

Standards Committee

Tuesday, 16th December, 2008

PRESENT:

Independent Members

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

Councillors

D Blackburn J L Carter
C Campbell E Nash

Parish Members

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

APOLOGIES:

Rosemary Greaves and Councillor J Elliott

36 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.

37 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

38 Late items

The Chair indicated that, in accordance with his powers under the Local Government Act 1972, he had agreed to accept for inclusion on the agenda a report regarding the Review of Local Assessment Procedures (Minute 44 refers). This item was not available at the time of the agenda despatch because officers were still awaiting some responses from consultees.

An amended Conservative Group response and the Liberal Democrat Group response to the Model Code Consultation (Minute 48 refers) were also accepted for inclusion on the agenda. These items were not available at the time of the agenda despatch and required urgent consideration as they were required in order for Members to effectively consider the report regarding the Consultation of the Code of Conduct for Members and Officers.

39 Declaration of interests

There were no declarations made at this point, however declarations of interest were made at a later point in the meeting (Minute 43 refers).

40 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 16th October 2008 were approved as a correct record.

Further to Minute 34, Members were informed that the Council had been shortlisted in the 'Standards and Ethics' category of the Local Government Chronicle Awards 2009, and the Chair and the Senior Corporate Governance Officer had given a presentation to the Panel on 5th December. The winners are due to be announced in Spring 2009.

41 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 29th September 2008, 22nd October 2008 and 26th November 2008 were received and noted.

Further to Minute 38, the Chair reported that the Local Government Ombudsman would contact the Standards Committee if a relevant issue was raised with her office.

Further to Minute 51, the Head of Governance Services informed Members that a report regarding the lessons learned from the Council's recent data loss incidents would be presented to the Corporate Governance and Audit Committee at its meeting on 21st January 2009.

42 Annual Report Regarding the Code of Practice for Determining Planning Applications for the 2007/08 Municipal Year

The Chief Planning Officer presented a report providing information to the Standards Committee in relation to the monitoring requirements of the Code of Practice for determining planning matters, and seeking approval to the proposed amendments to the Code of Practice.

Members raised concerns that pre-application discussions were not always held, however they were informed that the Protocol for Pre-Application discussions had only been in place for 2 months, therefore any applications made prior to this would not have been subject to the Protocol.

Members were also assured that although it was proposed to remove the requirement to monitor the number of permitted departures from the Unitary Development Plan from the Code of Practice, the Standards Committee would still be informed of any applications which were significant enough to be reported to the Secretary of State.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Approve the revised Code of Practice as set out at Appendix 1 to the report.

43 Standards Committee Membership

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) outlining the difficulties with the current membership of the Standards Committee, and making proposals to resolve these difficulties.

It was proposed that a further option, which was not stated within the report, would be to increase the membership of the Standards Committee to include two additional Leeds City Council Members, one additional Parish and Town Council Member and one additional Independent Member. This would help to resolve any potential issues which may arise if a Parish or Town Councillor was unable to join the Assessment or Review Sub-Committee due to a conflict of interest, or if an Independent Member was unable to attend meetings over a long period (due to illness, for example).

An amendment was also proposed to increase the Leeds City Council Members by three rather than two, because this option would increase the possibility of more than one Leeds City Council Member being available to attend future Assessment or Review Sub-Committee meetings, which hasn't been possible on more than one occasion so far. However this amendment was defeated.

One option which had been detailed within the report would be to introduce a pool of Parish and Town Council Members, however Members were informed that this was not a preferred option as this would mean that the current Parish and Town Council Members would also form part of the pool of substitutes, and would therefore not be full members of the Committee, resulting in a loss of expertise.

It was also felt that monthly Sub-Committee meetings should be arranged in advance, in order to avoid the required number and combination of Members not being available within the 20 day time limit.

(At this point in the meeting, Councillor Priestley and Councillor Mrs Walker declared a personal and prejudicial interest as Parish and Town Council representatives on the Standards Committee who receive an allowance, and withdrew from the meeting for the remainder of the discussion of this agenda item.)

Members agreed that the Leader of Council should be requested to ask the Independent Remuneration Panel (when they next review the Members' Allowances Scheme) to review the allowances payable to the Parish and Town Council Members of the Standards Committee in light of their increased activity.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Recommend to the General Purposes Committee that the Standards Committee membership be amended to include two additional Leeds City

- Council Members, one additional Parish or Town Councillor and one additional Independent Member; and
- (b) Ask the Leader of the Council to ask the Independent Remuneration Panel (when they next review the Members' Allowances Scheme) to review the allowances payable to the Parish and Town Council Members of the Standards Committee in light of their increased activity (under the provisions of Council Procedure Rule 16.5, Councillor Blackburn required it to be recorded that he abstained from voting in this matter).

44 LATE ITEM - Review of Local Assessment Procedures

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing details of the consultation process undertaken as part of the review of the Standards Committee's local assessment procedures, including representations from the Conservative and Liberal Democrat groups and inviting comments from the Standards Committee to inform a future report which will present amended Standards Committee Procedure Rules for approval.

Some of the issues raised during the review could not be resolved by the Committee, as the requirements are legal obligations which cannot be amended by the Standards Committee. Members therefore only considered the issues which the Committee had the authority to resolve.

The Committee also noted certain issues which it felt should be considered further, which were as follows:

- The Subject Member should be told the nature of the complaint when they are informed that a complaint has been raised (this issue would need to be raised with the Department for Communities and Local Government);
- The Council should have resources available in order to assist anyone who had difficulties in completing the complaints form;
- Minutes of the Assessment and Review Sub-Committee meetings should be prepared; and
- Parish and Town Council Members should receive training on the role of a City Councillor.

RESOLVED – Members of the Standards Committee resolved that:

- (a) The amended Assessment Flowchart and Code matrix attached at Appendix 3 to the report be adopted;
- (b) The following amendments be included in the future report presenting revised Standards Committee Procedure Rules for approval:
- (i) The complaints form should be amended so that complaints are addressed to the Monitoring Officer, and a copy should be sent to the Chair of the Assessment Sub-Committee;
 - (ii) Sub-Committee Members should be notified of the Subject Members' identity when they receive the Sub-Committee meeting invitation;
 - (iii) Sub-Committee meetings should be scheduled every four weeks for the next six months;

- (iv) The written summary of the Assessment or Review Sub-Committee's findings should not continue to be published on the Council's website;
 - (v) A copy of the final decision notice should be sent to the Assessment or Review Sub-Committee after it has been approved by the Chair;
 - (vi) Covering letters should include timescales for completion of the investigation (including a caveat in case it becomes impossible to meet the timescales); and
 - (vii) The Standards Committee Procedure Rules should not be amended to include the administrative arrangements adopted by the Standards Committee, however details of the administrative arrangements should be made available to all Members.
- (c) A report back to the Committee regarding the proposed amendments be requested.

(After this item, the meeting was adjourned at 4.55pm for 5 minutes.)

45 The Circumstances under which the Adjudication Panel would consider accepting a reference from a Standards Committee

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) informing Members of the guidance on the circumstances in which the Adjudication Panel would consider accepting a reference from a Standards Committee under Regulation 17 of the Standards Committee (England) Regulations 2008.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Note the guidance from the Adjudication Panel attached at Appendix 1 to the report.

46 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 Standards Committee resolved to note the latest decisions of the Adjudication Panel's case tribunals.

47 Review of the Standards Committee Media Protocol

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing and updating the Standards Committee Media Protocol, in light of the introduction of the Local Assessment regime.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Approve the amendments to the Standards Committee Media Protocol attached as Appendix 1 to the report.

48 Consultation on the Code of Conduct for Members and Officers

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising the Standards Committee of the Communities and Local Government consultation paper published on 1st October 2008 and inviting comments from the Standards Committee on the questions posed in the consultation paper.

Members considered the draft response which had been prepared, as well as the responses received from the Conservative and Liberal Democrat Groups. It was agreed that the following responses should be amended:

- Question 1 should be linked to Question 2, stating that the only activity that should apply to a Member's conduct when acting in a non-official capacity should be the committing of a criminal offence for which they are later convicted;
- Question 2 - to request that the definition of 'criminal offence' should be more clearly defined and include only serious offences;
- Question 6 – the suggested financial threshold for the declaration of gifts and hospitality should be changed to £50 and be index linked, as this threshold would reflect that used for election returns; and
- Question 19 – to clarify that the Standards Committee feel that qualifying employees should not have to publicly register their home addresses, as this would be disproportionate.

RESOLVED – Members of the Standards Committee resolved that:

- (a) The draft consultation response be amended to reflect the discussions held.

(Councillors Nash and Priestley left the meeting at 6.00pm during the consideration of this item.)

49 Standards Board for England Annual Assembly

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the Committee of the Seventh Annual Assembly of Standards Committees which took place on 13th and 14th October 2008 at the International Convention Centre in Birmingham.

RESOLVED – Members of the Standards Committee resolved to note the contents of the report and the newsletters attached at Appendix A to the report.

50 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.