

## **Standards Committee**

**Monday, 14th April, 2008**

### **PRESENT:**

#### Independent Members

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

#### Councillors

G Kirkland                      D Blackburn

#### Parish Members

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

### **APOLOGIES:**

Councillors E Nash, J L Carter and J Elliott

#### **91 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.

#### **92 Exclusion of public**

There were no resolutions to exclude the public.

#### **93 Late items**

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

#### **94 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.

#### **95 Minutes of the Previous Meeting**

Draft minutes to be approved at the meeting  
to be held on 1<sup>st</sup> July 2008

The minutes of the Standards Committee meeting on 13<sup>th</sup> March 2008 were approved as a correct record.

Further to minute 86, it was reported that paragraph 3.4 of the report needed to be clarified. Since the meeting it had become apparent that no invitations to training sessions offered by Member Development had been extended to Parish and Town Councils during this municipal year. This was due to the Council concentrating on training that is not currently open to Parish and Town Councils, such as IT training and compulsory training for members of regulatory committees. Therefore the lack of attendance was due solely to the lack of invitations extended to Parish and Town Councils this municipal year.

#### **96 Minutes of the Corporate Governance and Audit Committee**

The minutes of the Corporate Governance and Audit Committee meeting on 12<sup>th</sup> March 2008 were received and noted.

#### **97 Ethical Audit Action Plan 2006 - Member Development update on actions**

The Head of Scrutiny Support and Member Development submitted a report updating the Committee on how he had fulfilled certain actions required by the ethical audit action plan 2006 following the previous report on this subject on December 2007.

During the discussion, Members made the following points:

- Whether Independent Members and Parish Members could have access to the Learning Pool e-learning courses mentioned in the report. It was agreed that the Head of Scrutiny Support and Member Development would establish whether this was possible; and
- That the current training provision to Parish and Town Councils needed to be reconsidered. Particularly in terms of what forms of training are open to Parish and Town Councils and the frequency of such training. It was agreed that the Head of Scrutiny Support and Member Development would work with the Parish representatives on the Committee to establish what types of training are appropriate for Parishes. The Chair of the Committee asked to be kept informed of progress on this issue.

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

#### **98 Annual report regarding the Code of Practice for the Determination of Licensing Matters for the 2007/08 municipal year**

The Head of Licensing and Enforcement presented a report of the Assistant Chief Executive (Corporate Governance) proposing amendments to the Code of Practice for Determining Licensing Matters.

It was reported verbally at the meeting that a Member of the Licensing Committee had requested a further amendment to the Code of Practice in paragraph 7.1 to read “Do not take part in the licensing decision making

process but withdraw from the meeting..” in order to avoid any confusion regarding what action Members should take when they have a personal and prejudicial interest.

**RESOLVED** – Members of the Committee resolved to:

- Note the contents of the report; and
- Approve the revised Code of Practice as set out in Appendix A to the report (with the addition of the amendment outlined above) as part of the Council’s Constitution.

## **99 Recommendation for Appointment of Independent Member to Standards Committee**

The Assistant Chief Executive (Corporate Governance) submitted a report informing Members of the Committee of the outcome of the appointment process for the recruitment of a new independent member and the recommendation made to Full Council, which was since approved at the Full Council meeting on 9<sup>th</sup> April 2008.

During the discussion, Members welcomed Mr Turnpenny to the Committee. A Member made the point that the length of time taken since the previous member’s resignation until the appointment of Mr Turnpenny was disappointing. It was reported that the delay was due in part to the unexpected resignation of the previous independent member, uncertainties with regard to the new regulations and how they might impact on the numbers of independent members being sought, and the limited time of officers to co-ordinate the process. In addition, it was reported that the length of time from placing the advert to making the appointment was nine weeks.

**RESOLVED** – Members of the Committee resolved to note the appointments process and the recommendation for appointment that had been made by the Assistant Chief Executive (Corporate Governance).

## **100 Annual Review of Standards Committee Procedure Rules 2007-2008**

The Assistant Chief Executive (Corporate Governance) submitted a report detailing how the ‘gate-keeping’ role of the Monitoring Officer has been discharged in relation to complaints made under local codes, whether the arrangements set out in the Standards Committee Procedure Rules have been complied with, and proposing amendments to the Rules to correct errors and to provide a fair process.

During the discussion, Members made the following points:

- That there was an inconsistency in the tone between paragraphs 9.2 and 9.6.3 of the Procedure Rules regarding whether the Committee’s approach should be inquisitorial or more adversarial (allowing cross-examination of witnesses); and
- That although the Committee’s power to limit the number of witnesses to be called should be retained, it was to be hoped that this power would be

used infrequently. The Chair indicated his conviction that the Committee would always be reasonable and careful when making such decisions.

**RESOLVED** – Members of the Committee resolved to:

- Note the contents of the report; and
- Approve the amendments to the Procedure Rules proposed at paragraphs 3.6 and 3.7 of the report, as well as the removal of the words “or cross-examine” from paragraph 9.6.3 of the Procedure Rules.

#### **101 Results of the consultation on the addition of local provisions to the Members' Code of Conduct**

The Assistant Chief Executive (Corporate Governance) submitted a report informing Members of the Committee of the results of the consultation on the addition of local terms to the Members' Code of Conduct.

During the discussion, Members made the point that they had sympathy with representation 3 outlined in the report. Namely that there should be some protection for Members who do not want to respond to persistent/difficult complainants when it is evident that no further assistance can be provided. It was reported that officers will be providing a briefing note for Members on this issue, including pro-forma letters for Members to use when responding to persistent complainants. Members of the Committee were also advised that Members should notify officers if the complainant had arrived at their home or attempted to speak to family members.

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

#### **102 Adjudication Panel for England: Decisions of case tribunals**

The Assistant Chief Executive (Corporate Governance) submitted a report 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.

#### **103 Standards Committee Annual Report 2007/08**

The Assistant Chief Executive (Corporate Governance) submitted a report seeking the approval of Members of the Committee for the second draft of their Annual Report for 2007/08.

**RESOLVED** – Members of the Committee resolved to:

- Approve the second draft of the Standards Committee Annual Report 2007/08 attached as Appendix 1 to the report, with one small amendment to the biography section;
- 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 2008);

- Forward the final report to the Corporate Governance and Audit Committee to constitute the second of their six monthly update reports; and
- Forward the final report for the year 2007/08 to the first meeting of Council on 2<sup>nd</sup> July 2008 for their consideration.

#### **104 Standards Committee Work Programme**

It was outlined that the proposed meeting dates for the new municipal year may have to be amended in order to avoid meeting clashes, and that amended dates would be circulated to the Committee Members by email in due course.

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