

STANDARDS COMMITTEE - ASSESSMENT SUB-COMMITTEE

**Closed meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 6th July, 2011
after the Standards Committee meeting has ended**

MEMBERSHIP

Independent Members

Gordon Tollefson (Chair) Independent Member

Councillors

Councillor Colin Campbell

Councillor Elizabeth Nash

Parish Members

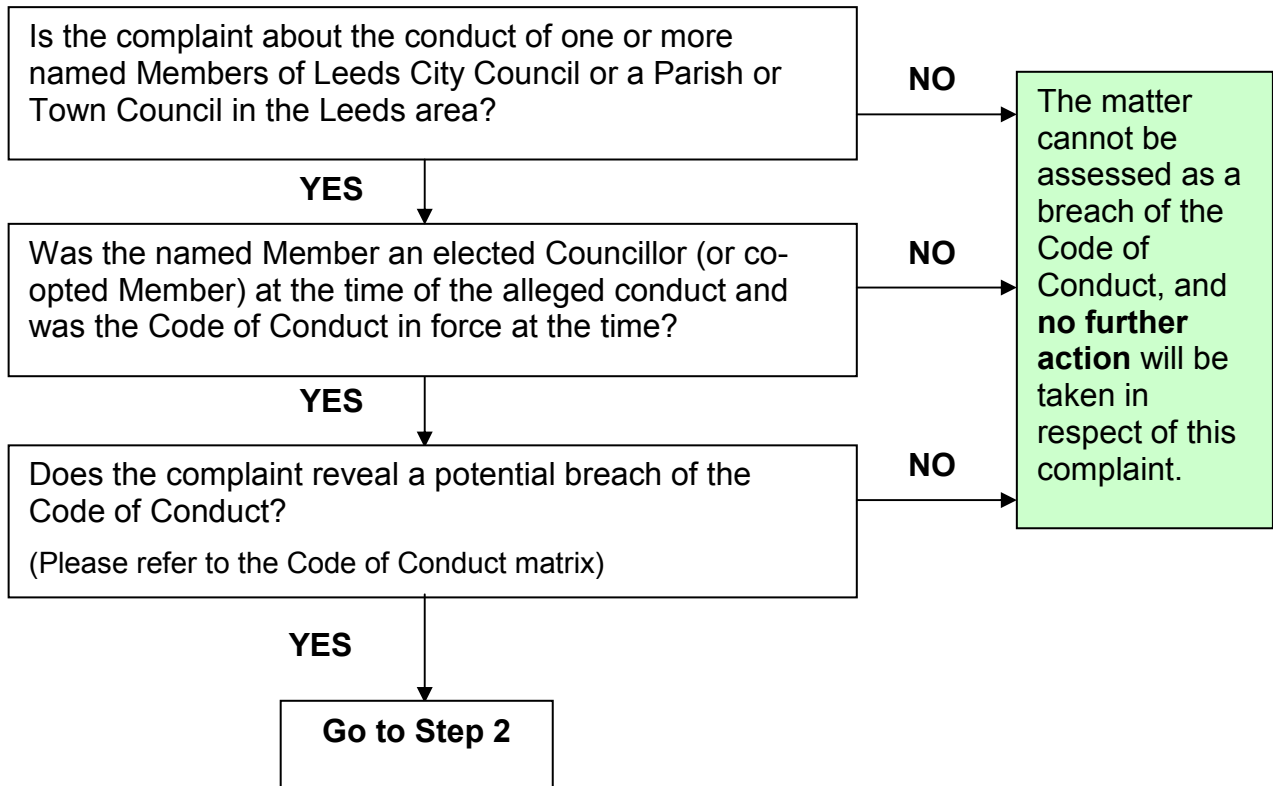
Councillor Mrs P Walker

A G E N D A

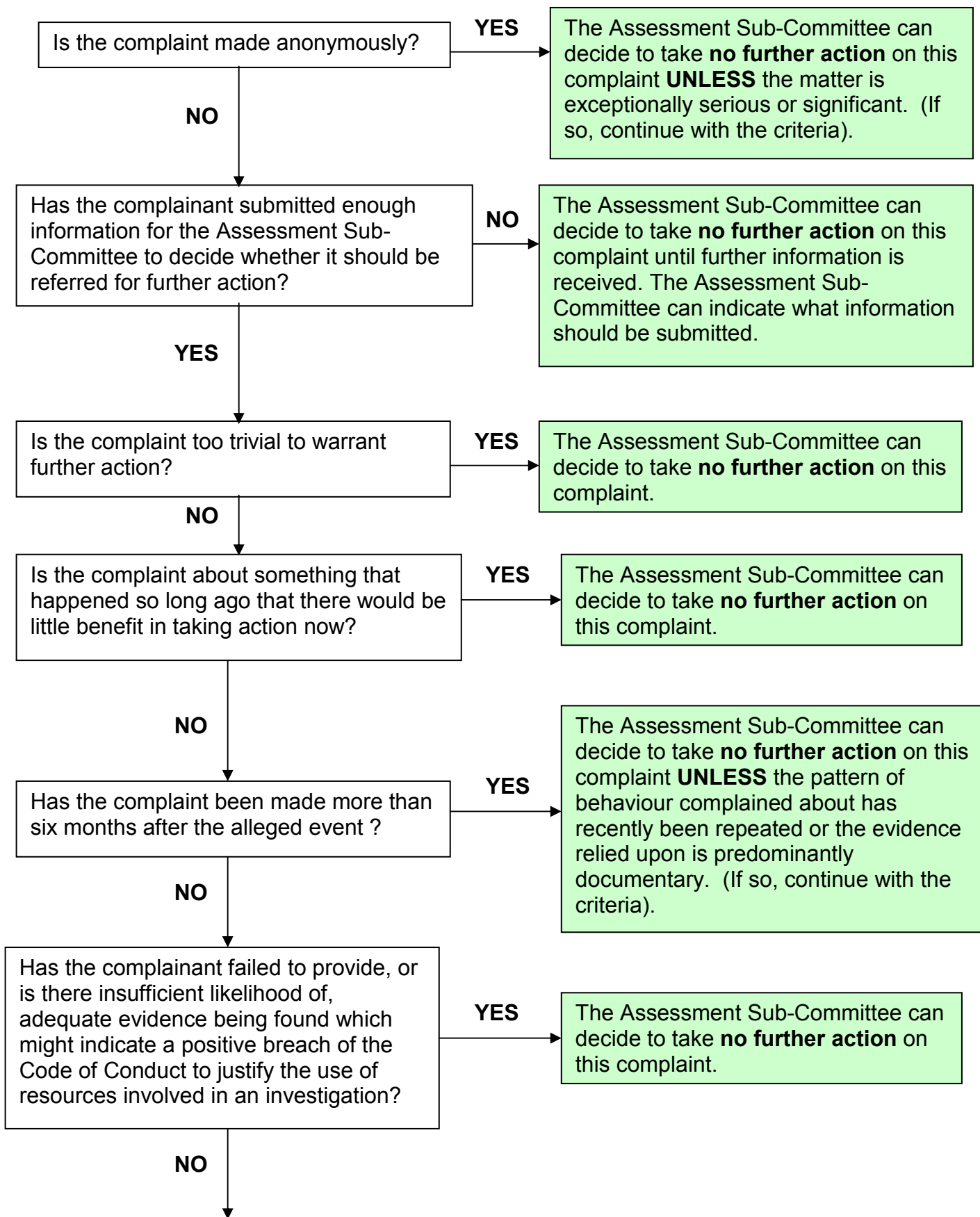
Item No	Ward	Item Not Open		Page No
1			<p>DECLARATIONS OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
2			<p>CASE REFERENCE 1112001</p> <p>To consider whether the complaint meets the initial tests as set out in the report, and decide what action to take in relation to the complaint.</p>	1 - 34
3			<p>LESSONS TO LEARN</p> <p>To consider any lessons to learn from the above cases, and to identify any Standards Committee procedures which may require revision.</p>	

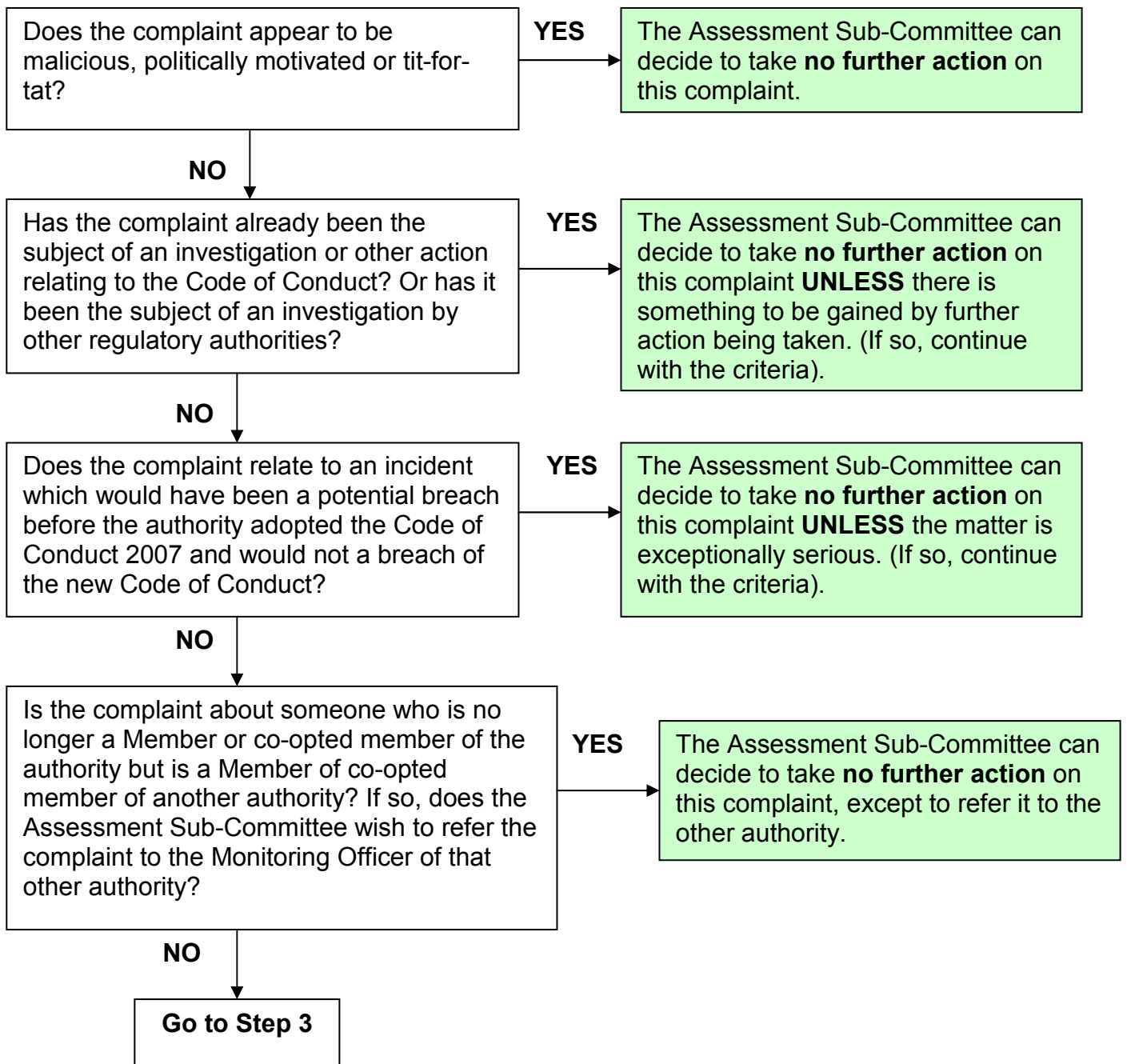
Assessment Flowchart

Step 1 - Initial Tests



Step 2 – Applying Assessment Criteria





Step 3 – Deciding what further action is appropriate

Would investigation of the matter be in the public interest and would it serve any useful purpose?

Consider the following factors:

- If proven to be true, would the alleged conduct undoubtedly warrant a sanction (except training)?
- If any "other action" were to fail, would investigation be the preferred course of action?
- Does the complaint fundamentally challenge the subject Member's honesty or integrity?

YES

Go to Step 4

NO

Does the case fall into any of the following categories?:

- There is evidence of poor understanding of the Code and/or the Council's procedures
- The matter involves a breakdown in relationships to such an extent that it is difficult to conduct the business of the Council e.g. evidenced by a pattern of allegations of minor disrespect, harassment or bullying
- The other action proposed would assist in the proper functioning of the Council
- The case involves the same breach of the Code by many Members
- The case involves misleading, unclear or misunderstood advice from officers
- There is evidence of a lack of experience or training
- The case involves interpersonal conflict
- There have been allegations and retaliatory allegations from the same Members
- The allegations are about how formal meetings are conducted
- The allegations may be symptomatic of governance problems within the Council, which are more significant than the allegations in themselves

YES

The Assessment Sub-Committee can refer the matter to the Monitoring Officer for **other action** (after consultation).

Step 4 – Deciding who should investigate

Does the complaint fall into any of the categories below?

- The status of the subject Member(s) makes it difficult to deal with e.g. the Leader, Executive Member, or Standards Committee Member.
- The status of the complainant(s) makes it difficult to deal with e.g. senior Member (as above), Chief Executive, Monitoring Officer or other senior officer.
- Too many Standards Committee Members have a conflict of interest in the matter.
- The Monitoring Officer or other officers have a conflict of interest and there are no suitable alternative arrangements.
- The case is too serious or complex, or involves too many Members, to be handled locally.
- The complaint requires substantial amounts of evidence not available from the Council, its Member or officers.
- There is substantial governance dysfunction in the Council or the Standards Committee.
- The complaint relates to long term systematic member/officer bullying which would be better investigated by someone external to the Council.
- The complaint raises significant or unresolved legal issues which require a national ruling.
- The public would perceive that the Council has an interest in the outcome of the case i.e. liable to judicial review.
- Exceptional circumstances prevent the Standards Committee from handling the case well, fairly and within a reasonable timescale.

YES

The Assessment Sub-Committee should **refer the matter to Standards for England** for investigation.

NO

The Assessment Sub-Committee can refer the matter to the Monitoring Officer for **Local Investigation**.