

Standards Committee

Thursday, 12th July, 2007

PRESENT:

Independent Members

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

Councillors

E Nash J Elliott
G Kirkland L Russell

Parish Members

Councillor Mrs P Walker Pool in Wharfedale Parish Council
Councillor John C East Keswick Parish Council
Priestley

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

There were no resolutions to exclude the public.

3 Late items

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

4 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 8 to 12 of the Members' Code of Conduct.

5 Minutes of the previous meeting

The minutes of the Standards Committee meetings on 11th April 2007 and 1st May 2007 were approved as correct records.

6 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings on 25th April 2007 and 16th May 2007 were received and noted.

7 Ethical Audit Action Plan

The Assistant Chief Executive (Corporate Governance) submitted a report informing the Committee of the Ethical Audit Action Plan which had been created based on the results of the 2006 Ethical Audit to improve ethical governance at Leeds City Council.

The Head of Governance Services attended the Committee meeting to answer any questions from Members.

In the discussion, Members made the following points:

- How the work would be monitored and whether all the reports arising from the action plan would be added to the work programme; and
- Whether the relevant deadlines had been complied with so far, and that work on some of the actions was already underway.

RESOLVED – Members of the Committee resolved to:

- Approve the Ethical Audit Action Plan at Appendix 1 to the report; and
- Agree that the work contained in the Ethical Audit Action Plan (which falls within the Committee's terms of reference) should be added to the Committee's work programme for the year.

8 Amendment to Code of Practice for Determining Planning Applications

The Assistant Chief Executive (Corporate Governance) and the Chief Planning Officer submitted a report proposing changes to the Code of Practice for Determining Planning Applications. This report requested the Standards Committee to review the Code of Practice for Determining Planning Applications with a view to the Code being amended to strongly encourage, as a matter of best practice, the attendance of Plans Panel Members at the site visit and throughout the whole consideration of an application, so they are fully informed of all the relevant planning considerations before a decision is made. The report also recommended further amendments to update the Code of Practice for Determining Planning Applications in light of the revised Members' Code of Conduct.

The Chief Planning Officer attended the Committee meeting to answer any questions from the Committee.

In the discussion, Members made the following points:

- Their concerns that there was too much work for the Plans Panel Members to undertake, and that Members should not be expected to sit on a Panel for that many hours;
- That if the number of panels was increased, there would be less applications per panel and therefore less site visits to attend, and if this was the case it would make these amendments easier to agree to;
- Where Members' attendance at site visits would be recorded and whether it should be published anywhere;
- That a requirement to attend site visits may be impossible for someone who had mobility difficulties, and therefore this would prevent them from taking part. The Assistant Chief Executive (Corporate Governance) outlined that if this occurred the Council would be obliged to make reasonable adjustments;
- That it was possible for Members to opt out of the decision at Plans Panel if they were unable to attend the site visit and therefore did not have enough information, and that it would not always be necessary to attend;
- That if members of the public were able to see the Members on the Plans Panel attending site visits, they would feel like justice was being done;
- What would happen if an application continued over an election period and Members on the Plans Panel changed. It was reported by the Chief Planning Officer that the Chair of the Plans Panel would have the authority to request a repeat site visit;
- Whether Parish and Town Councillors who would also be considering the matter would be able to attend the site visits along with the Members of the Plans Panel. The Chief Planning Officer reported that Parish and Town Councillors would be considered members of the public for the purposes of the Code of Practice and therefore would be discouraged from attending site visits. However they could speak at the relevant plans panel meeting; and
- That site visits on the whole were good for all parties concerned, including the public and the developers.

RESOLVED – Members of the Committee resolved to:

- Amend the Code of Practice for Determining Planning Applications to strongly encourage as a matter of best practice Member attendance at the site visit and throughout the whole of Plans Panel's consideration of an application, as set out in Appendix 1 to the report; and
- Further amend the Code of Practice to reflect the new Members' Code of Conduct, as set out in Appendix 1 to the report.

9 Standards Board for England: Bulletin 33

The Assistant Chief Executive (Corporate Governance) submitted a report informing Members of the Committee of the contents of the Standards Board Bulletin published in May 2007.

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

10 Standards Board for England Roadshow

The Assistant Chief Executive (Corporate Governance) submitted a report summarising the Standards Board for England Roadshow which took place in Leeds on 7th June 2007.

Members discussed how many panels would be required in order to carry out the new functions which would be given to the Committee from April 2008, and what other issues needed to be considered in preparation for this. It was reported that these matters would be considered in greater detail in a report to the Committee on 5th December 2007.

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

11 Adjudication Panel for England - Decisions of case tribunals

The Assistant Chief Executive (Corporate Governance) submitted a report on the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members.

RESOLVED – Members of the Committee resolved to note the recent decisions of the case tribunals.

12 Complaints referred to the Standards Board for England in the period October 2006 to March 2007

The Assistant Chief Executive (Corporate Governance) submitted a report on the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish and Town Councillors within the area, under the Members' Code of Conduct.

In the discussion, Members made the following points:

- How the Monitoring Officer becomes aware of these complaints and whether there is an opportunity for mediation before a complaint is made;
- Their concerns at the length of time being taken over the local investigation referred to in the report. Members agreed that there was balance to be struck between the investigation being both as fair but as fast as possible, and noted that it was a performance indicator of the Standards Board in relation to investigations they carry out themselves that 90% of investigations conducted by Ethical Standards Officers are completed within six months.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report; and
- Request that the investigator submit a report to the next meeting of the Committee providing a timeline of the investigation and the progress made so far.

13 Members' Induction Period 2007

The Assistant Chief Executive (Corporate Governance) submitted a report outlining progress against certain elements of the Members' induction period following the local elections in May 2007.

In the discussion, Members made the following points:

- Their particular concerns about the Parish and Town Councils mentioned in the report and the ethical arrangements they had in place;
- Their lack of power to enforce the standards regime, such as the Members' register of interests;
- That it may be useful for the Chair of the Committee, the Parish Members of the Committee and the Monitoring Officer to meet all the Parish and Town Council Clerks to discuss these issues and how they can be supported by Leeds City Council in order to meet their obligations under the Members' Code of Conduct;
- That it may be useful for the Parish and Town Council Liaison Officer to be involved in this process; and
- That the training provided to Leeds City Council Members and to Parish and Town Councillors on the new Members' Code of Conduct was excellent, and that officers had worked hard to bring this about.

RESOLVED - Members resolved to:

- Note the contents of the report; and
- Require a meeting between all Parish and Town Council Clerks, the Chair and Parish Members of the Committee, and the Monitoring Officer, to discuss the issues raised by the report.

14 Study into the operation and role of standards committees within local authorities

The Assistant Chief Executive (Corporate Governance) submitted a report providing a brief summary of the main conclusions of the study into the operation and role of standards committees carried out by BMG Research and the Standards Board for England.

Members of the Committee discussed the survey result that Monitoring Officers had concerns about the increased resources required by the move to a locally based standards regime. The Assistant Chief Executive (Corporate Governance) outlined that there was likely to be a budget increase required from April 2008 to meet the cost of increased local investigations, which cost an average of £5000 each, as estimated by the Standards Board for England. It was also reported that arrangements with the other West Yorkshire Authorities and with other agencies were being considered as a means of meeting extra demand for investigations.

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

15 Training for Members of Standards Committee

The Assistant Chief Executive (Corporate Governance) submitted a report seeking Members' comments on the current Standards Committee training plan, and informing the Committee of what progress had been achieved against the plan since it was first approved in January 2006.

In the discussion, Members made the following points:

- A section on Council business and the political context should be included in the training plan, as it can be difficult for external members to be aware of how to access certain documents, for example. It was suggested that a possible method of addressing this would be a mentoring scheme or a buddying system;
- Some Members may need assistance with developing chairing skills, especially if it was going to become a requirement that all sub-committees need to be chaired by an independent member; and
- It was also important for new Members of the Committee to have a briefing session with the Monitoring Officer on what the current issues are for the Committee.

RESOLVED – Members of the Committee resolved to approve the updated training plan attached as Appendix 2 to the report, subject to the above additions being made.

16 Standards Committee Work Programme

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