



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: THURSDAY, 5 SEPTEMBER 2013 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)
Councillor Shelton (Vice-Chair)
Councillor Sood

Also present:

Ms Amanda Fitchett	Independent Member
Mr Desmond Henderson	Independent Member
Mr David Lindley	Independent Person
Ms Caroline Roberts	Independent Person

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms J Holland, Independent Member.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed. No such declarations were made.

3. MEMBERSHIP OF THE COMMITTEE

The Monitoring Officer reported that the Annual Council Meeting on 23 May 2103 had appointed the following members of the Committee for the municipal year 2013 /14.

Councillors:

Chair: Councillor Waddington
Vice Chair: Councillor Shelton
Councillor Sood
1 Non-Grouped Member*

*Note – The Non-Grouped Member place would remain vacant until further notice. The place had been offered to the Non-Grouped Members but no one wished to take the place.

Independent Members:

Amanda Fitchett
Desmond Henderson
Joanne Holland

The Chair reported that the City Mayor had agreed to increase the membership of the Committee by 1 Councillor at the next Council meeting.

The Monitoring Officer reported that he had advertised for applicants to fill the two Independent Member vacancies on the Committee.

RESOLVED:

that the current membership of the Committee and the proposals to increase the membership and fill the vacancies for Independent Members be noted.

4. DATES OF COMMITTEE MEETINGS

The Monitoring Officer reported that future meetings of the Committee would take place on the following dates:

Thursday 7 November 2013
Thursday 30 January 2014
Thursday 10 April 2014
Wednesday 21 May 2014

All meetings were scheduled to take place at 5.30 pm in the Fountain Room, Ground Floor, Town Hall, Leicester.

The Chair stated that whilst Members of the Committee should be reserve the dates for meetings above, a meeting may not take place if there was insufficient business to be conducted.

It was also reported that there was a need to arrange a meeting of the Standards Advisory Board to consider an Independent Investigator's report into a complaint against a Councillor. Members were advised of a number of dates when the Independent Investigator could attend a meeting to present the report and Members were requested to indicate their availability for one of these dates.

RESOLVED:

- 1) that the dates of future meetings be noted; and
- 2) that a meeting of the Standards Advisory Board be arranged for Monday 14 October 2013 at 5.30pm in the Town Hall to

consider the Independent Investigator's report.

5. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Standards Committee held on 14 November 2012 be confirmed as a correct record, subject to Ms Caroline Roberts being deleted from the list of those present as she had submitted her apologies which were recorded.

6. REVISION TO STANDARDS CODE AND ARRANGEMENTS

The Monitoring Officer submitted a report on the revised 'Code' and 'Arrangements' for dealing with complaints against Members and co-opted Members under the Localism Act 2011.

Members were asked to comment on the revised version of the 'Code' and 'Arrangements', prior to them being submitted for approval to the Council Meeting on 19 September 2013.

The Monitoring Officer outlined the changes to the Leicester City Council's Code of Conduct for Members. The Committee supported the proposed amendments and, following questions from Members of the Committee, the Monitoring Officer stated that:-

- The Code would apply to members whenever they were acting in official capacity and this could include when they were outside of Leicester.
- It might be inferred that the misuse of the Authority's equipment was not covered under the Code of Conduct when a member was not acting on Council business (i.e. downloading inappropriate images onto a Council laptop in their private life). However, there was law that the misuse of Council equipment brought the Member within the general jurisdiction of the Code.

The Monitoring Officer outlined the proposed changes to the Arrangements for dealing with complaints against Members and co-opted Members under the Localism Act 2011. In doing so, the Monitoring Officer referred to the recommendation stated in Minute No. 23 of the previous meeting and confirmed that it was not possible to implement the proposal to delegate the function of removing an ungrouped member to the Standards Committee to ensure parity of treatment between grouped and non-grouped members. The Council could not delegate that particular function to the Standards Committee. In practice this would mean that in instances where the Committee agreed that the sanction should be the removal of a member from a Council Committee; the Committee would need to contact the Group Whips in instances where appointments were the Whips had made the appointments of Grouped Members to a Committee. Where the sanction involved a non-grouped member, then a report would have to be submitted to the Council recommending that the non-grouped member be removed from a Committee.

Members also noted that the Political Conventions had now been revised and would be submitted to the Council meeting in September for approval.

RESOLVED:-

- 1) that the Code of Conduct for Members be approved subject to the following amendments:-
 - a) Add 'inside and outside the City Boundary' to the note under paragraph 1 of the Code; and
 - b) Delete 'for political purposes' at the end of paragraph 3 (h).

- 2) that the 'Arrangements for dealing with complaints against Members and co-opted Members under the Localism Act 2011- be approved subject to the following amendments:-
 - a) Add at the end of the paragraph under D(1) 'Where the Monitoring Officer lodges a complaint, it shall be made to the Standards Committee via the Deputy Monitoring Officer.';
 - b) Add 'Standards Committee c/o the' after 'Complaints must be made to the' in the first line under D(2);
 - c) Add 'on behalf of the Standards Committee' at the end of the first paragraph under D(2);
 - d) Add a new paragraph at the end of D(2) – 'Complaints should be lodged promptly, and normally within 3 months of the alleged breach occurring, unless there are good reasons for the Monitoring Officer or Independent Person to accept a complaint lodged outside this period.';
 - e) Amend the second paragraph under D(4) to indicate the complaint will be sent to the subject Member within 5 days of the complaint being acknowledged, and add 'or legal' after 'exceptional' and before 'reasons' later in the paragraph; and
 - f) Amend '15 working days' to '5 working days' in the second sentence the paragraph headed 'Review of a Complaint' under D(4).

7. ANY OTHER URGENT BUSINESS

The Chair reported that she had agreed to take an item of Any Other Urgent Business to discuss the 'Annual Report of the Standards Committee 2012/13' as this should be reported to the Council in September

RESOLVED:

that the 'Annual Report of the Standards Committee 2012/13' be accepted as an item of any other urgent business as the next

scheduled meeting of the Committee was not until 7 November 2013.

8. ANNUAL REPORT OF STANDARDS COMMITTEE 2012/13

The Monitoring Officer circulated a report which was the first annual report of the Committee since the change in legislation which took effect on 1 July 2012. The report focused on the range and nature of the work that had come to the attention of the Committee under the Localism Act 2011. The Monitoring Officer sought the views of the Committee on the content and style of the report.

Members discussed the report and made the following comments and observations:-

- The introduction should remind Members of what the new arrangements had hoped to achieve and whether these achievements had been met;
- An indication of the performance in dealing with the complaints within the agreed timescales;
- An indication of the costs of operating the new system compared to the previous one and what the annual cost to the Council had been;
- If possible, feedback from the public and councillors on their confidence in the operation of the new regime should be included in the report;
- The date the complaint was submitted should be included in the report;
- The appendix to the report giving details of individual complaints should take account of the following comments:-
 - The description of 'Dismissed -No Breach' did not fully reflect the significant actions that were taken and the discussions that were held with the Member;
 - The use of Cllr 'X' and Cllr 'Y' in all the complaints could give the impression that only 2 Councillors were involved in all the complaints;
 - More details could be included in the report if it was considered at a meeting where the public and press were excluded for the item, as this would enable members to have a more meaningful discussion; and
 - Some complaints were described as 'Behaviour' and others as 'Inappropriate Behaviour' when there was no real difference between the two in relation to complaints being submitted under the Code of Conduct.

RESOLVED:

that the Monitoring Officer submit a revised Annual Report to a future meeting for consideration taking into account the comments made by the Committee above.

9. CLOSE OF MEETING

The Chair declared the meeting closed at 6.47pm.