

Standards Committee

Wednesday, 5th December, 2007

PRESENT:

Independent Members

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

Councillors

E Nash J Elliott
G Kirkland D Blackburn

Parish Members

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

APOLOGIES:

J L Carter

44 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.

45 Exclusion of public

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

Review of Local Investigation into a Complaint against a Member Ref SBE16721.06, excluded under Access to Information Procedure Rule 10.4 (1,2) (minute 52 refers).

46 Late items

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

47 Declaration of interests

There were no declarations of personal / prejudicial interest for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

48 Minutes of the previous meetings

The minutes of the Standards Committee meetings on 10th October 2007 and 7th November 2007 were approved as correct records.

49 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meeting on 27th September 2007 were received and noted.

50 Update: Informed, Transparent Decision Making - Officer Declaration

The Assistant Chief Executive (Corporate Governance) submitted a report updating Members of the Committee of the progress achieved in ensuring transparent employee decision making which can be shown to be free from bias on the occasions when private life and public interest are linked.

The Chair commented that this most recent report was most informative and helpful and thanked relevant officers for their continuing work on this matter.

During the discussion Members made the following points:

- It was perverse that where the Council acts as a regulatory body there is no public register of officer interests, as officers take the majority of regulatory decisions. Officers should be covered by the same rules as Members;
- That the register of interests for officers requires the inclusion of third party information, whereas the Members' register does not, but a simplified officer register could be published with the third party information removed;
- Their concern regarding the granting of planning permission by officers when the Council is the applicant;
- The status of Arms Length Management companies, and whether they have sufficient governance arrangements in place regarding officer decision making;
- Whether members of the public would have the right of appeal against an officer decision, and how they could complain about an officer if there was suspected impropriety;
- That the forward plan and the delegated decision forms needed to be simplified to make them more user friendly for members of the public accessing them online;
- That amendments needed to be made to the Delegated Decision Form (Appendix B to the report) to make it clear who the decision taker was; and
- Whether Members could request to view the register of interests for an officer. It was reported that if Members had concerns over a particular officer decision, they should raise the matter with the relevant director.

RESOLVED - Members of the Committee resolved to:

- Request that a report on officer decision making as it relates to planning applications made by the Council be considered at Corporate Governance and Audit Committee;
- Request that the Assistant Chief Executive (Corporate Governance) requests further information on the governance arrangements in place in Arms Length Management companies, as part of the work being undertaken on the Council's partnerships;
- Request that formal written protocols and guidance for officers taking decisions are adopted within Planning and Licensing;
- Request that the Delegated Decision Form be amended to clearly show the name of the officer making the declaration of interest, and the name of the officer who has signed the form;
- Request that the Forward Plan be amended to make it more easily understandable to members of the public; and
- Write to the Department for Communities and Local Government to ask when the National Officer Code of Conduct will be available for consultation, and to suggest that a version of the officer register of interests with the third party information removed be considered for publication.

51 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 52 under the terms of Access to Information Procedure Rule 10.4 (1, 2) and on the grounds that the public interest in maintaining the information as exempt, outweighed the public interest in disclosing the information as it would prevent the disclosure of highly personal information of third parties, and would enable the Committee to openly discuss and comment on the acts and omissions of all parties the majority of whom were not at the meeting and able to respond to any comments.

52 Review of Local Investigation into Complaint Against Member Ref SBE16721.06

The Committee considered a report from the Chief Officer (Legal, Licensing and Registration) reviewing the recent local investigation, considering the general difficulties with such investigations, examining concerns raised by the Committee in respect of the specific investigation, and establishing what lessons there are to be learned in respect of future investigations.

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

During the discussion, Members made the following points:

- That an investigation which took more than 3 months was bad practice, and that twelve months was completely unacceptable. However there was no criticism of the investigator;
- That a decision to follow best practice would have financial implications for the authority;
- Whether it would be possible for the Committee to set a timescale for future investigations. It was reported that the Committee would be able to set a date for the hearing in advance, and to warn the parties that the hearing would take place on that date on the evidence available at the time; and
- That there had been discussions at the Annual Assembly regarding whether there would be a future role for the Chair of the Committee to overview the process of investigations, although the Committee would have to wait for the relevant regulations to be published in order to ascertain more details.

RESOLVED – Members of the Committee resolved to:

- note the report; and
- consider the situation again in future in light of the new local filtering arrangements.

53 Ethical Audit Action Plan: Ethical Framework and Awareness Programme for Officers

The Committee considered a report of the Chief Officer (Human Resources) addressing two actions identified in the Ethical Audit Action Plan attributed to Human Resources. These concerned the development of key competencies and behaviours for managers including appropriate reference to the ethical framework and the development of a training and awareness programme for officers.

During the discussion, Members made the following points:

- That the success of the methods identified in the report could be measured during the next Ethical Audit; and
- That they were happy with the progress made so far.

RESOLVED – Members of the Committee resolved to note the contents of the report and the progress made towards the actions identified in the Ethical Audit Action Plan.

54 Member Development issues arising from the Ethical Audit 2006

The Committee considered a report of the Chief Democratic Services Officer setting out how the Head of Scrutiny and Member Development had fulfilled certain actions required in the Ethical Audit Action Plan. The particular actions related to planning and providing training on legislation included in the

Council's ethical framework, and planning and providing training on issues of appropriate behaviour for Councillors.

During the discussion, Members made the following points:

- Whether any Members were refusing to undergo training on the Code of Conduct. It was reported that no Members had formally notified officers that they were refusing;
- Their concerns that some Members were putting themselves at risk by not undertaking training on the Code of Conduct, and that perhaps training on the Code of Conduct could be made compulsory; and
- That the governance training for Members of Planning and Licensing Panels and Committees needed to be made more relevant to Members if it was to be compulsory.

RESOLVED – Members resolved to:

- Note the report; and
- Request a further report on 2nd April 2008 regarding further progress on planning and providing training on legislation included in the Council's ethical framework.

55 Adjudication Panel for England: Decisions of case tribunals

The Committee considered 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.

RESOLVED – Members of the Committee resolved to note the recent decisions of the case tribunals.

56 Complaints referred to the Standards Board for England in the period April 2007 to October 2007

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) advising them of the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish and Town Councillors within the area under the Members' Code of Conduct, in the period 1st April 2007 and 30th September 2007.

Members discussed whether people were using complaints to the Standards Board for England to intimidate Councillors, and whether there was any recourse open to Members in this situation. It was reported that although there was no appeal process open to Members, if the intimidation amounted to criminal behaviour they would be able to report it.

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

57 Sixth Annual Assembly of Standards Committees: 'Down to Detail'

The Committee considered a report of the Assistant Chief Executive (Corporate Governance) advising the Committee of the Sixth Annual Assembly of Standards Committees which took place on 15th and 16th October 2007 in Birmingham.

The Chair of the Committee reported that he had attended the recent Annual Assembly, and encouraged other Members of the Committee to attend future assemblies.

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

58 Consultation with Members regarding the addition of local provisions to the Code of Conduct

The Committee received a report of the Assistant Chief Executive (Corporate Governance) asking them to consider whether any local provisions should be added to the Members' Code of Conduct, and to note the consultation process for all other Members of Council.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Not to make any recommendations for additions to the Code of Conduct; and
- Note that a further report would be brought back to the Committee containing the results of the consultation process once that has been completed.

59 Standards Committee half year progress report

The Committee received a report of the Assistant Chief Executive (Corporate Governance) seeking comments from them on the draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2007/8 municipal year.

It was reported at the meeting that the report would have to be updated in light of the additional meeting held on 7th November 2007.

RESOLVED – Members of the Committee resolved to:

- Approve the draft report (subject to the amendments described above); and
- Agree to refer this report to the Corporate Governance and Audit Committee for further consideration at their next available meeting.

60 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 and seeking comments regarding any additional items.

It was reported at the meeting that the following items could be added to the work programme:

- The results of the Standards Board for England research “Public Perceptions of Ethics: Phase 2”;
- The headline results from the Ethical Audit 2007;
- The results of the consultation with Members on the addition of local provisions to the Members’ Code of Conduct; and
- The draft action plan arising from the results of the Ethical Audit 2007.

RESOLVED – Members of the Committee resolved to note the updated work programme with the addition of the items above.