

Standards Committee

Wednesday, 17th February, 2010

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

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

63 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.

64 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the press and the public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:

Appendix 1 of agenda item 10 (Minute 72 refers), but only if the exempt information needs to be specifically discussed or referred to.

65 Late items

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

consideration.

66 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.

67 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 16th December 2009 were approved as a correct record.

Further to Minute 51, the Committee was informed that the Chief Officer (Human Resources) had decided that job adverts would not state that a post is politically restricted where applicable, however this decision will be reviewed following the confirmation of the updated list of restricted posts, further to the introduction of the Local Democracy, Economic Development and Construction Act 2009.

Further to Minute 57, the Committee was informed that resolutions (a), (b) and (d) had been addressed, and that actions to address resolution (e) were in progress.

68 Minutes of the Assessment Sub-Committee

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

69 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 15th December 2009 and 13th January 2010 were received and noted.

The Chair highlighted Minute 76, which confirmed that the Corporate Governance and Audit Committee had approved an amendment to the Code of Corporate Governance, as requested by the Standards Committee.

70 Ethical Audit Action Plan: Human Resources Update

The Head of Human Resources presented a report of the Chief Officer (Human Resources) providing further information in relation to the actions assigned to the Chief Officer (Human Resources) from the Ethical Audit Action Plan, particularly in relation to 360 Degree appraisals and the Staff Survey.

Members of the Committee raised concerns as the results of the Staff Survey revealed that only 68% of the respondents are aware that they are required to register interests that may affect their work, and the results did not appear to

have improved since the Ethical Audits that were carried out in 2006 and 2007.

The Committee requested further information in order to clarify the breakdown of the Staff Survey results by officer grade, and to inform the Committee of the actions that will be taken to address the results.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Request that further information is provided prior to the next Standards Committee meeting regarding the breakdown of the Staff Survey results by officer grade, and the actions that will be taken to address the results.

(Councillor Harper arrived at 2.10pm, during the consideration of this item).

71 Compulsory Training for Members of Standards Committee

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) seeking approval of the proposal made by Corporate Governance and Audit Committee that a programme of compulsory training should be undertaken by Members of the Standards Committee, and proposing an amended training plan.

Members of the Committee discussed the need to allow a period of time before requiring that all compulsory elements are completed, and to provide alternative options where only annual training is offered by the Council (for example, charring skills training).

Further to queries raised, the Monitoring Officer confirmed that not completing the compulsory training could only prevent a member from being a member of the relevant Sub-Committee, rather than the full Standards Committee.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Adopt the proposed training plan attached to the report as Appendix 1;
- (b) Endorse the proposal that specified elements of the Standards Committee training plan be compulsory; and
- (c) Recommend the proposed amendment to Article 9 of the Constitution to General Purposes Committee for consideration and recommendation to full Council.

(Under the provisions of Council Procedure Rule 16.5, Councillor Carter and Rosemary Greaves required it to be recorded that they voted against the above resolutions.)

72 Outcome of an Investigation into a Leeds City Council Member

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) notifying members of the Standards Committee of the outcome of an investigation into a Leeds City Councillor,

which was carried out by an Ethical Standards Officer from Standards for England.

The Committee particularly discussed the actions listed at paragraphs 3.9 and 3.11 of the report. Some members of the Committee felt that the actions were unnecessary, and that the current training provided is sufficient. Further to queries raised, it was confirmed that Members can object to or support a planning application in their private capacity, as long as they clarify that they are acting in their private capacity at all times.

At this point in the meeting, the Committee resolved to exclude the press and the public for the consideration of the remainder of this item, as the confidential information needed to be referred to in deciding whether the actions listed in paragraphs 3.9 and 3.11 of the report should be adopted.

Members of the Committee further discussed the suggested actions, and some members agreed that they were reasonable given the contents of the investigation report.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Receive the final report from the Ethical Standards Officer attached as Appendix 1 to the report;
- (b) Adopt the actions listed in paragraphs 3.9 and 3.11 of the report; and
- (c) Note that the issues raised regarding the planning process have been considered and acted upon by the Chief Planning Officer, on behalf of the Director of City Development.

(Councillor Campbell left the meeting at 3.00pm during the consideration of this item.)

73 Local Assessment - Readily Obtainable Information

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) clarifying what information can be obtained by the Monitoring Officer in relation to a complaint against a Member in order to assist the Assessment Sub-Committee with its decision on that complaint.

The need to be cautious in gathering information about complainants was highlighted. It was confirmed that the Customer Services department holds a list of complainants who are barred from contacting the Council. The Assistant Chief Executive (Corporate Governance) undertook to contact the Corporate Customer Relations Manager in order to ensure that this information is provided to Group Whips and/or Group Support Managers.

RESOLVED - Members of the Standards Committee resolved to note the advice provided by Standards for England on what information can be obtained by the Monitoring Officer to assist the Assessment Sub-Committee with its decision.

74 Local Assessment - Progress Report

The Senior 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 1st June 2009 to 31st December 2009.

Concerns were raised in relation to the length of time taken to consider review requests. It was confirmed that this would be monitored, and that the time taken should be reduced as Sub-Committee meetings were now scheduled on a monthly basis. However, a complicating factor was the need to ensure that the composition of a Review Sub-Committee was different to the composition of the original Assessment Sub-Committee.

It was also noted that the time taken to complete investigations had reduced following the introduction of the Procedure for External Code of Conduct Investigations. Members of the Committee also requested that the table of complaints be made clearer in relation to whether the complaint concerns a Leeds City Councillor or a Town/Parish Councillor.

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

75 Annual Report on the Monitoring Officer Protocol

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing the Monitoring Officer's Annual Report, which is required under paragraph 5 of the Monitoring Officer Protocol.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the assurances and performance information provided in the report; and
- (b) Approve the revised Monitoring Officer Protocol which has been amended to take account of the creation of the Hearings Sub-Committee and Consideration Sub-Committee.

76 Reviewing the Effectiveness of the Standards Committee

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing the effectiveness of Leeds City Council's Standards Committee, by comparing its response to Standards for England's Annual Return 2009 with the responses received from all Standards Committees.

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

77 Standards for England: Public Perceptions of Ethics

The Assistant Chief Executive (Corporate Governance) submitted a report advising members of the Standards Committee of the findings of the research report published by Standards for England, which is the third in a series tracking public perceptions of ethics in local government.

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

78 The First-Tier Tribunal (Local Government Standards in England)

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising the Standards Committee that the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-Tier Tribunal.

RESOLVED – Members of the Standards Committee resolved to note the changes to the Tribunal arrangements as set out in the report.

79 First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals

The Assistant Chief Executive (Corporate Governance) submitted a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.

RESOLVED – Members of the Standards Committee resolved to note the latest decisions of the First-Tier Tribunal's case tribunals.

80 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.

It was confirmed that, despite the delay in the release of a national Officer Code of Conduct, Leeds City Council's Officer Code of Conduct is currently being reviewed, and a report regarding this was submitted to the Standards Committee on 15th October 2009. It was confirmed that a further report could be provided following the approval of the amended Code.

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