

Leicester
City Council

WARDS AFFECTED
All Wards - Corporate Issue

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

29 March 2006

Complaints against Elected Members - Annual Review

Report of the Corporate Director, Resources, Access and Diversity

1. Purpose of Report

To review the complaints lodged against Elected Members since the process of lodging such complaints with the Standards Board for England was established and also those Member conduct issues of concern which have been identified within the Authority and to consider both lessons learned and actions to be taken to further improve Member standards of conduct and probity.

2. Summary

A summary of complaints against Elected Members lodged with the Standards Board for England is given at Appendix 1. Key issues of concern identified by officers have also been identified.

Having regard to the Standards Committee's role in seeking the continual improvement and development of Member conduct and probity, it is important to ensure a periodic and strategic review of such complaints and also other significant matters relating to Member probity to identify lessons learned and actions for the future. This report addresses that issue.

3. Recommendations

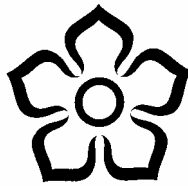
Members are recommended to support each of the Action Plans detailed in the supporting information,.

4. Headline Financial and legal Implications

No financial implications.

5. Report Author/Officer to contact:

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SUPPORTING INFORMATION

1. Report

- 1.1. Member conduct and probity and, in particular, its ongoing development and improvement is, of course, integral to and embedded within the raison d'être of the Standards Committee.

The number and type of Member complaints lodged with the Standards Board for England, including, of course, the subsequent findings, is an important element of the Member ethical conduct and probity agenda. It is not, however, the sole component and, in that context, key officers maintain a watching brief to identify further related matters which need to be addressed. In that regard, it is important to ensure a periodic and strategic review of not only the complaints formally lodged, but also related matters, all to identify not only the issues themselves, but arising out of those issues, the lessons learned and the actions to be taken to address those issues. This report, therefore, follows that format and each of the elements results in an action plan.

The issues so identified are as follows:-

- Complaints to Standards Board for England
- Member Casework
- Member Conduct at Meetings
- Members' Interests – Registering and Declaring
- Gifts and Hospitality
- Member/Officer Relations
- Member Training and Development
- Member Attendance at Meetings

1.2. **Complaints to Standards Board for England**

Since the National Standards Board commenced the process whereby complaints against Elected Members were lodged with them for investigation, there have been a total of 12 such complaints. These are summarised at Appendix 1.

The Standards Board for England adjudged that eleven of the complaints did not warrant further investigation or that no further action should be taken, with the finding of the remaining (upheld) complaint being that there was a failure to comply with paragraph 4, but not paragraph 45(a) of the Code.

Lessons Learned

As evidenced by the views of the Standards Board for England, with a few notable exceptions, the majority of complaints, of themselves, have been relatively minor. Their referral to the Standards Board for England has been a product of the prescribed process, although Members will be aware, from reports to previous meetings of the Committee, that this process is moving towards local investigation and local determination of more minor complaints

Although the level of severity of complaints has, overall, been fairly minor, thereby leading to the Standards Board determining to take no further action, nevertheless the concept of local investigation may lead to a greater degree of (local) investigatory activity being promoted by the Standards Board.

Action Plan

To ensure full Member awareness of the new provisions, it is proposed that:-

- (i) Members be fully briefed, through the Members' Bulletin, on the new investigatory and local determination processes; and,
- (ii) as already agreed by the Standards Committee, a bespoke package be held available for Members of the Committee, to be utilised by them prior to conducting an investigation/local determination.

1.3. **Member Casework**

Issues

As evidenced in part through complaints and also through officer contact with city residents, on occasion members of the public feel dissatisfied regarding the lack of interest shown by Members regarding their specific concerns, most notably brought either to Members' surgeries or submitted by way of phone calls/correspondence.

Lessons Learned

Members are required to address constituent queries on a vast array of issues. This is also broadening as Members take on the wider community leadership role.

Members, therefore, need more direct development support and assistance with this role if they are to undertake it without a consequent increase in complaint levels.

Action Plan

Members need to be equipped and resourced to undertake their front line constituency role in an appropriate manner. The following measures are therefore proposed:-

- (i) review of contents of surgery packs provided to Members;
- (ii) training and development modules for Elected Members on their surgery/constituency role as part of the 2007 post-election induction.
- (iii) training in the effective presentation of their Ward issues at Committees (Regulatory and Scrutiny) and other meetings;
- (iv) development of ICT Case Management System to further assist Members in managing their caseload.

1.4. **Member Conduct at Meetings**

Issues

A matter of ongoing concern to the Standards Committee has been the conduct of some Elected Members, particularly during formal meetings, notably of the Council, which sets the tone for meetings generally.

Lessons Learned

Following detailed consideration of this issue, the Standards Committee, at their meeting on 24 March 2004, adopted the key principles for Member Conduct at Meetings (see Appendix 2). Members will recall, again, considering this issue at their last meeting.

The Group Whips and leading Members within the Procedures Working Party have also discussed the issue and suggested that a discussion by the Lord Mayor with Group Whips prior to each Council Meeting should be considered.

Action Plan

- (i) The Co-Independent Chair of the Committee now attends full Council on a regular basis and, in so doing, observes Member conduct. It is recommended that this practice be commended and encouraged on an ongoing basis.
- (ii) Consideration be given to a regular meeting, before each Council Meeting, between the Lord Mayor and the Group Whips to address the effective management of business at the Council Meeting.

1.5. **Members Interests – Registration and Declaration**

Issues

Member declaration of interests at meetings has been the source of complaint and investigation by the Standards Board for England. It is also an issue of concern for officers, most notably during the budget process, to ensure that all relevant Member declarations are lodged.

Lessons Learned

Member registration of interests and associated declarations is both one of process and culture.

Member Registration of Interests is updated in full annually, with ongoing changes undertaken as and when they occur. Members may, however, inadvertently omit to either register a change of their interests in a timely manner (within 28 days) or to appropriately declare an interest at a meeting.

Action Plan

The regular refreshing of Members Register of Interest Declarations will continue but on a bi-annual basis.

As agreed at the January 2006 meeting of the Committee, improved training on the Members Registration of Interests documentation will be incorporated into the post-election induction training in May 2007.

Members may also now opt to publish their Register of Interests on the world wide web through the 'modern.gov' meetings administration system. That system also enables declared interests to be easily identified. It is, therefore, proposed to undertake bi-annual audits to ensure that declared interests are, as necessary, matched by a registered interest for each of the Members concerned with a follow up on any mismatches.

1.6. **Gifts and Hospitality**

Issues

No known issues have arisen.

Lessons Learned

There is a possibility that Members do not appropriately register gifts/hospitality received.

Action Plan

To ensure that Members undertake all appropriate registration of gifts and hospitality, it is proposed to again remind Members of the provisions both through the Members' Bulletin and whilst updating Members Registered Interests., and also provide a proforma, in both electronic and hard copy form, to facilitate the process of registering such gifts or hospitality.

1.7 **Member/Office Relations**

Issues

Whilst Member/officer relations within the authority are, in general, sound and robust, issues within the sphere of regulatory functions have been the cause of some particular tensions.

Lessons Learned

The fostering of sound Member/officer relations is one which require continual attention. The Political Conventions provides the basis for these relations. The key driver then becomes their application and the mutual understanding by both Members and officers of the other's role and perspective on issues.

Action Plan

Joint Member/officer scenario workshops will be held within the next six months, targeting both specific issues and key Members and officers in relevant areas.

Within the Regulatory area, joint Member/officers workshops have already been proposed and are currently diarised.

These should further be developed as part of the induction process for newly Elected Members in May 2007.

1.7. **Member Training and Development**

Issues

Lack of knowledge or experience can, of course, lead to complaints against Members. A specific feature of the complaints lodged with the Standards Board has related to regulatory issues. In addition, it is must be recognised that lack of knowledge is likely to be a component factor in a significant proportion of complaints.

Lessons Learned

A systematic approach to Member training and development, including associated mentoring, is to be encouraged. The input of the Members Development Forum in now steering this process is, of course, welcomed.

In particular, it is vital that the annual mandatory (refresher) training on development control issues is continued and also that the similar mandatory training on licensing issue, as agreed by the Standards Committee at their January meeting, be embedded into the training schedule.

Action Plan

This matter, including the induction processes for newly Elected Councillors, is currently being given full attention by the Members Development Forum. No further actions over and above those already in train are proposed other than to remind that the Committee support this initiative.

1.8. **Member Attendance at Meetings**

Issues

From a constituent's perspective one of the most visible measures and by implication source of potential complaint is the non-attendance of their Ward Member at appropriate meetings, whether within the community or at New Walk Centre.

Lessons Learned

No Member can, realistically, be expected to attend all meetings open to them. However, public perceptions and concerns about Member attendance at meetings can best be addressed by having a readily accessible record of attendance.

Action Plan

Member attendance at formal meetings within the Council can now be produced via the modern.gov meeting management system. It is proposed that all Members be guided as to the facilities available within that system and the ways in which they can extract information of relevance/interest to them.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. **Financial Implications**

None

2. **Legal Implications**

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		
Policy	No		
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		

4. Background Papers – Local Government Act 1972

None.

5. Consultations

None.

6. Report Author

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STANDARDS COMMITTEE
MONITORING OF COMPLAINT AGAINST ELECTED MEMBERS
SINCE COMMENCEMENT OF INVESTIGATION OF COMPLAINTS BY NATIONAL STANDARDS BOARD (ESOs)

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public	Date Concluded	Outcome of Complaint	Comments
DETERMINED						
A.	Verbal attack on a member of the public (constituent) and her fiancé on two separate occasions.	City Council 2/10/02 SBE 1416.02 10/10/02	Member of the public	16/1/2004	No action need be taken with regard to the matters that were the subject to this investigation.	Investigation completed. Final report produced. Councillor A's conduct was such that it resulted in their failure to comply with paragraph 4 but not paragraph 5(a) of the Code. Board Website.
B.	(i) Actions of the Chair when carrying out a Regulatory function inappropriate by way of urging the Committee towards a particular decision. (ii) Handling of a Members' position on/off a Committee for political reasons.	Date lodged not known SBE3119.03	Member of the public	14/05/03	SBE considered allegations do not disclose a Breach of Code of Conduct. Allegation (i) no substantive information detailing what the comments were and why they were inappropriate. Allegations (ii) no reference to the Member	

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public	Date Concluded	Outcome of Complaint	Comments
					complained about in the allegation and no information to substantiate allegation. No further action.	
C.	Member of the public tried to telephone a Member regarding a Council matter, who subsequently refused to speak to him and other people regarding the issue. Member alleged to have slammed the telephone down. Complainant subsequently told could see Member C at an appointed time, but not to send mail to Councillor C. Complainant felt measures excessive and Member C's behaviour disrespectful.	Date lodged not known SBE 3121.03	Member of the public	14/05/03	SBE did not consider allegation disclosed any failure to comply with Code of Conduct. Furthermore, the Code itself does not oblige Members to answer all queries relating to their position. No further action.	
D.	As a senior member	Date lodged	Member of	6/05/03	SBE considered	

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public	Date Concluded	Outcome of Complaint	Comments
	of the controlling group on the Council, Member D accountable for the excessive, if not unreasonable, determination to force an issue through the Regulatory decision making process for political objectives. Also Member D's political influence on other Councillors may have been undue and used for further particular objectives	not known. SBE3026.03	the public		allegation did not disclose a breach of the Code, with complainant stating allegations are circumstantial and speculative. No information in the complaint that substantiates the complainant's claims. No further action	
E	At a Council Meeting, with public present, a Councillor called another Councillor an offensive name. It was alleged that the word was shouted across the Council Chamber from one political party member to another political party member.	SBE4659.03	Member of public	15/10/03	The Board noted that term used was potentially offensive. However, in all the circumstances, the Board considered that the alleged conduct (even if it were found to have occurred) is not of such significance of	

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public	Date Concluded	Outcome of Complaint	Comments
					itself, to justify investigation by the Ethical Standards Officer, and any consequent action. This is not to suggest that the Board condones or approves of any such alleged conduct.	
F	Development Control Committee had agreed that an applicant should provide a Traffic Impact Assessment, which was provided at a cost to the applicant. The Development Control Committee then, at a later date at the behest of the Chair, reversed that decision thereby resulting in abortive costs. Also alleged that a Member brokered a	SBE7523.04	Member	23/06/04	The decision taken was by the Development Control Committee as a whole. The Standards Board does not have jurisdiction concerning allegations against the authority acting as a whole. The Chair cannot be held responsible for a decision taken by a majority on the Committee.	

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public	Date Concluded	Outcome of Complaint	Comments
	private meeting between the Chair and the applicant, the result being political decision.				Issues of pre-determination are (in most cases) outside the jurisdiction of the Board.	
G.	As F above	SBE7524.04	Member	23/06/04.	No indication that the Member acting improperly and that the alleged conduct would involve a failure to comply with the Authority's Code of Conduct. Accordingly, an investigation into this matter was not warranted.	
H.	That H had damaged the reputation of his office and the reputation of the Council itself through his conviction for drink driving.	SEBE7982.04.	Member	10/08/04	Any potential disrepute from the alleged conduct would not reach a level where investigation and any consequent action would be warranted. Considered that the alleged conduct	

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public)	Date Concluded	Outcome of Complaint	Comments
					was not of such significance of itself to justify investigation and any consequent action.	
I.	That a Member failed to withdraw from a meeting as a result of a prejudicial interest and failure to declare interests at a different meeting.	SBE8420.04 23/09/04	Member	16/3/05	The Member did not have a prejudicial interest. Therefore no failures to comply with the provisions of the Code of Conduct.	
J.	That a Member failed to treat others with respect, compromised the impartiality of a Council employee, brought his office or authority into disrepute and improperly secured an advantage for others.	SBE8832.04 14/10/04	Officer	18/3/05	No action needs to be taken.	
K.	Councillor undertook to represent a constituent's concerns in relation to	SBE10717.05 6/4/05	Member of public	11/4/05	Allegation should not be investigated (of insufficient significance).	

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public	Date Concluded	Outcome of Complaint	Comments
	a planning application. Alleged that when application agreed under officer delegated powers the office did not make any reference to any action taken by the Councillor in support of his concerns about the planning application.					
L.	That Councillor L. failed to treat officers with respect. In particular, when a Group within the city contacted the Councillor concerned to confirm their availability to attend the Group's meeting, the Councillor appeared keen to attend. No returning phone call was made to confirm attendance.	SE12954.05	Member of the public	27/10/05 and outcome of review notified 22/11/05	The allegations not of a sufficiently serious nature to justify a publicly funded investigation into the matter.	Original decision confirmed on Review.

Councillor Identification	Nature of Complaint	Date Lodged/ Standards Board Reference	Complaint (Member/ Officer/ Member of Public)	Date Concluded	Outcome of Complaint	Comments
	The Councillor allegedly arrived late at the meeting, subsequently stood up and interrupted a guest speaker by speaking directly into his face and "rudely" shouted questions. The Councillor then left the meeting.					

MEMBER CONDUCT AT MEETINGS
AS CONSIDERED BY THE STANDARDS COMMITTEE –24 MARCH 2004

Key Principles

Political interaction is frequently the catalyst for public engagement. It is also perhaps the most powerful of the checks and balances which are inbuilt into local authority policy development and service delivery. It is, therefore, not surprising, indeed it should be expected and encouraged, that such interaction should be both robust and challenging. Such an ethos, however, also requires a strong, clear and delineated set of principles in which to operate. To do otherwise would undermine the unique legitimacy of the local democratic process.

Note: To apply to all meetings within the Council irrespective of size (i.e. Council, Cabinet, Committees, Panels or Working Groups involving Elected, Co-opted or Independent Members).

1. Members should have due respect for the local democratic process in which they are engaged and the particular meeting in which they are involved.
2. Self regulation by Members is the best approach and is far preferable to waiting for the Lord Mayor's/Chair's intervention before moderating their behaviour.
3. Lively debate and good humoured banter is to be encouraged and not stifled.
4. Members and officers should, at all times, respect the other's role and responsibilities.
5. All those present should show due respect for the chair of the meeting.
6. Comments of a personal nature against Members, officers or members of the public are seen as generally unacceptable.
7. If offence is taken to a personal remark, an immediate apology and retraction at the time is often all that is needed.
8. Extreme language, including that which is abusive, defamatory or offensive, should be avoided.
9. All speeches should be channelled through the Lord Mayor/Chair, with conversations directly to other Members across the meeting being avoided.
10. The noise levels from conversations within the meeting should be kept to a minimum and certainly not at a level which is disruptive and prevents others hearing the debate.
11. Members should avoid, including the appearance of, taking a lead from Members or others in the public gallery.

12. Councillors should not play to the gallery in such a way that would incite member of the public to behaviour which may lead to them being ejected and shall not direct unacceptable comments to members of the public sitting in the gallery.
13. Members should give the other the courtesy of presenting their comments without continual interruption such that it is disruptive to the good conduct of the meeting.