



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 14 NOVEMBER 2012 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)

Councillor Shelton

Councillor Sood

Also present:

Mr Desmond Henderson	Independent Member
Ms Joanne Holland	Independent Member
Mr David Lindley	Independent Person
Ms Glynis Middleton	Independent Member
Ms Caroline Roberts	Independent Person

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16. INQUORATE MEETING

As the meeting was inquorate at its start, it was agreed that the meeting would continue, with discussions on the agenda items being held and recommendations made where appropriate.

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Grant, Amanda Fitchett (Independent Member) and Caroline Roberts (Independent Person).

18. APPOINTMENT OF VICE-CHAIR

RECOMMENDED:

That Councillor Shelton be appointed as Vice-Chair of the Committee for the remainder of the municipal year.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the meeting held on 1 October 2012 be confirmed as a correct record.

21. QUORATE MEETING

The meeting became quorate, and thus able to resolve matters where needed, at 5.34 pm with the arrival of Councillor Sood at the meeting.

22. MATTERS ARISING FROM THE MINUTES

Further to minute 10, "Changes to Constitution – Standards Committee", members were reminded that the quorum of the Standards Advisory Board was three, with a majority or equal number of Independent Members. As such, if more than one Independent Member was absent from a Board meeting, one or more Councillors could be required to withdraw. The Committee therefore was asked to consider whether it still wished to leave the current vacancy for an Independent Member unfilled.

RESOLVED:

That the vacancy for an Independent Member be not filled at present, but that this position be reviewed if further vacancies arise, or if problems are experienced in determining attendance at Standards Advisory Board meetings.

23. INVESTIGATION OF MEMBER MISCONDUCT

The Monitoring Officer submitted a flowchart explaining how complaints about Councillors were dealt with. From this, it was noted that the Monitoring Officer considered complaints in consultation with an Independent Person from the time the complaint was received. This ensured that it was clear that the complaint was being dealt with objectively.

It was stressed that Independent Persons were statutory advisers, not decision-makers. As such, the Standards Advisory Board could decide to not accept their advice. If this happened, the minutes of the meeting would need to record the advice and the Board's reasons for departing from it.

The Monitoring Officer also reminded the Committee that it had asked at its last meeting that the Monitoring Officer revisit the range of sanctions available to the Committee under the new "Arrangements" following the investigation of member misconduct. Advice on this was submitted to the Committee.

From this advice, the Committee noted that, if a letter of sanction was to be sent to a Councillor, the Chair of the relevant meeting of the Standards Advisory Board would, before the letter was sent, consult the Board members who had made the decision, so that the letter could be sent in the name of the Board.

It was suggested that Council could be asked to delegate powers to the Standards Committee to remove a Councillor from a committee on the recommendation of the Standards Advisory Board. This would only apply to those appointments made by Council, but a report could be made to Council suggesting that the Standards Committee's terms of reference be changed to permit this.

However, it was noted that a lot of appointments were not made by Council, so this course of action would not cover these. For example, the Group Whip(s) would need to be contacted for appointments made by them. This meant that the only course of action for ungrouped Members would be to obtain Council approval to their removal, which would lead to there being one regime for grouped Members and a different one for ungrouped.

In view of concerns about parity of treatment of grouped and ungrouped Members, it was suggested that a recommendation be made to Council that all Members be asked to agree that all removals from committees as a sanction be delegated to the Standards Committee, irrespective of who made the original appointment.

The Committee questioned how a sanction could be imposed. For example, would a Councillor against whom sanctions had been recommended have a right to make representations to either the Standards Advisory Board and/or the Standards Committee? the Monitoring Officer undertook to clarify this.

RESOLVED:

- 1) That the flowchart explaining how complaints about Councillors were dealt with be noted; and
- 2) That the Monitoring Officer be asked to clarify whether the power of sanction now lies with the Standards Advisory Board hearing a particular case, or with the Standards Committee.

RECOMMENDED:

That the power to remove any Councillor from a Committee as a sanction following a complaint made about that Councillor be delegated to the Standards Committee, to ensure parity of treatment of grouped and ungrouped Councillors.

24. POLITICAL CONVENTIONS

The Monitoring Officer submitted revisions to the Political Conventions that were being prepared, noting that the Conventions had not been significantly

rewritten.

The following points were made during discussion:-

- The obligations on Members during election periods were not clear, as they currently were included in the “Convention” column of Section 8;
- It could be useful to expand the Convention relating to publicity during election periods, (third bullet point of Section 8, “Election Periods”). However, it was noted that it had been worded in this way so that it related to all elections; and
- It would be useful to expand the Conventions relating to Election Periods to cover social media.

RESOLVED:

- 1) That the Monitoring Officer be asked to make the following amendments to Section 8 the draft Political Conventions (Election Periods):-
 - a) the obligations on Members to be moved from the “Convention” column to the “Members” column; and
 - b) consideration to be given to whether this Convention needs expanding to cover the use of social media during election periods;
- 2) That the draft Political Conventions be referred to the Overview Select Committee for comment and to increase the awareness of Councillors of the Conventions; and
- 3) That the Political Conventions be resubmitted to this Committee when feedback has been received from the Overview Select Committee.

25. DISCLOSURE STRATEGY FOR LEICESTER CITY COUNCIL

The Monitoring Officer submitted a report setting out the Council’s strategy in respect of disclosures that could be made by a range of people about the conduct of local authority staff.

The Monitoring Officer advised the Committee that this Strategy had arisen from a request for a Whistleblowing Policy, but it did not give guidance on expected standards of behaviour. It therefore was proposed to introduce a suite of policies, combined in to a Disclosure Strategy, to ensure that the correct protection was given to people with different needs.

“Whistleblowing” was a very explicit legal term that gave employees protection at work, including redress through a tribunal if they felt they had been unfairly dismissed for whistleblowing. It was felt that the Whistleblowing Policy

proposed was robust, encouraging the right type of disclosures at the right level, but not discouraging people from disclosing concerns. If a complaint was legitimate, it would be considered and the staff member dealt with, but there was no automatic right for the whistleblower to know the outcome(s) of their report.

The Monitoring Officer reported that there had been some debate amongst Members and officers about whether Whistleblowing reports should be considered internally, or through an external agency. There was concern that making the reports to an external agency could lead to a lot of trivial reports being made. It therefore had been decided to keep the process in-house, so that it was kept in one place.

It was noted that:-

- The Whistleblowing Policy gave protection on an individual basis, (as this was an employment law remedy), although the malpractice reported could include more than one person;
- The Committee suggested that it could be stressed in section 9 of the Whistleblowing Policy, (“Protection and Support for Whistleblowers”), that protection applied to individuals, so anonymous reports were not encouraged;
- The Whistleblowing Policy stated that an individual should report malpractice to the next relevant person in seniority in their service. This meant that it did not have to be the immediate supervisor if that manager was involved in the malpractice being reported. If the whistleblower had doubts that anyone in their section would deal with the matter appropriately, the policy gave the option of reporting the matter to Human Resources or the Monitoring Officer;
- The Committee requested that the wording of the Policy be reviewed, to ensure that all options for reporting malpractice were clear all of the way through the Policy;
- The Committee also suggested that an option be included in the policy of speaking to trade unions if a whistleblower had concerns about speaking to managers. However, there was concern that trades unions often kept reports anonymous, which could be unhelpful. It was hoped that trades unions would take joint ownership of the Policy and guide their members to complain in their own right. This was important, as legal protection could only be attached to an individual;
- All officers were encouraged to strictly follow the remedies outlined in the policy. This would be especially important if the whistleblower felt they had to resign as a result of their actions; and
- A deficiency of previous policies had been their lack of profile. A suite of training therefore was being arranged for all tiers of staff, (but particularly

managers), on all of the policies being redesigned, including how to deal with complaints. This would stress that processing whistleblowing reports was a legal obligation.

RESOLVED:

- 1) That the Monitoring Officer be asked to consider the following amendments to the Whistleblowing Policy:-
 - a) the wording of the Policy be reviewed, to ensure that all options for reporting malpractice are clear all of the way through the Policy;
 - b) that the second sentence of paragraph 5.2 of the Policy be amended as follows (new text in italics):

“Should the Monitoring Officer consider that your concern should not have been raised with them, *they will discuss with you how your concern will be dealt with* ~~it will be redirected to your line manager or another appropriate manager.~~”; and
 - c) that it be emphasised in section 9 of the Policy, (“Protection and Support for Whistleblowers”), that protection applies to individuals, so anonymous reports are not encouraged; and
- 2) That any further comments on the revised Whistleblowing Policy be passed to the Monitoring Officer.

26. WORK PROGRAMME

RESOLVED:

- 1) That the Committee’s work programme be noted; and
- 2) That a report be submitted to the meeting scheduled for March 2013 summarising complaints received over the previous year and the action taken on these.

27. 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

28. COMPLAINTS AGAINST COUNCILLORS - UPDATE

The Monitoring Office tabled an update on progress with complaints against Councillors reviewed and/or determined since the last meeting of the Committee and updating the Committee on progress with outstanding complaints against Councillors.

It was noted that no review request had been received in relation to complaint reference 2012/15.

The Monitoring Officer confirmed that letters sent to complainants were being developed to include information on what had been learned from incidents reported.

RESOLVED:

That the report be noted.

29. CLOSE OF MEETING

The meeting closed at 6.46 pm