City Mayor and the imminent demise of Standards for England and its legislative regime present the City Council with an excellent opportunity to revise its standards framework and demonstrate to the citizens of Leicester that matters of conduct and probity of Elected Members are given a high priority and any difficult issues are dealt with fairly and speedily with a minimum of cost.

Over the past months opinions have been sought with regard to how the Council's ethical framework might look in the future but, until now, it has not been practicable to make any real plans as they would be likely to be superseded by the Localism Bill. Although the Localism Act is still not in place some pointers can be found in the House of Lords proposed amendments to the Bill which appear to suggest an opportunity to establish a system that will retain the best aspects of the previous regime while dispensing with those aspects which have not worked well.

It now appears that there will be an obligation on the Council to have a Code of Conduct in place based on the Seven principles of Public Life and a Standards Committee with an independent element to deal with complaints. The arrangements for these will not be set down in

legislation leaving the Council free to adopt its own workable system. It is in this context that the following comments are made

3.2 The Standards Committee

Over the 4/5 years the of its independent existence the Standards Committee has carved out a useful role in monitoring all documentation relevant to the council's ethical framework as well as dealing with conduct complaints. It has made a useful contribution to the development of monitoring systems for planning and licensing as well as reviewing the Council's Corporate Governance Reports. Its remit is already wider than the matter of member conduct and it therefore needs to be retained and strengthened:

- The number of independent members could be increased so as to constitute a majority of the Committee.
- Elected members who would like to serve on the Committee could produce a written statement to support their interest and suitability for the role. They could be selected by interview.
- Members should commit to training and serving on the Committee for at least a year.

This would result in a more stable committee trained and experienced in the necessary skills. It might need to meet more regularly than bi-monthly.

3.3 Code of Conduct for Members

The Code of Conduct for Members introduced in 2007 has increased awareness of conduct issues and is now embedded and familiar. However, it needs to be amended so that it would be easier to understand and to manage. Problems of definition and interpretation have made application of the rules difficult at times, particularly with regard to whether or not the Code actually applies in any particular case. The issue of 'official capacity' has been challenging since precedents in case law need to be considered which complicates matters. It has also been necessary to study case histories for guidance in interpretation of some clauses.

However, potentially the Code could be a very useful tool for maintaining high standards of probity, particularly with regard to pecuniary interests which are a high priority on the Government's agenda.

- A new Code could be drafted by a group consisting of senior legal officers and the current independent members of the Standards Committee which would then be approved by the full Committee before being presented to the City Mayor and full Council

Procedures for dealing with potential breaches of the Code

At present the procedures for dealing with complaints are seen as overly bureaucratic and do not allow for a common-sense approach. A real disadvantage is the lack of power for the Standards Committee to make use of informal and innovative ways of resolving disputes. Its involvement can even appear at times to make matters worse, with the result that neither the complainant nor the subject member feel as if the issue is satisfactorily resolved. The process is also rather slow and expensive.

In the House of Lords debates, emphasis has been put on the need for an 'independent person' whose view must be sought before reaching a decision about an allegation. Baroness Hanham sets out her vision for how local authorities might find a suitable committee system for dealing with complaints. The following quotation might be a helpful steer when establishing new procedures:

"I want to make it clear that whatever the system and whether local authorities have independent members in that committee structure, they will still be required to have a further independent member who will act outside the committee system and will have to be referred to"

This suggests that, instead of needing separate Assessment and Review Sub Committees it could be possible for complaints to be dealt with by the whole Committee in the process of its regular meetings. Members could request that an investigation be undertaken or further information obtained or a mediated approach taken and will often be able to reach a decision on the complaint as received. If there is a requirement for an independent person outside of the Committee, as the Lords recommend, perhaps that person could act as an appeal to any of the Committee's decisions. This would enable much of the bureaucratic process to be dispensed with and for complaints to be dealt with more quickly and informally.

3.4 Political Conventions

The present system of regulating officer/member relationships and defining their respective rights and responsibilities has the advantage of being well established and familiar to officers and members and needs to

be retained. Similarly to the Code of Conduct for Members it applies to the City Mayor providing accountability. However, it has a different role from the Code of Conduct and should not be confused with it although the relationship between the two documents could be made clearer. It would benefit from being reviewed and updated and it might be helpful to have some Standards Committee input in that exercise.

- senior legal officers and the Chair of the Standards Committee could undertake a review of the Political Conventions.

The possibility of Standards Committee involvement in matters of officer conduct will be the subject of a separate discussion.

4. Report Author

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