

Standards Committee

Wednesday, 13th February, 2008

PRESENT:

Independent Members

Mike Wilkinson (Chair) (Independent Member)

Councillors

E Nash J L Carter
G Kirkland D Blackburn

Parish Members

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

APOLOGIES:

Rosemary Greaves and J Elliott

61 Appeals against refusal of inspection of documents

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

62 Exclusion of public

The following item was identified where a resolution may be moved to exclude the public:

Local Investigation into a Complaint against a Member (Reference: SBE 19504.07), excluded under Access to Information Procedure Rule 10.4 (1,2, 7c) (minute 68 refers).

63 Late items

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

64 Declaration of interests

Councillor G Kirkland declared a personal interest in item 7 of the agenda (Local Investigation into a Complaint against a Member Reference: SBE 19504.07) as he knows both the Councillor concerned and a member of the public named in the bundle of evidence personally.

65 Minutes of the previous meeting

The minutes of the Standards Committee meeting on 5th December 2007 were approved as a correct record.

Further to minute 50, Members of the Committee resolved to write a reminder to Mr John Healey MP if they did not receive a response to their letter within 10 days.

66 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings on 28th November 2007 and 14th January 2008 were received and noted.

67 Exclusion of the public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of the exempt information so designated as follows:

The report and appendices referred to in minute 68 under the terms of Access to Information Procedure Rule 10.4 (1, 2, 7c) and on the grounds that the public interest in maintaining the information as exempt, outweighed the public interest in disclosing the information as the final report contained the opinion of the Investigating Officer, which, if the report were to be made public would be disclosed prior to the Committee having had the opportunity of discussing that opinion and forming their own view of it..

68 Local Investigation Into a Complaint against a Member (Reference: SBE 19504.07)

Councillor G Kirkland declared a personal interest in this item as he knows both the Councillor concerned and a member of the public named in the bundle of evidence personally.

The Committee considered a report from the Chief Officer (Legal, Licensing and Registration) detailing his findings on completing an investigation into a Leeds City Councillor in respect of an allegation of misconduct. The investigation followed the submission of a complaint to the Standards Board for England which was subsequently referred back to the authority.

The report was designated as exempt under Access to Information Procedure Rule 10.4 (1, 2, 7c).

Members of the Committee specifically took account of the anomalies between the process of election returns and the rules regarding registration of interests under the Members' Code of Conduct.

RESOLVED – Members of the Committee resolved:

- That the investigating officer's finding of no failure to comply with the Code of Conduct be accepted;
- That the Electoral Commission and the Standards Board for England be contacted about the anomalies between completing election returns and registering details of election expenses in the Members' register of interests; and
- That the Returning Officer be asked to clarify the guidance provided to Leeds City Council Members on completing their election returns.

69 Leeds City Council Case Summary

The Committee received a report of the Assistant Chief Executive (Corporate Governance) presenting a recent case summary published on the Standards Board for England website concerning a Leeds City Councillor, and any possible lessons to be learnt.

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

70 Local Assessment Process

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) outlining the new arrangements for the local assessment of complaints due for implementation in April 2008, including the creation of sub-committees.

During the discussion, Members raised the following issues:

- That the size of the proposed assessment sub-committee may be larger than required, given the amount of business they will be required to consider;
- That substitutes may be required for the Leeds City Council Members on the sub-committees;
- Whether the Chair of a sub-committee would have the casting vote in the event of a tie; and
- How the pool of Parish Members would operate in Leeds.

RESOLVED – Members of the Committee resolved to:

- Approve the general proposals to deal with complaints made under the Code of Conduct in the way set out in the report, subject to any requirements contained in the final regulations and the final Standards Board for England guidance; and

- To request further information on the required size of the assessment sub-committee, the use of substitutes for Leeds City Council Members, and the operation of the pool of Parish Members.

71 Consultation on the new Orders and Regulations relating to the conduct of Local Authority Members

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) presenting the consultation paper produced by Communities and Local Government and the draft response from Leeds City Council.

RESOLVED – Members of the Committee resolved to approve the Leeds City Council response at Appendix Two to the report, without any amendments.

72 Standards Board for England Local Assessment Checklist

The Committee received a report of the Assistant Chief Executive (Corporate Governance) benchmarking the position of Leeds City Council with regard to the new local standards regime and advising them of the various areas requiring further work.

RESOLVED – Members of the Committee resolved to note the issues raised in the Standards Board for England checklist and the progress of Leeds City Council in relation to these issues.

73 Annual Report on the Monitoring Officer Protocol

The Committee received a report of the Assistant Chief Executive (Corporate Governance) outlining whether the arrangements set out in the protocol have been complied with and including any proposals for amendment in light of issues arising since the last report.

RESOLVED – Members of the Committee resolved to:

- Note the performance information in the report; and
- Request that officers carry out a full review of the Monitoring Officer Protocol in view of the developments in the role of the Monitoring Officer and changes made under the Local Government and Public Involvement in Health Act.

74 Protocol on Member/officer Relations - Results of Consultation

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) outlining the comments received from consultees regarding amendments to be made to the Protocol.

During the discussion, Members made the following points:

- That bullying of Members by officers should be specifically covered by the Protocol. It was reported that officers were bound to treat Members with respect by the Protocol.

- Whether any action could be taken against officers who do not respond to correspondence from Members, and whether this should be covered by the Protocol. It was reported that officers could be reported to their line manager or relevant director.
- That further amendments needed to be made for clarity and presentation purposes, for example the insertion of the title 'Lord Mayor' at paragraphs 13 and 13.1.

RESOLVED – Members of the Committee resolved to approve the amended Protocol as attached as Appendix One to the report with any further amendments required for clarification and presentation purposes.

75 Standards Committee Annual Report 2007/08

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) seeking comments on the draft Standards Committee Annual Report 2007/08.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Review their biographies in the membership section of the report and notify the report author of any necessary amendments; and
- Make any suggestions for additional content to the report author.

76 Standards Committee Work Programme

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) 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.