

Standards Committee

Tuesday, 21st April, 2009

PRESENT:

Independent Members

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

63 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.

64 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

65 Late items

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

66 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.

67 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 17th February 2009 were approved as a correct record.

Further to Minute 55, Members were informed that Rossendale District Council had been announced as the winner of the 'Standards and Ethics' category at the Local Government Chronicle Awards 2009.

- 68 Minutes of the Assessment Sub-Committee**
The minutes of the Assessment Sub-Committee meeting held on 5th March 2009 were received and noted.
- 69 Minutes of the Corporate Governance and Audit Committee**
The minutes of the Corporate Governance and Audit Committee meetings held on 11th February 2009 and 18th March 2009 were received and noted.
- 70 Code of Practice for the Determination of Licensing Matters**
The Principal Legal Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing information to the Standards Committee in relation to the monitoring requirements of the Code of Practice for the Determination of Licensing Matters.

It was confirmed that eight of the ten Members due to attend Planning and Licensing training would attend a session in April, and that the remaining two Members would be contacted in order to arrange their training.

RESOLVED – Members of the Standards Committee resolved that no amendments were required to the Code of Practice for the Determination of Licensing Matters.

- 71 Ethical Arrangements in Partnerships**
The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) informing Members of the Governance Framework for Significant Partnerships and the ethical governance section of the associated toolkit.

The Committee was informed that the Framework and toolkit would allow the Council to discuss governance requirements and share best practice with its partnerships. In discussing the Members' Code of Conduct, it was confirmed that the Council's Code of Conduct would apply to Members when sitting on other bodies, unless the Code conflicted with their legal obligations to the body concerned.

RESOLVED – Members of the Standards Committee resolved to note the Governance Framework for Significant Partnerships and the section of the associated toolkit relating to ethical governance.

- 72 Standards Committee Procedure Rules**
The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) presenting the annual review of the Standards Committee Procedure Rules. Some minor amendments to the Procedure Rules were proposed in order to footnote the legislative source of the provisions within the Procedure Rules, and to correct the referencing of the provisions.

The Committee was also asked to consider whether complaints made under the Local Codes should be combined with the Local Assessment process. Members agreed that this issue should be considered further at the next

meeting of the Committee, in order that additional information could be provided to allow Members to make a more informed decision.

Finally, Members were asked to consider whether subject Members should be advised of the existence of complaints against them prior to the meeting of the Assessment Sub-Committee. The Committee was informed that:

- All complaints received under the Members' Code of Conduct (regardless of their nature) must be considered by the Assessment Sub-Committee;
- The period of time from receiving the complaint to the meeting of the Assessment Sub-Committee could be up to 6 weeks;
- Being aware of the existence of a complaint prior to the meeting of the Assessment Sub-Committee has resulted in distress and anxiety for some Members;
- Some Members have informed officers that they would prefer not to be informed of the existence of a complaint against them until the Assessment Sub-Committee has met to consider it;
- Under the previous arrangements, the Standards Board for England did not inform Members of the existence of a complaint against them until officers had decided whether there was a potential breach of the Code of Conduct; and
- Despite the above, there was nothing to prevent a complainant from publicising the fact that they had made a complaint and the details of it.

In considering the above information, the Committee agreed that Members should not be informed of the existence of a complaint against them until the Assessment Sub-Committee has met to consider it. It was also agreed that this process would be reviewed and a report brought back to the Committee in 6 month's time.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Approve the proposed amendments to the Standards Committee Procedure Rules;
- (b) Receive a further report at the next Standards Committee meeting in order that a more informed decision can be taken in relation to the procedure to be adopted for Local Complaints; and
- (c) Not advise subject Members of the existence of complaints against them prior to the meeting of the Assessment Sub-Committee and to review this process in 6 month's time.

73 MICE Money and Members' Code of Conduct

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising Members of some amendments to the 'Members Improvements in the Community and the Environment' (MICE) scheme approved by Executive Board on 1st April 2009.

RESOLVED – Members of the Standards Committee resolved to note the information in the report and the decision of Executive Board.

74 Annual Report on the Monitoring Officer Protocol

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) presenting the annual report of the Monitoring Officer which is required under Paragraph 5 of the Monitoring Officer Protocol.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the performance information and issues raised within the report; and
- (b) Approve the revised Monitoring Officer Protocol as attached at Appendix 1 to the report, which had been amended in light of the changes made under the Local Government and Public Involvement in Health Act 2007.

75 Adjudication Panel for England: Decisions of Case Tribunals

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing summaries of the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members.

Further to the case regarding West Wiltshire District Council and Westbury Town Council, the importance of considering each stage of a complaint and ensuring that the Committee consider the investigator's reasoning thoroughly was highlighted.

RESOLVED – Members of the Standards Committee resolved to note the latest decisions of the Adjudication Panel's case tribunals and the lessons to be learned for Leeds.

76 Standards Committee Annual Report 2008/09

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) seeking approval of the second draft of the Standards Committee's Annual Report for 2008/09.

It was agreed that further information would be added to the report regarding the number of complaints that were still ongoing, and that Members' biographies would be updated as requested. Members of the Committee expressed their appreciation to the Senior Corporate Governance Officer for her hard work in preparing the Annual Report.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Approve the second draft of the Standards Committee Annual Report 2008/09 as attached at Appendix 1 to the report, subject to the amendments discussed;
- (b) Give authority to the Assistant Chief Executive (Corporate Governance), in consultation with the Chair, to approve the final report with the inclusion of new membership details and an updated number of complaints (to include those received up to May 2009);
- (c) Agree to forward the final report to the Corporate Governance and Audit Committee to constitute the second of their six monthly update reports; and

- (d) Agree to forward the final report to the first meeting of Council in the new municipal year for their consideration.

77 Standards Committee and Corporate Governance and Audit Committee Terms of Reference

The Assistant Chief Executive submitted a report informing Members of the revised Terms of Reference for the Standards Committee and Corporate Governance and Audit Committee.

It was agreed that the use of the word 'misconduct' and its definition within the Standards Committee's Terms of Reference would be reviewed.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the revised Terms of Reference for the Standards Committee and Corporate Governance and Audit Committee as set out in Appendix 1 to the report; and
- (b) Request that the use of the word 'misconduct' and its definition within the Standards Committee's Terms of Reference be reviewed, and the subsequent feedback be provided to the Committee.

78 Standards Committee Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report outlining the contents of the work programme for the 2009/10 municipal year.

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