

Standards Committee

Thursday, 21st December, 2006

PRESENT:

Independent Members

Mike Wilkinson (Chair) (Independent Member)
C Grant (Independent Member)
Rosemary Greaves (Reserve Independent Member)

Councillors

E Nash J L Carter

Parish Members

Councillor Mrs P Walker Pool in Wharfedale Parish Council
Councillor John C Priestley East Keswick Parish Council (Reserve Member)

APOLOGIES:

G Kirkland

51 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

52 Exclusion of public

There were no resolutions to exclude the public.

53 Late items

There were no late items admitted to the agenda by the Chair for consideration.

54 Declaration of interests

There were no declarations of personal/prejudicial interest for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 9 to 12 of the Members' Code of Conduct.

55 Minutes of the previous meeting

Final minutes approved at the meeting
held on Wednesday, 14th February, 2007

The minutes of the Standards Committee meeting on 4th October 2006 were approved as a correct record.

56 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meeting on 27th September 2006 were received and noted.

57 Standards Committee Independent Members' Forum of Yorkshire and Humberside

The minutes of the Standards Committee Independent Members' Regional Forum of 24th October 2006 were received and noted.

58 Members' ICT

The Chief Democratic Services Officer presented a report outlining new guidelines for the use by Members of their Council supplied ICT facilities. Members of the Committee were asked for their views on the implications for Member conduct matters arising from the introduction of the new guidelines.

Members discussed:

- The rules surrounding software licensing and Members adding software to their Council computers.
- The fee of £50 for personal use of Council provided ICT equipment and whether this should be increased. Members noted that this was a voluntary payment made by those Members who wished to make personal use of their Council provided equipment. The level of the fee was determined by Full Council on advice from the Independent Remuneration Panel.
- The problems with monitoring Members to determine whether they were complying with the guidelines.

It was outlined by the Director of Legal and Democratic Services that the guidelines could either be adopted as a local code in Part 5 of the Council's Constitution, or that they could be approved as part of the Council's arrangements for the use of Council resources, which would mean that any breach of the guidelines would also be a breach of the Members' Code of Conduct.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Request that all Members are provided with a copy of the Council's procedure for approving requests to add new software;
- Approve the guidelines as part of the Council's arrangements for the use of Council resources, meaning that any breach of the guidelines would also be a breach of the Members' Code of Conduct; and
- Recommend to the Council's Independent Remuneration Panel that the fee which applies to Members making personal use of their ICT equipment

as contained within the Council's Members' Allowances Scheme remain at £50.00.

59 Standards Board for England: Bulletin 31

The Director of Legal and Democratic Services submitted a report informing Members of the Committee of the latest Standards Board Bulletin published on 27th November 2006.

RESOLVED – Members of the Committee resolved to note the contents of the report and the attached Bulletin.

60 Town and Parish Standard 08

The Director of Legal and Democratic Services submitted a report notifying Members of the Committee of the latest Town and Parish Standard issued by the Standards Board for England.

RESOLVED – Members of the Committee resolved to note the contents of the report and the Town and Parish Standard.

61 Standards Board Annual Assembly

The Director of Legal and Democratic Services submitted a report informing Members of the Committee of the Fifth Annual Assembly of Standards Committees held on 16th & 17th October 2006.

Members discussed:

- The problems with local investigations highlighted by monitoring officers in the results of the BMG research. The Monitoring Officer reported that these problems had not occurred in Leeds City Council.
- The new Association of Independent Members of Standards Committees in England and whether this may raise issues of importance to the Committee. The Chair reported that any such issues would be conveyed to the Committee as necessary.

RESOLVED – Members of the Committee resolved to note the contents of the report, the conference newsletters, and the attached research document.

62 Adjudication Panel for England - Decisions of case tribunals

The Director of Legal and Democratic Services submitted a report providing summaries of recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members.

RESOLVED – Members of the Committee resolved to note the contents of the report.

63 Adjudication Panel for England - Annual Report

The Director of Legal and Democratic Services submitted a report advising Members of the Committee of the contents of the Adjudication Panel's Annual Report for the year ending 31st March 2006.

Members discussed their concerns regarding the statement made by the President of the Adjudication Panel in the Annual Report that there should be a requirement for the hearings by standards committees to be chaired by a lawyer who is familiar with the Competency Framework for Chairmen and Members of Tribunals. There was discussion around the President's statement in the context of the importance of legal advice but also concerns were expressed about the importance and value of the work of juries and magistrates. The point was also made that legal advice to any hearings panel would also be available in Leeds through the Monitoring Officer.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report; and
- To write to the Adjudication Panel, and copy the letter to the Standards Board for England, and the Committee for Standards in Public Life, regarding the Committee's concerns about the President's advice.

64 High Court decision - Livingstone appeal outcome

The Director of Legal and Democratic Services submitted a report advising Members of the Committee of the decision of the High Court in the recent appeal by Ken Livingstone against the finding of the Adjudication Panel for England that he had failed to follow the Code of Conduct, and also against the sanction applied by them.

RESOLVED – Members of the Committee resolved to note the contents of the report.

65 Standards Committee half year progress report

The Director of Legal and Democratic Services submitted a report seeking comments on the draft six monthly report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2006/7 Municipal year.

It was reported that amendments were required to the timescale for the annual report of the monitoring officer and the number of Parish Councils that had been trained on the Code of Conduct. These changes had occurred since the report was written.

RESOLVED – Members of the Committee resolved to:

- Approve the draft report subject to the minor amendments arising since the report was written; and
- Agree to refer the report, following amendment, to the Corporate Governance and Audit Committee for further consideration.

66 Revised Members' Code of Conduct

The Director of Legal and Democratic Services submitted a report advising Members of the current position in relation to the implementation of a new model Code of Conduct for Members.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Request the Director of Legal and Democratic Services to implement a series of training events for all Members of the Council prior to the Annual Meeting; and
- Request that the Director of Legal and Democratic Services liaise with the Parish and Town Councils in the Leeds area in order to arrange appropriate and timely training in relation to the new Code.

67 Parish and Town Council Training

The Director of Legal and Democratic Services submitted a report advising the Committee of the training provision offered to Parish and Town Councils since May 2006 and the number of Parish and Town Councils that have been trained so far.

Members discussed:

- That more information was required regarding the size of each Parish and Town Council and that this information should be included in an additional column in Appendix A to the report;
- That from the attendance figures and comments it would seem that some Parish and Town Councils do not want the training which the Council is offering;
- That in future the trainers rather than the Parish Clerks should take responsibility for inviting all Parish and Town Councils in the area to the training session;
- That it may be useful to include all details from the report in the letter to Parish and Town Clerks so that they can be reminded of all the forms of training available to them. Members of the Committee also proposed that the positive feedback received from the attendees could be included in the letter; and
- That more might be done by the Chair of the Committee and the Parish representatives to encourage Parish and Town Councils to take up the training offered.

RESOLVED – Members of the Committee resolved to:

- Arrange an informal discussion meeting between the Chair, the Parish Member and the Reserve Parish Member to take place in January 2007 to discuss the issues in the report and create an action plan; and
- Request that an addendum be circulated showing the proportion of each Parish and Town Council which has been trained.

68 Ethical Audit Questionnaire - Preliminary Results

The Director of Legal and Democratic Services submitted a report informing Members of the Committee of the response statistics for the survey and some preliminary results from the questionnaires.

Members discussed:

- Their disappointment with the level of awareness of the role of the Standards Committee amongst Members and officers; and
- The need for Standards Committee to input to the development of an action plan to address the areas for improvement.

It was reported that a facilitated workshop led by the Audit Commission was going to be organised to take place in February 2007 so that the Committee could discuss the draft action plan.

RESOLVED – Members of the Committee resolved:

- To note the contents of the report and the appendices; and
- The intention to have a workshop to discuss findings of the report.

69 Feedback on consultation process on amendments to the Protocol on Member/officer Relations

The Director of Legal and Democratic Services submitted a report advising Members of the Committee of the outcome of the consultation which had taken place in relation to the proposed changes to the Protocol on Member/Officer Relations.

It was reported that one Member had responded to the consultation with some concerns regarding the references to publicity in the Protocol. It was explained that the amendment had only been included to reflect the Code of Recommended Practice on Local Authority Publicity. However the Director of Legal and Democratic Services proposed to circulate some amended wording in the protocol to clarify the paraphrase which had been included to more accurately reflect the wording in the Code of Recommended Practice.

RESOLVED – Members of the Committee resolved to:

- Adopt the amended Protocol subject to the amendment to be drafted by the Director of Legal and Democratic Services; and
- Ask the Director of Legal and Democratic Services to make the necessary amendments to the Constitution under her delegated authority; and
- Ask the Director of Legal and Democratic Services to circulate the revised Protocol to all Members of Council and all co-opted members of Committees.

70 Protocol on Member/Education Leeds Relations

The Director of Legal and Democratic Services submitted a report advising the Committee of a number of proposed amendments to the Protocol for Elected Member/Education Leeds Relations, and seeking the Committee's consent to a consultation process in relation to these amendments.

Members discussed:

- The status of Education Leeds staff and how far the Council could impose codes and protocols on them;
- That they welcomed the work being carried out by Governance Services regarding the corporate governance arrangements of the Councils' partnerships; and
- The extent to which Education Leeds and the Council's Arms Length Management Organisations were subject to the various codes and protocols within the Council's Constitution.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Request a briefing note on the status of Education Leeds and the Arms Length Management Organisations, and their relationship with Leeds City Council and the codes and protocols; and
- Consent to the consultation process detailed in paragraph 3.16 onwards of the report in relation to the amendments listed in paragraph 3.9 onwards of the report.

71 Standards Committee Work Programme

The Director of Legal and Democratic Services submitted a report notifying Members of the Committee of the work programme for the remainder of the municipal year.

RESOLVED – Members of the Committee resolved to note the work programme.