

Standards Committee - Hearings Sub-Committee

Tuesday, 11th May, 2010

PRESENT:

Independent Members

Mike Wilkinson (Chair)
Philip Turnpenny

Councillors

J L Carter B Gettings

Parish Members

Councillor Mrs P Walker

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 Late Items

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

3 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.

4 Case Reference 0910005

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the procedure to be followed by the Hearings Sub-Committee in determining allegations of misconduct against a Member of Leeds City Council. The final report of the investigator and supporting evidence were attached at Appendix 1 to the report.

The Hearings Sub-Committee considered whether the press and public should be excluded from any parts of the hearing, and whether any parts of the agenda should not be made available for public inspection. The Sub-Committee considered representations on behalf of the subject Member and

from the investigator, who requested that the press and public be excluded from the meeting. It was agreed that, in the interests of openness and transparency, the press and public should be allowed to attend the hearing, but that they should be excluded if any sensitive information relating to Council employees needed to be discussed or referred to. It was also agreed that a redacted version of the agenda would be made available after the meeting. Therefore, it was agreed that appendices 1, 2, 3 and 4 should not be exempt under Access to Information Procedure Rule 10.4 (7c).

It was alleged that a Councillor had:

- (a) failed to treat others with respect, contrary to paragraph 3(1) of the Code of Conduct;
- (b) bullied others, contrary to paragraph 3(2)(b) of the Code of Conduct;
- (c) conducted herself in a manner which could reasonably be regarded as bringing her office or authority into disrepute, contrary to paragraph 5 of the Code of Conduct; and
- (d) used her position improperly to confer on or secure an advantage or disadvantage for herself or others, contrary to paragraph 6(a) of the Code of Conduct.

On the basis of its findings of fact, the Hearings Sub-Committee found that there could not be any breach of the Members' Code of Conduct.

The Sub-Committee then considered whether it wished to make any recommendations to the authority as a result of this case. The Sub-Committee recommended that key witnesses are interviewed in person, and that enhanced arrangements be made to seek to ensure that hearings commence on time.

RESOLVED – The Hearings Sub-Committee resolved:

- (a) That the appendices to the report should not be exempt under Access to Information Procedure Rule 10.4 (7c), but that any sensitive information relating to Council employees should be redacted before the appendices are made publicly available;
- (b) That on the basis of its findings of fact, there had been no breach of the Members' Code of Conduct by the subject Member; and
- (c) To recommend to the authority that key witnesses are interviewed in person rather than over the telephone, and that enhanced arrangements be made to seek to ensure that hearings commence on time in future.