

## Standards Committee

Wednesday, 8th July, 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  | B Selby  |

#### Parish Members

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

### APOLOGIES:

Mr G Tollefson, Councillors P Cook and J L Carter

#### **1 Chair's Opening Remarks**

The Chair welcomed the new members who had been appointed to the Committee at the Council's Annual Meeting on 21<sup>st</sup> May 2009. He also thanked the previous Committee members (Councillors Elliott and Nash), for their valuable contribution to the work of the Committee.

#### **2 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.

#### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

#### **4 Late items**

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

**5 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.

**6 Minutes of the Previous Meeting**

The minutes of the Standards Committee meeting held on 21<sup>st</sup> April 2009 were approved as a correct record.

Further to Minute 72, Members were informed that a report regarding the procedure for local complaints would be submitted to the Committee's next meeting on 15<sup>th</sup> October 2009.

Further to Minute 77, Members were informed that amendments to the Standards Committee's Terms of Reference had been approved by full Council on 21<sup>st</sup> May 2009.

**7 Minutes of the Assessment Sub-Committee**

The minutes of the Assessment Sub-Committee meetings held on 20<sup>th</sup> April, 21<sup>st</sup> April, 14<sup>th</sup> May and 18<sup>th</sup> May 2009 were received and noted.

**8 Minutes of the Review Sub-Committee**

The minutes of the Review Sub-Committee meeting held on 20<sup>th</sup> April 2009 were received and noted.

Members were reminded that Case Summaries are publicly available, should an interested person request further details regarding a complaint.

**9 Minutes of the Corporate Governance and Audit Committee**

The minutes of the Corporate Governance and Audit Committee meetings held on 30<sup>th</sup> April and 12<sup>th</sup> May 2009 were received and noted.

**10 Appointment of Independent and Parish Members**

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) informing Members of the outcome of the Standards Committee appointments approved by full Council at its Annual Meeting on 21<sup>st</sup> May 2009.

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

- (a) Note the appointment of Mrs J Austin to the role of Independent Member until the Annual Meeting in 2013;
- (b) Note the appointment of Mr G Tollefson to the role of reserve Independent Member until the Annual Meeting in 2010 or earlier should a vacancy arise when he will then become a full Independent Member for a four year term;
- (c) Note the appointment of Councillor P Cook to the role of Parish Member until the Annual Meeting in 2013; and
- (d) Note the reappointment of Councillor Mrs Walker as a Parish Member until the Annual Meeting in 2013.

## **11 Ethical Audit Action Plan - HR Issues**

The Human Resources Manager presented a report of the Chief Human Resources Officer updating Members of the Standards Committee on on-going work arising from the Ethical Audit Action Plan, and presenting a review of progress regarding development programmes to raise awareness and understanding, and a preview of the next Staff Survey which will provide an opportunity to refresh Human Resources' information on officers' understanding of ethical governance issues.

Members particularly discussed:

- The results of the 360 degree appraisals, and the need for information other than percentages and mean scores to be provided, such as the number of officers involved;
- Their concern regarding the expected response rate from the Staff Survey, the cost implications, and the amount of information that would be provided from this;
- Who in the Council has overall responsibility for the Staff Survey; and
- Implementation of the Managers' Briefings, which Members were assured would be held on a regular basis from now on.

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

- (a) Note the specific position regarding Ethical Governance awareness training, how this work is being used to strengthen overall approaches to embed good governance and emerging findings from senior officer appraisals, and plans to survey all staff and to feedback results;
- (b) Receive follow up reports in December 2009 providing the full position on the senior manager 360 degree appraisals and the Staff Survey results; and
- (c) Request that information other than percentages and mean scores be provided in relation to the 360 degree appraisals, such as the number of officers involved (subject to resource implications).

## **12 Proposals for the creation of a Consideration and Hearings Sub-Committee**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) asking Members to consider options for how the Committee might both receive and consider completed investigation reports and how hearings might be conducted. The options presented were to establish both a Consideration Sub-Committee (to receive completed investigation reports) and a Hearings Sub-Committee (to conduct hearings in relation to Leeds City Councillors and Parish and Town Councillors), or to establish a Consideration and Hearings Sub-Committee to carry out both functions.

Members particularly discussed:

- The reasons why the Member Management Committee had not been consulted on these options;
- The potential benefits and drawbacks of creating Consideration/Hearings Sub-Committee/s;

- Whether the creation of a new Sub-Committee would have any resource implications. Officers confirmed that there would be no resource implications as a result of creating a new Sub-Committee;
- The Licensing Sub-Committee, which has three Members and operates well; and
- The possibility of creating a Hearings Sub-Committee, and allowing the function of receiving final investigation reports to remain with the Assessment Sub-Committee.

The Committee agreed that a Hearings Sub-Committee should be created to hold determination hearings as too many Members would be involved if this function was carried out by the Standards Committee, which may intimidate the parties involved, and could also cause difficulties in reaching a decision. Members also decided that the function of receiving final investigation reports should remain with the Assessment Sub-Committee, as these meetings are already scheduled, and there would be no need to set up a fourth Sub-Committee. The Committee also agreed that separating the consideration and hearings functions would avoid any confusion in the Standards Committee Procedure Rules.

Members then discussed the potential membership of the Hearings Sub-Committee, and agreed that it should consist of five members, comprising two Independent Members, one Parish Member and two Leeds City Council Members. It was also agreed that the Chair of the Hearings Sub-Committee should be the Chair of the Standards Committee or his nominee (in case the Chair of the Standards Committee is unable to attend due to an interest, or illness, for example), and that the Parish Member should be invited to attend, regardless of whether the case involves a Town or Parish Councillor.

The Committee then considered the pre-hearing process, and agreed that all aspects of this (apart from those which require approval by the Hearings Sub-Committee) should be carried out by the Monitoring Officer in consultation with the Chair of the Hearings Sub-Committee. Members were assured that the Monitoring Officer will make recommendations on those decisions which can only be made by the Hearings Sub-Committee, which will then make formal decisions at the commencement of the hearing and will be able to reject any recommendation they see fit. Members were also informed that the pre-hearing summary would continue to be sent to all parties at least ten working days prior to the hearing.

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

- (a) Appoint a Hearings Sub-Committee to hold determination hearings;
- (b) Approve the Terms of Reference of the Hearings Sub-Committee as attached at Appendix 1b to the report;
- (c) Confirm the membership of the Hearings Sub-Committee as outlined in paragraph 3.13 of the report (five Members, comprising two Independent Members, one Parish Member and two Leeds City Councillors);
- (d) Confirm that a Town/Parish Councillor be a Member of the Hearings Sub-Committee regardless of whether the case involves a Town/Parish Councillor;

- (e) Confirm that the Chair of the Hearings Sub-Committee will be the Chair of the Standards Committee or his nominee;
- (f) Authorise the Assistant Chief Executive (Corporate Governance) to make the necessary amendments to the Standards Committee Procedure Rules in relation to:
  - (i) Delegating responsibility for matters in the pre-hearing process (which can be dealt with in writing) to the Monitoring Officer in consultation with the Chair of the Hearings Sub-Committee;
  - (ii) Delegating responsibility for the matters set out in paragraph 3.21 of the report to the Monitoring Officer in consultation with the Chair of the Hearings Sub-Committee;
  - (iii) Delegating responsibility for the preparation of the pre-hearing summary to the Monitoring Officer in conjunction with the Chair of the Hearings Sub-Committee;
  - (iv) The inclusion of the additional provisions for dealing with disputes over the findings of fact which arise after the pre-hearing process as outlined in Standards for England's model procedure;
  - (v) The addition of the further provisions to enable the Hearings Sub-Committee to ask questions of the parties and to seek appropriate legal advice throughout the hearing process as outlined in Standards for England's model procedure; and
- (g) Authorise the necessary amendments to the Standards Committee Media Protocol; and
- (h) Note that consequential amendments will be required to Article 9 of the Constitution and the Standards Committee Terms of Reference.

(Councillor Harper left the meeting at 3.45pm after the consideration of this item.)

### **13 The Standards Committee (Further Provisions) (England) Regulations 2009**

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) setting out details in relation to the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009.

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

### **14 Standards Board for England "Other Action Guidance"**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) making Members of the Standards Committee aware of the new guidance published by Standards for England on the use of other action, and proposing amendments to the Standards Committee's Assessment Flowchart as a result of this guidance.

Members were informed that the Committee's decision to not inform the Subject Member of the existence of a complaint prior to the meeting of the Assessment Sub-Committee would be reviewed in October 2009 (six months after the Committee's original decision), and that the Chair had written to the

Secretary of State requesting that the Regulations in relation to this issue be reviewed in order that the Subject Member can be informed of the nature of the complaint prior to the meeting of the Assessment Sub-Committee.

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

- (a) Note the contents of the report and the guidance attached at Appendix 1 to the report;
- (b) Add the receipt of the Monitoring Officer's report on Other Action to the Assessment Sub-Committee Terms of Reference; and
- (c) Approve the proposed amendments to the Assessment Flowchart attached at Appendix 2 to the report.

## **15 Local Assessment - Progress Report**

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing Members of the Standards Committee with a progress report in relation to all complaints received under the Members' Code of Conduct from July 2008 to May 2009, and some statistical analysis regarding the complaints, including a comparison with the national statistics from Standards for England.

The Committee was informed of the general reasons for the delays that had been encountered in relation to some of the investigations, and was assured that there would be an opportunity to discuss the lessons learned from individual cases after the conclusion of those cases. Members were also informed that a protocol for engaging with external investigators was also being produced, which would help to avoid similar delays being encountered in future.

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

- (a) Note the contents of the report;
- (b) Receive Local Assessment update reports on a six monthly basis from now on; and
- (c) Note the position of the Standards Committee in relation to the national statistics.

## **16 Standards Board for England Annual Return 2009**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) notifying Members of the Standards Committee of the new requirement to produce an annual return for Standards for England, and providing a copy of this year's annual return for Members' information.

Members discussed the availability of officers' register of interests, and were informed that there was no legal obligation for this to be publicly available. In responding to the Department for Communities and Local Government's consultation on the Member and Officer Codes of Conduct, the Committee had expressed the view that relevant officers' register of interests, namely those with delegated authority should be made publicly available.

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

- (a) Note the information in the annual return attached as Appendix 1 to the report; and
- (b) Publish this information with the Annual Report on the Council's website.

**17 Parish and Town Council Annual Audit 2007**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) updating Members of the Standards Committee on the results of the Parish and Town Council profiling exercise, and the actions agreed by the Chair, Monitoring Officer and Parish Members of the Standards Committee at their meeting on 17<sup>th</sup> February 2009.

It was anticipated that individual letters and guidance packs (if necessary) would be sent to the Parishes by the end of August 2009. The proposed actions relating to the adoption of the revised Members Code of Conduct would be delayed until after the Code's publication, which, according to the Department for Communities and Local Government, has been delayed until Summer 2009.

**RESOLVED** – Members of the Standards Committee resolved to note the decisions of the Chair, Monitoring Officer and Parish Members of the Standards Committee and note the progress of these actions.

**18 Review of the Members' Register of Gifts and Hospitality**

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) presenting to the Standards Committee statistical data in relation to the receipt of gifts and hospitality recorded by Members during the period 2008/09, and drawing comparisons with declarations made by Members in 2007/08.

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

- (a) note the information provided in the report; and
- (b) confirm that they are satisfied with the assurances provided.

**19 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.