



Leicester
City Council

MINUTE EXTRACT

Minutes of the Meeting of the AUDIT AND RISK COMMITTEE

Held: WEDNESDAY, 28 SEPTEMBER 2011 at 5.00pm

P R E S E N T :

Councillor Rita Patel (Chair)

Councillor Dr Chowdhury
Councillor Desai

Councillor Dr Moore
Councillor Singh

Also present:

Councillor Kitterick – Chair, Planning and Development Committee

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27. CONSIDERATION OF ITEMS AS URGENT BUSINESS

The Chair advised the Committee that, due to distribution problems, the agenda for this meeting did not go out within the right time frame to enable this meeting to be formally constituted. She therefore had agreed that all of the items on the agenda should be taken as urgent items and asked the Committee to endorse this decision.

RESOLVED:

that all of the items on the agenda for this meeting be taken as urgent items, so that:-

- the general business of the Committee is not delayed, in view of the number of significant items to be discussed; and
- if appropriate, the Committee's views can be passed to the City Mayor and Cabinet and/or Council before they consider any relevant items.

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Grant and Porter.

29. DECLARATIONS OF INTEREST

Councillor Rita Patel declared a personal interest in the general business of the meeting, in that a member of her family was an employee of the City Council.

Councillor B Singh declared personal interests in the general business of the meeting, in that he had portfolios with some voluntary sector organisations and a member of his family worked with Leicester City Council.

41. 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 Paragraph detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information:-

LAND AT 349-353 LONDON ROAD, TREE PRESERVATION ORDERS AND TREE REPLACEMENT NOTICES

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

42. LAND AT 349-353 LONDON ROAD, TREE PRESERVATION ORDERS AND TREE REPLACEMENT NOTICES

At the invitation of the Chair, Councillor Kitterick remained in the meeting during consideration of this item, although he was not a member of the Committee. This was considered appropriate, as Councillor Kitterick was present in his capacity as Chair of the City Council's Planning and Development Control Committee.

The Director of Corporate Governance submitted a report regarding tree-related planning regulations and Council policy.

At the invitation of the Chair, Councillor Kitterick addressed the Committee, explaining his concerns about a particular case that had come to his attention. It had arisen from concerns raised by another member of the Council when approached by a member of the community. Following investigation, various conclusions had been drawn. These were presented to the Committee, along with management responses to recommendations made.

Councillor Kitterick suggested that:-

- There appeared to be no standards training for officers, even when taking significant decisions. Regular standards training should be a minimum requirement;

- The officers' register of interests should be transparent, (for example, being kept in an electronic format that enabled it to be viewed on-line); and
- It could be useful to review the Council's whistle-blowing procedures.

The Chair reminded Members that the issues relating to tree preservation orders needed to be considered separately to the Council's whistle-blowing procedures and the Director of Corporate Governance reminded the Committee that its remit was to consider whether appropriate safeguards were in place to ensure the proper management of resources.

The Director of Planning and Economic Development then explained the procedure for the creation of tree preservation orders, from which the Committee noted that safeguards were in place that prevented individual officers from acting alone to create such orders.

The following comments were made in discussion:-

- The Committee expressed concerns that the issues under discussion had taken a long time to be identified and brought to their current position;
- The Committee wanted details of a linked employment tribunal once the litigation had completed to see if there were any lessons to be learned, particularly around the Council's Whistleblowing Procedure;
- Staff were reminded annually of the need to register their interests, but this was insufficient for some work areas. Staff such as planning officers should be reminded of their obligations on a more regular basis;
- The Committee wanted to know whether, if it was discovered that officers had not declared interests, disciplinary action could be taken against those officers;
- The introduction of standards training for officers had been discussed and there was a wish to do this;
- Alternative arrangements for the Council's whistle-blowing procedure were available. For example, a charity had been identified that could act as a single point of contact. One advantage of this was that officers could find it easier to talk to someone from outside the authority; and
- The Committee was clear that good procedures needed to be in place to maintain public confidence in the Council as well as to protect employees.

RESOLVED:

- 1) that the Director of Corporate Governance be asked to send a letter to the former owner of the land in question, explaining this Committee's concern at the apparent lack of accounting procedures and the acceptance of a price for land held by a public body that did not appear to reflect its full market value;

- 2) that the Director of Corporate Governance be asked to give consideration to:-
 - a) the introduction of a regime of standards training for officers and recognised levels of expected behaviour, (this to include sanctions for behaviour not meeting these levels);
 - b) the creation of an on-line register of officers' interests;
 - c) ensuring that appropriate sanctions are in place to deter officers from not declaring interests; and
 - d) the possibility of officers working at a certain level being asked to sign a form giving permission for details of their land holdings to be made available by Land Registry;
- 3) that the Standards Committee be asked to consider whether Members' oversight of allegations of officer misconduct is sufficient;
- 4) that the Director of Corporate Governance make the full findings of the employment tribunal in this case available to the Committee, once all matters relating to the findings of that tribunal have been completed, so that the Council's whistle-blowing procedures can be reviewed in the light of these findings;
- 5) that the Director of Corporate Governance circulate the full findings of the internal investigations in to this case, with due consideration being given to the right to privacy of the individuals concerned; and
- 6) that a further report on these matters be made to the next meeting of this Committee.