



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 8 OCTOBER 2014 at 5:30 pm

P R E S E N T :

Waddington (Chair)
Councillor Senior (Vice Chair)

Councillor Shelton

Councillor Sood

Also present:

Ms Fiona Barber	Independent Member
Ms Amanda Fitchett	Independent Member
Mr Desmond Henderson	Independent Member
Ms Joanne Holland	Independent Member
Mr Stephen Purser	Independent Member
Mr David Lindley	Independent Person
Ms Caroline Roberts	Independent Person

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10. DECLARATIONS OF INTEREST

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

11. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Standards Committee, held on 9 July 2014, were confirmed as a correct record.

12. PROPOSED REVISIONS TO THE CODE AND ARRANGEMENTS

The Monitoring Officer submitted a report suggesting revisions to the Code of Conduct for Members together with revisions to the Arrangements for Dealing with Standards Complaints at Leicester City Council under the Localism Act 2011.

The Arrangements now included three Appendices:-

Appendix 1 Vexatious Complaints – Member Misconduct Process

Appendix 2 Protocol on the Role of the Independent Person meeting with Elected Members

Appendix 3 Procedure for Dealing with subject (Elected) Member who fails to act upon an outcome of “informal resolution”

The suggested revisions were highlighted for ease of reference and Members were requested to make comments/observations and/or recommendations to the Council, which would be asked to approve the revised revisions at its meeting on 13 November 2014.

The Monitoring Officer stated that the revisions reflected the comments made by the Standards Committee during the previous year and from lessons learned from dealing with complaints.

The Monitoring Officer also submitted some further minor revisions which had arisen after the report had been written and published. Members discussed each suggested revision and made the following comments:-

Code of Conduct

- a) There was no benefit in adding Deputy City Mayor or Assistant City Mayors after ‘City Mayor’ in paragraph 1 as they were already covered by the term ‘Member’ earlier in the paragraph.
- b) Add ‘or attempt to confer’ after ‘to improperly confer’ on the first line of paragraph 3 (j) – General Conduct.
- c) Add a new paragraph 4 (a) ‘Declare any and all DPI’s on your Register of Interests.
- d) In paragraph 4 (c) replace ‘at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration’ with “in a matter to be considered (unless it is already declared on your Register, in which case you must simply comply with point d. below).”
- e) In paragraph 4 (d) after the words ‘by either leaving the room’ on the second line add the words “where the business is being conducted at a meeting”.
- f) Add new bullet point after paragraph 5 B – Prejudicial ODI as follows:-
 - Note that there is a relationship between “bias/predetermination” and “interests”. Sometimes they will be

synonymous (e.g. sitting on Planning Committee for a development that could, if approved, lower the value of your home will (i) certainly constitute a prejudicial ODI; (ii) possibly constitute a DPI; (iii) likely amount to “apparent bias” in common law).

However you might be predetermined over a matter in a way which could does not translate into a registerable or a declarable “interest” (e.g. you are a member of Licensing Committee and have an ethical objection to the consumption of alcohol and a closed mind to the granting of any/all Liquor Licensing applications. Whilst this (i) will not constitute a DPI; (ii) may not constitute an ODI; it will (iii) constitute ‘bias’ in law and breach the Nolan principles of objectivity, openness and upholding the law. You could therefore breach the Code of Conduct even though you strictly had no “interest” to declare/register).

- g) After ‘comply with the Code’ on the last line of paragraph 7 add “(though this does not mean that the decision cannot be impugned on other legal grounds e.g. judicial review).”

Arrangements for Dealing with a Standards Complaints at Leicester City Council under the Localism Act 2011.

- a) Insert a new paragraph ‘f’ under subheading ‘Principles Underlying The Scheme’ to read “All Members and co-opted Members shall cooperate with the application of these Arrangements, recognising that failure to do so can result in the incurring of wasted costs and reputational damage to the Council.”
- b) Delete ‘New’ from the heading at subheading ‘D’ to Read ‘The Process’.
- c) After ‘Elected Members’ on the first line of paragraph 1 add “(to include the Elected Mayor).”
- d) In paragraph 2 delete “the Standards Committee c/o” on the first line and amend the address of Legal Services.
- e) At the end of paragraph 4 (d) after the word ‘vexatious’ add “(See Appendix 1 attached for definition).”
- f) Amend paragraph 4 (e) to read “Recommend informal resolution where (i) Code engaged and not breached, but where some gesture of reparation would still be in the interests of fairness; or (ii) Code engaged but low-level breach only has occurred, such as not to warrant formal investigation.”
- g) Add “By law the Subject Member has the right to consult with the Independent Person during the course of a complaint. Appendix 2

describes how this right is to be exercised. “ as the last paragraph under the heading ‘4 – What will happen to the complaint’

- h) Add new last paragraph under the heading ‘Informal Resolution’ to read “Non-compliance with “informal” outcomes will be dealt with in accordance with Appendix 3 attached.”
- i) Add a new last sentence under the heading ‘Review of a complaint’ to read “The Monitoring Officer will notify the Subject Member of the request for a “review” and the reasons given for it by the complainant. It will be a matter for the Monitoring Officer and the Independent Person if they wish to invite any comment or representations from the Subject Member at this point.
- j) Add a new last paragraph under the heading ‘Formal investigation’ to read “A Standards Advisory Board or a Hearing Panel may make a recommendation to the Standards Committee that an Investigative Report be made public, whether the Report concludes that breaches of the Code of Conduct have been established or not.”
- k) In the first line of paragraph 6 ‘Revision of Arrangements’ delete the words “at any time” after the words ‘The Council may by resolution agree to amend these arrangements’.
- l) At Appendix 3 – Procedure for dealing with subject (Elected) Member who fails to act upon an outcome of ‘informal resolution’ replace ‘political action’ on the second line of Step 2 to read ‘further action’.

RESOLVED:

- 1) That the Code of Conduct for Members together with revisions to the Arrangements for Dealing with Standards Complaints at Leicester City Council under the Localism Act 2011 be amended in accordance with the comments made above.
- 2) That the Monitoring Officer circulate the amendments to Members for final comment and reflection prior to them being submitted to the Council meeting in November.