

Standards Committee

Tuesday, 1st July, 2008

PRESENT:

Independent Members

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

Councillors

D Blackburn J L Carter E Nash
C Campbell J Elliott

Parish Members

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

APOLOGIES:

Philip Turnpenny (Independent Member)

1 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.

2 Exempt Information - Possible Exclusion of the Press and Public

The Standards Committee identified Item 9 of the agenda (minute 9 refers) as containing appendices which officers had identified as containing exempt information, and where officers considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, for the reasons outlined in the report. The Standards Committee decided to accept the officers recommendation in respect of the above information.

RESOLVED - That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information, as follows:-

The final report of the Investigating Officer and the bundle of evidence in relation to a local investigation into a complaint against a Member classified as exempt under Access to Information Procedure Rule 10.4 (1, 2 and 7c) as the report makes reference to the personal health situation of the Councillor, and contains the opinion of the investigating officer, which, if the report were made public, would be disclosed prior to the Committee having had the opportunity to discuss that opinion and forming their own view of it.

3 Late items

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

4 Declaration of interests

There were no declarations of 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.

5 Minutes of the previous meeting

The minutes of the Standards Committee meeting on 14th April 2008 were approved as a correct record.

6 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings on 19th March 2008, 23rd April 2008 and 14th May 2008 were received and noted.

7 Complaints to the Local Government Ombudsman

The Corporate Customer Relations Manager presented a report of the Chief Officer (Customer Services) outlining the new remit of the Local Government Ombudsman, and potential revised working arrangements between the Ombudsman and the Standards Committee and Monitoring Officer.

It was outlined that certain activities of the Standards Committee and the Monitoring Officer now fall within the jurisdiction of the Ombudsman as they will be carrying out administrative procedures on behalf of the Council. It was also indicated that the Ombudsman may contact the Standards Committee or the Monitoring Officer about any cases which may affect them. However, there was unlikely to be a large amount of contact with the Ombudsman, as they were only likely to become involved with the Standards Committee when investigating possible injustice through maladministration.

RESOLVED – Members of the Standards Committee resolved to note the provisions of the Local Government and Public Involvement in Health Act 2007 and the potential implications this may have.

8 Politically Restricted Posts

The Human Resources Manager presented a report of the Chief Officer (Human Resources) outlining the current situation in relation to politically restricted posts in Leeds, and the implications and initial proposals for the Standards Committee (subject to final regulations being published).

It was outlined that this would require an amendment to the Standards Committee Terms of Reference once regulations were released.

During the discussion, Members made the following points:

- That there needed to be a clear definition of a 'council employee';
- That the status of employees working for companies wholly owned by the Council needed to be made clear. ALMOs and Education Leeds were particularly mentioned. The Human Resources Manager agreed to come back to the Committee with this information in due course;
- That the list of politically restricted posts needed to be kept up to date at all times; and
- That a briefing note may be required to employees on this subject and the Committee's new role.

RESOLVED – Members of the Committee resolved to note the information in the report, and to request a further report in due course (once regulations have been released).

9 LOCAL INVESTIGATION INTO A COMPLAINT AGAINST A MEMBER Reference SBE 19277.07

The Chief Officer (Legal, Licensing and Registration) presented a report detailing his findings on completing an investigation into a Parish 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 and 7c).

Members of the Standards Committee decided to defer their consideration of this matter until the Investigating Officer could obtain copies of the minutes from the relevant Parish Council to see if they provided any assistance.

RESOLVED – Members of the Committee resolved to:

- Defer their consideration of the matter until the Investigating Officer could obtain copies of the minutes from the relevant Parish Council; and
- Convene an additional meeting as soon as possible to consider the final report afresh in light of any additional information arising from the minutes.

10 Process for the receipt, referral and management of allegations of misconduct

The Assistant Chief Executive (Corporate Governance) submitted a report outlining the proposed final arrangements for receiving and logging allegations, and for informing the public of the new process.

During the discussion, Members made the following points:

- It was outlined that Arthington Parish Council had queried the accuracy of the draft guidance leaflet on making complaints, particularly in respect of the types of behaviour covered by the Code of Conduct. It was agreed that officers would contact Arthington Parish Council about their concerns;
- That information regarding the types of complaints that won't be considered by the Standards Committee should be made clearer; and
- That officers should ensure the widest possible access to the statutory notice which is required by regulations. It was reported that the Standards Committee could also produce a press release in a few months time giving details of the new system for local newspapers to use.

RESOLVED – Members of the Standards Committee resolved to approve the proposed arrangements for advertising the new complaints process, and for receiving and logging allegations of misconduct against Members.

11 Final proposals for the local assessment arrangements

The Assistant Chief Executive (Corporate Governance) submitted a report outlining final proposals for the Standards Committee's new role in determining allegations of misconduct, including proposed amendments to the Constitution and revised arrangements for the operation of the Committee.

It was outlined that since the agenda was finalised, officers had found that the Adjudication Panel for England appeal form (included in the Standards Committee Procedure Rules at Annex J), had been amended. It was proposed that the Standards Committee remove Annex J from their Procedure Rules, and instead direct Councillors to the Adjudication Panel website should they wish to appeal against a finding of the Standards Committee.

During the discussion, Members made the following points:

- That the report author should be thanked for the report and the clarity of the presentation;
- That it would be sensible to review the new process after three months; and
- Members felt that it would be appropriate to increase the parish membership of the Committee by one to avoid the risk of a meeting being inquorate, and that the Standards Committee would review its size and membership by the end of the calendar year.

RESOLVED – Members of the Standards Committee resolved to:

- appoint the Assessment Sub-Committee with membership as set out in paragraph 3.6 of the report;
- approve the terms of reference for the Assessment Sub-Committee as shown in Appendix 2 to the report;
- appoint the Review Sub-Committee with membership as set out in paragraph 3.14 of the report;
- approve the terms of reference for the Review Sub-Committee as shown in Appendix 3 to the report;
- formally dissolve the Town and Parish Council Hearings Sub-Committee, as proposed in paragraph 3.20;
- approve the amended Standards Committee Procedure Rules as shown in Appendix 4 to the report, with the removal of Annex J;
- agree that the Monitoring Officer will advise the subject Member of the complaint unless it is not in the public interest;
- agree that the Monitoring Officer or other nominated officer will prepare a short summary of each complaint for the Assessment Sub-Committee;
- agree the proposed assessment criteria as shown in Appendix 5 of this report; agree a set of criteria for deciding whether complaints should be considered anonymously, as proposed in paragraphs 3.41;
- agree that a review of the operation of the new Standards Committee Procedure Rules be undertaken after 3 months; and
- agree to recommend that the Full Council increase the parish membership of the Committee by one to avoid the risk of a meeting being inquorate.

12 Members Induction Period 2008

The Assistant Chief Executive (Corporate Governance) submitted a report regarding new Members' declaration of acceptance of office, Register of Members' Interests, and training for Members during the induction period.

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

13 Review of the Members' Register of Interests and Gifts and Hospitality

The Assistant Chief Executive (Corporate Governance) submitted a report outlining the results of the review of the Members' Register of Interests and Gifts and Hospitality for the municipal year 2007/08.

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

14 Adjudication Panel for England: Decisions of Case Tribunals

The Assistant Chief Executive (Corporate Governance) submitted a report detailing recent decisions made by the Adjudication Panel's Case Tribunals in respect of allegations of misconduct.

RESOLVED – Members of the Standards Committee resolved to note the latest decisions of the Adjudication Panel.

15 Standards Committee Work Programme

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