

Standards Committee

Thursday, 25th May, 2006

PRESENT:

Independent Members

Mike Wilkinson (Chair) (Independent Member)
C Grant (Independent Member)

Councillors

E Nash G Kirkland

Parish Members

Councillor Mrs P Walker Pool in Wharfedale Parish Council

APOLOGIES:

J L Carter

1 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.

2 EXCLUSION OF PUBLIC

The Standards Committee decided that the hearing should be held in public and that all documents should be made available. The Committee considered the representations of Councillor Hussain and the investigator on this issue, but determined on the basis of the information available that it was in the public interest to hold the hearing in public and make the papers available. The Committee noted the advice of the Standards Board for England, that hearings should be held in public where possible, and that it was the general practice of the Adjudication Panel for England to hold hearings in public. The Committee did not consider there were any exceptional circumstances which would justify a departure from the Standards Board's advice.

Therefore the Committee resolved that Item 5 Appendix B of the agenda was not exempt under Access to Information Procedure Rules 10.4.1 and 10.4.2. Copies of Appendix 1 were circulated at the meeting.

3 LATE ITEMS

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

4 DECLARATION OF INTERESTS

Following a query, the Director of Legal and Democratic Services advised that simply being a Member of the same political party did not of itself fall within the definition of friendship and that there had to be something over and above that to constitute an interest.

5 DETERMINATION OF ALLEGATIONS AGAINST A MEMBER OF LEEDS CITY COUNCIL

It was alleged that Councillor Hussain had failed to comply with Leeds City Council's Code of Conduct in the course of a telephone conversation on 26th June 2005 with a council employee by:

- a) failing to treat the complainant with respect contrary to paragraph 2(b) of the Code of Conduct;
- b) conducting himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute, contrary to paragraph 4 of the Code of Conduct; and
- c) seeking to use his position as a Member improperly to secure for himself an advantage, namely preferential treatment in the handling of a noise nuisance complaint which he wished to make, contrary to paragraph 5(a) of the Code of Conduct.

RESOLVED -

The Standards Committee decided the following:

- The Member did fail to comply with paragraph 2(b) of the Code of Conduct;
- The Member did fail to comply with paragraph 4 of the Code of Conduct; and
- The Member did fail to comply with paragraph 5(a) of the Code of Conduct.

The Standards Committee decided to impose the following sanction after considering the written evidence and submissions of the parties:

- To censure Councillor Hussain;
- Within one month of the date of the decision to require him to attend one to one training with the Monitoring Officer regarding the relevant sections of the Code of Conduct; and
- Within one month of the date of the decision to require him to attend, for at least 3 hours, a night shift at the Care Ring with a relevant senior officer.

The Standards Committee's reasons for deciding to impose this sanction are that the Committee considered that the circumstances leading to the three breaches were at the lower end of the spectrum of misconduct; at the time of the incident Councillor Hussain had only been a Member for a year and was relatively inexperienced; he had apologised unreservedly in writing to the complainant and the complainant had accepted his apology, had co-operated fully with the investigation and had shown remorse for his behaviour.