

Standards Committee

Thursday, 15th October, 2009

PRESENT:

Independent Members

Mike Wilkinson (Chair)	(Independent Member)
Joanne Austin	(Independent Member)
Rosemary Greaves	(Independent Member)
Philip Turnpenny	(Independent Member)
Gordon Tollefson	(Reserve Independent Member)

Councillors

D Blackburn	R D Feldman	B Selby
C Campbell	B Gettings	
J L Carter	J Harper	

Parish Members

Councillor Mrs P Walker	Pool in Wharfedale Parish Council
Councillor John C Priestley	East Keswick Parish Council
Councillor Paul Cook	Morley Town Council

32 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.

33 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

34 Late items

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

35 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.

36 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 19th August 2009 were approved as a correct record.

Further to Minute 24, the Committee was informed that the response from CLG stated that the Standards Committee's concerns about not being able to inform the subject Member of the nature of the complaint until the Assessment Sub-Committee has considered it will be taken into account when the Local Assessment procedures are reviewed.

The Committee was also informed that letters for the relevant Parish Councils had now been drafted, and would be sent following their approval by the Parish members of the Standards Committee who had been members of the working group.

37 Minutes of the Assessment Sub-Committee

The minutes of the Assessment Sub-Committee meetings held on 14th August, 27th August and 21st September 2009 were received and noted.

38 Minutes of the Review Sub-Committee

The minutes of the Review Sub-Committee meeting held on 14th August 2009 were received and noted.

39 Politically Restricted Posts

The Human Resources Manager presented a report of the Chief Officer (Human Resources) providing further information and clarification in relation to Politically Restricted Posts (PRPs), as requested by the Standards Committee at its meeting on 19th August 2009.

The Committee was informed that work was ongoing to establish which posts may fall under category C (posts subject to restriction because of duties related criteria). As requested, officers had written to the Secretary of State to ask why guidance had not been issued in relation to PRPs, however a response had not been received.

Members particularly discussed the need to be as transparent as possible when recruiting for posts that are restricted, including stating that the post is restricted within the job advert. Members also requested further information in relation to the process that would be undertaken, should an officer's post become restricted due to a restructure or change in Job Description. It was confirmed that Trade Unions would be consulted prior to any restructuring and that concerns could be raised and dealt with as necessary at that stage (which may include advising that an application for exemption could be made to the Standards Committee).

Members also considered whether a Politically Restricted Posts Sub-Committee should be created. It was agreed that this was unnecessary due to the low number of applications that had previously been received, however this would be reviewed if the number of applications increased.

It was also agreed that an appeals process should not be set up, and that this should be made clear to applicants within the relevant documentation.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the answers to the questions raised at the meeting held on 19th August 2009;
- (b) Recommend that the Chief Officer (Human Resources) consider whether job adverts should state that a post is politically restricted where applicable; and
- (c) Request that the list of category C posts and the response from the Secretary of State are circulated to the Committee prior to the next meeting.

40 Officer Code of Conduct

The Head of Human Resources presented a report of the Chief Officer (Human Resources) informing the Standards Committee of the current position on the national Officer Code of Conduct, and of proposed changes to Leeds City Council's Officer Code of Conduct.

The Committee particularly discussed:

- The need to update paragraph 5.2 of the Officer Code of Conduct to clarify that senior officers may provide factual information to political groups, however they may not provide political advice;
- The use of social networking sites by officers, and how this would be monitored; and
- The Committee's response to CLG's consultation on the Member and Officer Codes of Conduct, which expressed the Committee's view that officers with delegated powers should be required to publicly register their interests (subject to certain tight exclusions for reasons of personal and family security).

It was also agreed that concerns expressed in relation to paragraph 1.5.1 of the Code would be raised with the appropriate officers outside of the meeting.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Recommend that officers amend paragraph 5.2 of the current Officer Code of Conduct to clarify that senior officers may provide factual information for political groups, however they may not offer political advice.

41 Code of Practice for the Determination of Licensing Matters

The Principal Legal Officer presented a report of the Assistant Chief Executive (Corporate Governance) recommending that the Code of Practice for the

Determination of Licensing Matters is amended to include the Protocol for Licensing Site Visits.

Members particularly discussed mandatory training, and it was confirmed that the relevant Whip would be notified if a Member failed to attend such training.

It was also confirmed that the Standards Committee is responsible for reviewing the Code of Practice on an annual basis, which includes reviewing a sample of implemented licensing decisions to assess their quality.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Approve the revised Code of Practice for the Determination of Licensing Matters, as attached at Appendix 1 to the report.

42 Standards Committee Procedure Rules

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) proposing a series of amendments to the Standards Committee Procedure Rules to make them more accessible to subject Members and complainants, and more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process.

In response to the queries raised, it was confirmed that:

- The Member would be informed of a decision to refer a complaint against them for 'other action' within 5 working days of the decision being made by the Assessment or Review Sub-Committee. It was agreed that this timescale would be added to the Procedure Rules;
- In accordance with the Standards Committee (England) Regulations 2008, a copy of the decision notice would not be provided to the subject Member if the Assessment or Review Sub-Committee determined that to do so would be contrary to the public interest or would prejudice the investigation of the complaint;
- Decisions of the Standards Committee can not be called-in by a Scrutiny Board, however an enquiry into the effectiveness of the Committee could be undertaken;
- The Local Assessment procedure is available as a public guidance document; and
- The subject Member would be sent a copy of the Hearings Sub-Committee Procedure as part of the pre-hearing process, which lists the assumptions that would be made if they failed to respond to the questions set out in the Member's Information Form.

RESOLVED – Members of the Standards Committee resolved to approve the amendments to the Standards Committee Procedure Rules, as attached at Appendix 1 to the report, subject to an amendment to paragraph 2.7.5 to include the timescale of 5 working days.

43 Procedure for External Code of Conduct Investigations

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) notifying members of the Standards Committee of a procedure for external Code of Conduct investigations which has been drafted.

Members particularly discussed:

- The budget for undertaking investigations, which was confirmed as £30,000 for the 2009/10 financial year;
- How the investigator's performance would be managed. It was confirmed that the procedure sets out the expectations of the Council, and that feedback would be sought on the investigator's performance from all parties involved and reported back to the Procurement Unit;
- The fact that all complaints must be assessed by the Assessment Sub-Committee, even if they appear to be trivial. However, the Assessment Sub-Committee can resolve to take no further action on a complaint if it appears to be too trivial to warrant further action;
- The need to make the public aware of the cost of assessing trivial complaints;
- The need to include the timescales to be adhered to by the Head of Governance Services;
- The possibility of an investigator being jointly appointed by the West Yorkshire Local Authorities, the decision regarding which would be undertaken by the Assistant Chief Executive (Corporate Governance) or Executive Board; and
- The Members' insurance policy.

Members requested that the cost of investigations and comments received regarding investigators' performance be reported to the Committee. It was agreed that such a report would be submitted on a six monthly basis.

RESOLVED - Members of the Standards Committee resolved to:

- (a) Note the draft procedure, and recommend the addition of the timescales to be adhered to by the Head of Governance Services; and
- (b) Request that reports be submitted to the Committee on a six monthly basis, outlining the cost of investigations and the comments received regarding investigators' performance.

44 Compulsory Training for Members of Standards Committee

The Assistant Chief Executive (Corporate Governance) submitted a report proposing the introduction of compulsory training for Members of the Standards Committee.

RESOLVED – Members of the Standards Committee resolved to defer their consideration of this report until the next Standards Committee meeting (to be held on 16th December 2009), pending consideration of the views of the Member Management Committee.

45 Adjudication Panel for England: Decisions of Case Tribunals

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing summaries of recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the recent decisions of Adjudication Panel's case and appeals tribunals; and
- (b) Agree to receive such reports at every Standards Committee meeting, rather than on a six monthly basis, due to the number of decisions being published.

46 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.