

Standards Committee

Wednesday, 19th August, 2009

PRESENT:

Independent Members

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

Councillors

D Blackburn	R D Feldman	J Harper
C Campbell	B Gettings	

Parish Members

Councillor Mrs P Walker	Pool in Wharfedale Parish Council
Councillor John C Priestley	East Keswick Parish Council
Councillor Paul Cook	Morley Town Council

APOLOGIES:

Mr G Tollefson and Councillor J L Carter

20 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.

21 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

22 Late items

There were no late items submitted to the agenda by the Chair for consideration, however supplementary information had been circulated in relation to items 10 and 11, as the reports were not complete at the time of the agenda dispatch.

23 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.

24 Minutes of the previous meeting

The minutes of the Standards Committee meeting held on 8th July 2009 were approved as a correct record.

Further to Minute 14, Members were informed that a response had been received from the Department for Communities and Local Government, which would be reported to the next meeting of the Standards Committee.

Further to Minute 17, Members were informed that individual letters and guidance packs were due to be sent to the relevant Parishes by the end of August 2009.

25 Minutes of the Assessment Sub-Committee

The minutes of the Assessment Sub-Committee meetings held on 25th June, 8th July and 13th July 2009 were received and noted.

26 Minutes of the Review Sub-Committee

The minutes of the Review Sub-Committee meeting held on 13th July 2009 were received and noted.

27 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 30th June and 29th July 2009 were received and noted.

Further to Minute 8, Members discussed the reasons why the Corporate Governance and Audit Committee had requested further information in relation to how many Councillors had been complained about and how many complaints had been received per ward, and whether Local Assessment training would be made compulsory for Standards Committee members.

28 Amendments to the Standards Committee Terms of Reference

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) notifying the Standards Committee of the consequential amendments to the Standards Committee Terms of Reference which had been made arising from:

- the resolutions of the Standards Committee on 8th July 2009;
- amendments to the Local Government and Housing Act 1989; and
- the implementation of the Standards Committee (Further Provisions) (England) Regulations 2009.

RESOLVED – Members of the Standards Committee resolved to note the amendments to the Standards Committee Terms of Reference as attached at Appendix 1 to the report.

29 Standards Committee Procedure: Politically Restricted Posts

The Human Resources Manager presented a report of the Chief Officer (Human Resources) setting out a draft procedure for the consideration of Politically Restricted Posts (PRPs) for use by the Standards Committee, in accordance with the Local Government and Housing Act 1989 (as amended by the Local Government and Public Involvement in Health Act 2007).

Some Members welcomed this process, as it would provide more local flexibility and would allow the decisions to be made by a Committee rather than a single person (the Independent Adjudicator) as was previously the case.

Members were concerned that there were certain issues in relation to the procedure that required further consideration, and requested that a report be submitted to the next Standards Committee meeting addressing the following points:

- Whether a Sub-Committee should be set up to consider requests in relation to PRPs;
- The need for clarification of the process regarding requests by Directors or members of the public that a post be added to the list of PRPs;
- The need for there to be a centrally maintained list of the posts in each category of restriction;
- The process and responsibility for reviewing and monitoring the list;
- A description of how the question of political restriction was dealt with as part of the Council's recruitment process;
- The need for the status of posts, be they politically restricted or exempt to be reviewed, should the Job Description be amended; and
- Whether any form of appeal exists in relation to the Standards Committee's decision.

Members also agreed that officers should write to the Department for Communities and Local Government to ask why guidance had not been provided in relation to this procedure.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Adopt the procedure for the consideration of Politically Restricted Posts, as attached at Appendix 1 to the report;
- (b) Request that officers write to the Department for Communities and Local Government to ask why guidance has not been provided in relation to this process; and
- (c) Request that a report be submitted to the next meeting of the Standards Committee addressing the issues listed above.

30 Application for exemption from the list of politically restricted posts

The Head of Renaissance Unit presented a report of the Director of City Development seeking exemption for the Economic Policy and Information Manager from the list of Politically Restricted Posts which is maintained by the authority under the Local Government and Housing Act 1989.

After being informed of the main duties of the post, Members discussed the following points:

- The reasons why exemption was being sought for this post;
- The potential legal implications of seeking exemption following a recruitment exercise for a particular post;

- The need for the information provided in application packs in relation to PRPs to be reviewed in order to ensure that this is clear;
- The need for further consideration to be given to the process of assessing whether posts should be added to/removed from the list if the Job Description is amended, and how to ensure that managers are aware of and understand this process;
- What action would be taken should an exempt post be added to the list following an amendment to the Job Description, and which is currently filled by a post holder who would breach the conditions of a Politically Restricted Post; and
- The need for further consideration to be given to the potential implications should a post that is granted an exemption have direct reports that are restricted, and in relation to providing holiday/maternity cover for restricted posts.

Members noted that the Job Description of the Economic Policy and Information Manager includes responsibilities in relation to working with and advising elected Members. Members were advised that, according to advice previously provided by the Independent Adjudicator, this would need to include giving advice on a regular basis to the authority itself, i.e. to full Council or a Council Committee, or the Executive, Executive Member or a Committee of the Executive in order to fall under the terms of a PRP. It was confirmed that this post would not involve reporting on a regular basis to Council Committees or the Executive.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Grant an exemption for the post of Economic Policy and Information Manager from the list of Politically Restricted Posts; and
- (b) Request that the points noted above are also addressed in the report to be submitted to the next Standards Committee meeting, as requested under Minute 29(c).

31 Standards Committee Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the Committee of the work programme for the remainder of the municipal year, and seeking comments from the Committee regarding any additional items.

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