



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 18 JANUARY 2012 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) (chair)
Ms Kate McLeod (Independent Member)
Ms Mary Ray (Independent Member)

Councillor Porter
Councillor Thomas
Councillor Westley

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31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Naylor, Osman and Willmott.

32. VOTE OF THANKS

The Committee recorded its thanks to Perry Holmes, Director of Corporate Governance, and Heather Kent, Democratic Services Officer, both of whom had recently left their posts, for their work on behalf of the Committee.

33. DECLARATIONS OF INTEREST

The Acting City Solicitor gave legal advice.

Councillor Westley declared a personal interest in agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings", in that he was a Freemason. Councillor Westley confirmed that he was a member of a different lodge to the Member who was the subject of the report referred to and that he had not been approached by anyone from either lodge in regard to this case. He therefore felt that he was able to consider this report with no bias or preconceived views.

34. ITEM OF URGENT BUSINESS - PROCEDURAL ISSUES

With the agreement of the Chair, the Committee considered an item of urgent business concerning various issues in relation to this meeting, in order to ensure that correct procedures were followed.

a) Procedure for Advising of Outcome of Committee Deliberations

In view of previous leaks of information to the local media about cases considered by this Committee, it was suggested that the outcome of the Committee's consideration of agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings", be telephoned through to the parties concerned immediately after the meeting.

The Monitoring Officer advised that there was a formal procedure to be followed for advising parties of the Committee's decision, so this would not be appropriate.

b) Recording of Proceedings

A request was made that the proceedings be recorded on a portable voice recorder. In reply, the Monitoring Officer advised that this would be constitutionally inappropriate. In addition, investigations were being made by the relevant authorities in to previous leaks of information relating to matters considered at Standards Committee meetings, so it would not be appropriate to create such a record of this meeting.

Members noted the position, but some dissatisfaction was expressed.

c) Investigator for Complaint Against a Councillor

In response to an enquiry in to why the Investigator appointed by the Council to undertake the investigation referred to in agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings", was not at the meeting, the Monitoring Officer reminded the Committee that it had been agreed that he would not be present at this meeting.

A Member advised the meeting that he previously had requested information on the background of the Investigator referred to above. The Monitoring Officer reminded the Member that the Director for Change and Programme Management had responded to this request, advising that this information was available through the Standards for England website.

35. MINUTES OF PREVIOUS MEETING

The Committee received and considered the minutes of its meeting held on 23 November 2011.

The following points were noted:-

- Although producing the minutes of meetings in advance of agendas was welcomed, it would be useful to include the minutes in the agenda for the next meeting;
- The Committee concurred with the concern raised under minute 25, “Minutes of Previous Meeting – Any Other Urgent Business”, related to the publishing of the minutes on the Council’s website;
- Work on the report on Social Networking was progressing. (Minute 25, “Minutes of Previous Meeting – Social Networking”, referred);
- The present Standards regime would now continue until July 2012. A new post of City Solicitor and Head of Standards would be established at the City Council, so discussion on the future of the Standards framework for Leicester would be progressed when this appointment had been made. (Minute 27, “Standards Framework – The Future”, referred.) The Committee expressed concern that local authorities would have no support once Standards for England ceased operating on 31 January 2012;
- The Acting City Solicitor, in his capacity as Monitoring Officer, suggested that there be a short delay in bringing back to the Committee a report on the arrangements the Council needed to make for the new standards regime that would be coming in to force, (now in July), under the Localism Act 2011. This was due to extreme pressure of work following the departure of the previous Monitoring Officer as a result of the outcome of the Council’s senior management review; and
- Current disciplinary arrangements for officers at all levels would be reported to a future meeting of the Committee. (Minute 28, “Matter Referred from Audit and Risk Committee”, referred).

RESOLVED:

- 1) that, in future, the minutes of each meeting of this Committee be included in the agenda for its following meeting; and
- 2) that the minutes of the meeting held on 23 November 2011 be approved as a correct record, subject to the fifth paragraph of the section of minute 25, “Minutes of Previous Meeting”, relating to “Any Other Urgent Business B1” being amended as follows (new text shown in italics):-

“Members raised concern that ~~public minutes were required of~~ private reports *were published on the Council’s website ...*”

36. LOCAL ASSESSMENT OF COMPLAINTS - SUMMARY JULY 2011 TO DECEMBER 2011

RESOLVED:-

That the report on the number and progress of complaints against Councillors received during the period July – December

2011 be noted.

37. PROBITY TRAINING FOR PLANNING OFFICERS

The Monitoring Officer reported that probity training had been given to planning officers. This was in response to consideration at the last meeting of this Committee of a matter referred from the Audit and Risk Committee regarding Member involvement in staff disciplinary matters. The training had been well received by the officers concerned.

Further opportunities to undertake this training would be available for those officers who missed the initial sessions. It was possible that these could be given by a different officer, as the current Monitoring Officer would be fulfilling that role until the end of February, following which a different officer was due to take on the role. The Committee expressed a preference for continuity in the role, as the knowledge and experience gained and held by that officer was valuable to committee members.

RESOLVED:

that the Monitoring Officer be requested to raise the Committee's concern about the current process for filling the Monitoring Officer role with the Chief Operating Officer and ask the Chief Operating Officer to discuss the situation with the Chair of this Committee.

38. 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 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:

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 7(c)

The deliberations of a Standards Committee or other Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act, 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

39. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS

The Monitoring Officer submitted a report that asked the Committee to determine whether an Investigator's report in to a complaint against a Councillor should be referred to a Hearing or to the First Tier Tribunal.

Members were reminded by the Monitoring Officer that disclosure of the information contained in this report was a criminal offence and noted that consideration currently was being given to whether previous disclosures of information to the media about complaints made against Councillors should be investigated further by the Police.

It was questioned whether, in view of the profile of this case, it would be appropriate to refer it to a First Tier Tribunal, in order that its consideration could be as objective as possible. In reply, the Monitoring Officer advised that guidance on these tribunals indicated that cases should only be referred to a First Tier Tribunal if the Committee felt that it did not have sufficient power of sanction. The Monitoring Officer also advised that he had spoken to the Tribunal about the case. They had replied that, given the Committee's power of sanction, it did not see the need for referral. Having considered the facts of this case, the Committee agreed that it did have sufficient power of sanction and that referring the case could delay its consideration.

Having given the matter full and detailed consideration, including mitigating factors identified in the report, and, having considered the advice received from the Monitoring Officer, the Committee resolved as set out below.

RESOLVED:

- 1) that the Monitoring Officer's actions in referring concerns about previous disclosures of information to the media about complaints made against Councillors to the Police be endorsed;
- 2) that the Investigator's report regarding a complaint against a Councillor be accepted and referred to a Hearing in accordance with Standards for England guidance.

40. CLOSE OF MEETING

The meeting closed at 7.0 pm

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