

Standards Committee

Wednesday, 4th October, 2006

PRESENT:

Independent Members

Mike Wilkinson (Chair) (Independent Member)
C Grant (Independent Member)
Rosemary Greaves (Reserve Independent Member)

Councillors

E Nash G Kirkland

Parish Members

Councillor Mrs P Walker Pool in Wharfedale Parish Council
Councillor John C Priestley East Keswick Parish Council (Reserve Member)

APOLOGIES:

J L Carter

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 Exclusion of 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 one Late Item (Minute 46 refers). The report in question was not available at the time of the agenda dispatch and required urgent consideration for the following reason:-

The case summary was published on the Standards Board website on 4th October 2006 and it was necessary for the Members of the Committee to be aware of the case summary. Also the Standards Board for England has previously advised that, once an investigation has been completed and a case

summary published, it would be appropriate for the Standards Committee to consider if there are any lessons to be learnt from the incident.

39 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 9 to 12 of the Members' Code of Conduct.

40 Minutes of the previous meeting

The minutes of the Standards Committee meeting on 26th July 2006 were approved as a correct record.

41 Members' Insurance Arrangements

The Council's insurance manager was present during this item in order to answer any questions from Members about the Council's insurance arrangements. It was reported that the terms of the policy were set by The Local Authorities (Indemnities for Members and officers) Order 2004, and the authority could not do anything to amend these terms. It was also reported that the insurers had reserved their position as to whether they would seek to reclaim any money spent on legal costs if a Member was found to have breached the Code of Conduct, and had stated that it would depend on the circumstances of the case.

RESOLVED - Members of the Committee resolved to:

- Note the contents of the report; and
- Raise awareness of the current insurance policy and its terms by distributing a short briefing note to all Members of the Council.

42 'Devolution and Evolution' – Standards Board Annual Review 2005/06

The Director of Legal & Democratic Services submitted a report informing Members of the Committee of the contents of the Standards Board for England Annual Review 2005/06.

Members of the Committee discussed whether there would be any significant resource implications to more investigations being carried out at a local level. The Monitoring Officer reported that as yet there had been no resource implications as the number of cases in Leeds had been very low.

Members of the Committee also noted their appreciation that the Standards Board for England had reduced the average time taken for the initial assessment of complaints to nine days, and that now only 22% of cases are referred for further investigation.

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

43 Adjudication Panel for England - Case Tribunal Decisions

The Director of Legal & Democratic Services submitted a report detailing recent decisions by Adjudication Panel Case Tribunals in respect of allegations of misconduct, and whether there are any lessons to be learnt for Leeds.

Members of the Committee discussed the variation in the sanctions applied between different cases.

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

44 Case Law on Bias and Predetermination of Decisions

The Director of Legal & Democratic Services submitted a report detailing the decision of the High Court in a recent judicial review case about bias and predetermination of decisions.

Members of the Committee discussed that this was a particular problem with planning applications. In particular Members discussed how they were unable to make representations about applications affecting them personally, but that they were able to submit letters in relation to applications affecting other wards. It was suggested that Members could have a discussion in the future about amending the Code which might include consideration of Councillors making representations about applications affecting other wards. It was reported that Members are able to appoint a planning agent to make representations on their behalf, or can write their own letter of objection as long as it is made clear that they are writing in their personal capacity only.

It was requested that the advice in the report should be made more widely available to all Councillors. It was reported that the advice would be publicised in 'Governance Matters', incorporated into the Members' Code of Conduct training, and included in the compulsory training on planning matters. It was also suggested that advice could be made available via email and the Council's website.

RESOLVED – Members of the Committee resolved to:

- Note the report; and
- Make the advice in the report available to all Members.

45 Complaints referred to the Standards Board for England in the period 1st April 2006 to 30th September 2006

The Director of Legal & Democratic Services submitted a report advising Members of the number and outcome 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.

Members of the Committee noted that all the complaints were made by individual members of the public, apart from one made by a fellow Councillor. It was also noted that this information was a good indicator of the robust ethical health in Leeds as only one of the complaints was referred for further investigation.

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

46 Case Summary - Leeds City Council Member

The Director of Legal & Democratic Services submitted a late item providing Members of the Committee with details of the case summary published on the Standards Board for England website on 4th October 2006 in relation to the local hearing held on 25th May 2006.

It was necessary for the Members of the Committee to be aware of the case summary. Also the Standards Board for England has previously advised that, once an investigation has been completed and a case summary published, it would be appropriate for the Standards Committee to consider if there are any lessons to be learnt from the incident.

Members of the Committee noted that they had already considered what lessons there were for Leeds arising from the case at the meeting on 26th July 2006.

RESOLVED – Members of the Committee resolved to note the report and the attached case summary.

47 Disqualification for election and holding office as a Member of Local Authority by reason of bankruptcy

The Director of Legal & Democratic Services submitted a report advising Members of the law in relation to disqualification for election and holding office as a Member of a local authority by reason of bankruptcy.

It was reported that national guidance from the Electoral Commission had been updated recently, and that the information would also be included in the Leeds City Council guidance to candidates in future.

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

48 The Components of an Ethical Environment: Final research report to the Standards Board for England

The Director of Legal & Democratic Services submitted a report informing the Committee of the findings of the research conducted by the University of Manchester into the work of standards committees.

Members of the Committee noted that the Leeds City Council Standards Committee was very proactive in terms of the ethical agenda.

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

49 Members' Register of Interests and Register of Gifts and Hospitality

The Director of Legal & Democratic Services submitted a report informing Members of the new arrangements for storing and displaying the Members' register of interests and the outcome of the first quarterly review of the Members' register of gifts and hospitality.

Members discussed whether it would be possible to require Members to record any offers of gifts and hospitality that were refused as well as those that were accepted, as this may help to identify any trends or problem areas. Members of the Committee also agreed that given the level of activity in the previous quarter, it was necessary to only receive information about the register of gifts and hospitality annually in future, unless there is a substantial change in the amount of declarations before then.

RESOLVED – Members of the Committee resolved to:

- Note the report; and
- Receive information about the Members' register of gifts and hospitality annually in future.

50 Standards Committee Work Programme

The Director of Legal & Democratic Services submitted the updated work programme for the remainder of the municipal year.

Members of the Committee were reminded that they were able to suggest additional items for inclusion in the work programme if required.

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