

Standards Committee

Wednesday, 16th December, 2009

PRESENT:

Independent Members

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

Councillors

D Blackburn	R D Feldman	B Selby
C Campbell	J Harper	

Parish Members

Councillor Paul Cook Morley Town Council

APOLOGIES:

Rosemary Greaves, Councillors J L Carter, Walker, Priestley and B Gettings

47 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.

48 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

49 Late items

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

50 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.

51 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 15th October 2009 were approved as a correct record.

Further to Minute 39(c), the Committee was informed that the response from the Secretary of State was circulated on 11th December 2009, which confirmed that Communities and Local Government intends to issue guidance on Politically Restricted Posts by the end of this year or early next year.

Further to Minute 39(b), it was agreed that officers would check whether the Chief Officer (Human Resources) had decided that job adverts should state that posts are politically restricted (where applicable).

The list of Category C posts (posts restricted because of duties related criteria) had not been circulated because the Local Democracy, Economic Development and Construction Act means that the rate of remuneration will no longer be relevant for posts that are restricted. Therefore, officers now need to assess whether any posts above spinal column point 44 should also be added to the list of potential Category C posts.

Further to Minute 44, the Committee was informed that as the Member Management Committee meeting had been moved to 16th December, a report on compulsory training would be brought to the next Standards Committee meeting on 17th February 2010.

52 Minutes of the Review Sub-Committee

The minutes of the Review Sub-Committee meeting held on 11th November 2009 were received and noted.

53 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 30th September and 12th November 2009 were received and noted.

Further to Minute 38, it was confirmed that full Standards Committee minutes are submitted to the Corporate Governance and Audit Committee, however Assessment and Review Sub-Committee minutes are not.

54 Code of Corporate Governance

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising Standards Committee of the proposed amendments to the Code of Corporate Governance.

Further to the queries raised, it was confirmed that:

- At its meeting on 15th December 2009, the Corporate Governance and Audit Committee had resolved that two minor amendments should be made to the Code of Corporate Governance;

- The Standards Committee has responsibility for advising the Council (or the relevant officer) with respect to the adoption or amendment of a Code of Conduct for Officers, and for promoting, monitoring and reviewing the Code, however it does not have responsibility for officer disciplinary matters;
- The Member/Officer Protocol states that a Member should raise any concerns about an officer with the officer concerned, or with their line manager if more appropriate; and
- The Member/Education Leeds Protocol is being reviewed (along with all of the Local Codes and Protocols) by a working group of Member Management Committee, who will provide comments to Standards Committee.

Members of the Committee agreed that for clarity, the second bullet point of Principle 3 should be amended to read 'Appointing a Standards Committee with responsibilities for promoting and monitoring the application of the relevant parts of these Codes and Protocols'.

RESOLVED – Members of the Standards Committee resolved to request that Principle 3 of the Code of Corporate Governance is amended as discussed above.

55 Standards Committee Media Protocol

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Media Protocol, and considering the steps to be taken to publicise the complaints process.

Members of the Committee particularly discussed the benefits and drawbacks of publishing an annual notice giving details of the complaints procedure. It was agreed that it was no longer necessary to produce an annual notice, as long as information is published in About Leeds from time to time, and the notices displayed in Citizens Advice Bureaux, Libraries and Council buildings are refreshed on a regular basis.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report;
- (b) Confirm that it is acceptable to combine the publication of a notice giving details of the complaints procedure with a notice to be published giving formal notification of the adoption of a new Members' Code of Conduct at such time as is required;
- (c) Confirm that an annual notice should not be published in future municipal years giving details of the complaints procedure, as long as information is published in About Leeds from time to time, and the notices displayed in Citizens Advice Bureaux, Libraries and Council buildings are refreshed on a regular basis; and
- (d) Agree to receive further reports on the Media Protocol as and when amendments are required, rather than on an annual basis.

56 Standards Committee Communications Plan

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Communications Plan, and seeking approval of the proposed amendments.

It was confirmed that training and information on standards issues is provided to all Town and Parish Councils within the Leeds area, and that the Monitoring Officer can be contacted if further assistance is required.

RESOLVED – Members of the Standards Committee resolved to approve the Communications Plan as attached at Appendix 1 to the report.

57 Review of Local Assessment Arrangements

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing an update on the amendments agreed to the administrative processes which underpin the local assessment arrangements, and notifying members of the Standards Committee of any further issues raised during the last ten months.

Firstly, the Committee considered the results of the questionnaire sent to all Members, which revealed that 16 out of 18 respondents would prefer to know that a complaint has been made about them prior to the meeting of the Assessment Sub-Committee. In the interest of fairness, it was agreed that Subject Members should be informed that a complaint has been made about them as soon as it is received. It was noted that under the Regulations, the only information that can be provided prior to the meeting of the Assessment Sub-Committee is the name of the complainant and the paragraphs of the Code of Conduct that the Subject Member is alleged to have breached. It was also agreed that Members should be provided with the opportunity to opt-out of this process if they wish.

Members' confusion in relation to the local assessment process was raised as a concern. It was agreed that a document should be prepared for Members to clarify all stages of the process. It was also agreed that it would be useful for an officer to offer to speak to each of the political groups to answer any queries in relation to local assessment.

The Committee then considered whether to set up a separate Consideration Sub-Committee to receive and consider final investigation reports, which was currently carried out by the Assessment Sub-Committee. It was agreed that a Consideration Sub-Committee should be set up in order to try to alleviate the confusion some Members experienced recently when two final investigation reports were considered by the Assessment Sub-Committee. However, it was also agreed that this decision should be reviewed once the Committee had undertaken all stages of the process (including a hearing).

The suggested actions in respect of the local assessment arrangements were considered and agreed, namely:

- Writing a letter to Standards for England and Communities and Local Government to inform them of the Member comments made relating to the Regulations and statutory guidance; and
- Providing another copy of the relevant Decision Notice to the Subject Member when they are informed that the complaint will be considered by the Review Sub-Committee.

Members of the Committee also considered how best to increase understanding and respect for the local assessment process. It was agreed that it would be useful for the Leeds City Council members of the Committee to feedback on discussions held at Standards Committee meetings to their political group. It was also agreed that, as previously discussed, a document explaining the process and the attendance of an officer at political group meetings to answer queries would be useful.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Discontinue the current arrangement of not notifying Members that a complaint has been received until after the Assessment Sub-Committee has met, but provide Members with the opportunity to opt-out of this process if they wish;
- (b) Agree the suggested actions in respect of the local assessment arrangements set out in Appendix A to the report;
- (c) Note the responses to the lessons learned;
- (d) Create a Consideration Sub-Committee to receive and consider final investigation reports, and approve the terms of reference as attached at Appendix C to the report; and
- (e) Request that officers produce a document for Members clearly explaining each stage of the local assessment process, and that the offer be made for an officer to attend political group meetings to answer any queries in relation to local assessment.

58 Standards Committee Half Year Progress Report

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) seeking comments from the Standards Committee on the draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2009/10 municipal year.

RESOLVED – Members of the Standards Committee resolved to agree to refer the report to the Corporate Governance and Audit Committee for further consideration.

59 Standards for England Annual Assembly

The Assistant Chief Executive (Corporate Governance) submitted a report advising members of the Committee of the Eighth Annual Assembly of Standards Committees which took place on 12th and 13th October 2009 at the International Convention Centre (ICC) in Birmingham.

The Chair (who was also a member of the Annual Assembly Steering Committee) informed Members of the Committee that very positive feedback had been received from the delegates who had attended the Annual Assembly, which had provided a useful learning and networking opportunity.

RESOLVED – Members of the Standards Committee resolved to note the contents of the report and the attached newsletter.

60 Standards for England Annual Review 2008/09

The Assistant Chief Executive submitted a report outlining the contents of Standards for England's Annual Review 2008/09.

It was confirmed that officers would explain any percentages in more detail in future reports.

RESOLVED – Members of the Standards Committee resolved to note the information in the report.

61 Adjudication Panel for England: Decisions of Case Tribunals

The Assistant Chief Executive (Corporate Governance) submitted a report providing summaries of recent decisions made by the Adjudication Panel for England in its role of determining allegations of misconduct.

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

62 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.