

Standards Committee

Thursday, 22nd April, 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

C Campbell	B Gettings
R D Feldman	B Selby

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

APOLOGIES:

Councillors D Blackburn, J L Carter and J Harper

81 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.

82 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

83 Late items

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

84 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.

85 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 17th February 2010 were approved as a correct record.

Further to Minute 67, the Committee was informed that a flowchart had been created to explain the local assessment process, as well as a list of frequently asked questions, which would be reviewed by the Whips before being sent to all Members.

Further to Minute 70, the Committee was informed that a briefing note prepared by the Head of Human Resources had been circulated by e-mail on 15th April 2010.

86 Minutes of the Assessment Sub-Committee

The minutes of the Assessment Sub-Committee meetings held on 1st February and 23rd March 2010 were received and noted.

Further to Minute 27, the Monitoring Officer informed the Committee that the purpose and retention of Clerks' notes would be reviewed in relation to all Committees.

87 Minutes of the Review Sub-Committee

The minutes of the Review Sub-Committee meeting held on 26th February 2010 were received and noted.

88 Minutes of the Consideration Sub-Committee

The minutes of the Consideration Sub-Committee meetings held on 1st February and 26th February 2010 were received and noted.

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

89 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 10th February and 17th March 2010 were received and noted.

90 Chair's Opening Remarks

As this was the Chair's last Standards Committee meeting, Councillor Campbell expressed his appreciation on behalf of the Committee for the Chair's hard work and contribution to the Committee over the last eight years.

The Chair spoke about the Council's recent success in the 'Standards and Ethics' category of the LGC Awards 2010, and the compliments the Council had received from the judging panel. He thanked the members of the Committee, the Leaders of the Council, and the officers that support the Standards Committee. He also welcomed the new Chair.

91 Local Government Chronicle (LGC) Awards 2010: Standards and Ethics

The Assistant Chief Executive (Corporate Governance) submitted a report notifying members of the Standards Committee that Leeds City Council was successful in its entry for this year's LGC Awards 2010 'Standards and Ethics' category.

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

92 Standards Committee Procedure Rules

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Procedure Rules and making proposals in light of issues that had arisen throughout the year.

The Committee particularly discussed the options that had been suggested in respect of the timescales to be set for the subject Member and the investigator to return the pre-hearing forms.

The Committee discussed the benefits and drawbacks of Option 4 (give the subject Member 10 working days in which to respond with a potential extension of 5 working days, and give the investigator 5 working days to respond). Although this would provide the subject Member with up to 15 days to respond, it may cause difficulties in meeting the statutory deadline of 3 months, by which time the hearing must have been held. The Monitoring Officer explained that this was due to the deadline commencing from the date that the final investigation report is received rather than the date of the Consideration Sub-Committee meeting, and because the pre-hearing process summary must be sent out at least 10 working days prior to the hearing.

Following further discussion, Option 3 (give both parties 5 working days to respond, with a potential extension of 5 days for the subject Member) was agreed. It was also agreed that this decision should be reviewed in 6 month's time (or earlier if problems arise), and that Sub-Committee meetings should be scheduled on a more regular basis to minimise delays in final investigation reports being considered.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Approve the proposed amendment to Procedure Rule 3.2.5 (regarding the publication of the Consideration Sub-Committee’s decision);
- (b) Approve the proposed amendment to Procedure Rule 4.15.3 (regarding the publication of the Hearings Sub-Committee’s decision);
- (c) Give the parties 5 working days each to return their pre-hearing form (with a potential extension of 5 working days for the subject Member following a reminder, after which a series of assumptions will be made about their response), approve the necessary amendments to Procedure Rules 4.2.3 to 4.2.6, and review this decision in 6 month’s time (or earlier if problems arise);
- (d) Approve the proposed deletion of footnote 64 from Procedure Rule 4.2.9 (regarding the parties being required to notify the Committee Clerk at least 10 days before the hearing in order to make representations on the issue of witnesses);
- (e) Approve the proposed amendment to Procedure Rule 4.3.1 (regarding the contents of the pre-hearing process summary);
- (f) Approve the addition of a new paragraph under Procedure Rule 4.3 to clarify that both parties are responsible for arranging the attendance of their requested witnesses on the day of the hearing;
- (g) Approve the addition of a new paragraph under Procedure Rule 4.3 to clarify the procedure for deciding requests for adjournment made after the date of the hearing has been set and at least five clear days in advance of the Hearings Sub-Committee meeting, with the addition of the relevant timescales;
- (h) Approve the other amendments and corrections made for the purposes of clarification (such as page numbering and changes in titles), ensuring that the Procedure Rules are consistent in stating either ‘days’ or ‘working days’; and
- (i) Request that Sub-Committee meetings to deal with the consideration function be scheduled on a more regular basis.

93 Standards Committee Training Programme

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) addressing some outstanding issues and concerns raised by members of the Standards Committee at its meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposing some further amendments to address these issues.

The Committee was informed that if the ‘compulsory’ training was not completed, this would only prevent Committee members from sitting on the relevant Sub-Committees, rather than the full Standards Committee. It would be a matter for the relevant Group Whip/Leader or Executive Member to decide what action, if any, to take if any Committee members did not attend the ‘highly recommended’ training.

RESOLVED – Members of the Standards Committee resolved to adopt the proposed training programme attached at Appendix 1 to the report, and recommend to General Purposes Committee that the following learning targets are made compulsory:

- To ensure all independent members of the Committee have the necessary skills to Chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees);
- To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee);
- To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committees); and
- To ensure all members of the Committee have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

94 Standards for England's Review of the Local Standards Framework

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) summarising the results of the recent review of the proportionality and effectiveness of the local standards framework carried out by Standards for England.

Concerns were raised about the cost of dealing with trivial complaints, and the need to highlight this in Decision Notices was discussed as a step that could be taken now without the need for a change in legislation.

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

95 Standards Committee Annual Report 2009/10

The Assistant Chief Executive (Corporate Governance) submitted a report seeking the Committee's comments on the draft Standards Committee Annual Report 2009/10.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Review the contents of the report and provide the Corporate Governance Officer with any suggestions for amendment by 21st May 2010;
- (b) Give authority to the Assistant Chief Executive (Corporate Governance), in consultation with the Chair, to approve the final report subject to any suggested amendments;
- (c) Agree to forward the report to the Corporate Governance and Audit Committee to constitute the second of its six monthly update reports; and
- (d) Agree to forward the final report to full Council for consideration.

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

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) summarising recent decisions made by the First-Tier Tribunal (Local Government Standards in England).

The Committee noted that a high number of planning related complaints have arisen nationally and locally, and requested that further consideration be given as to whether a Member should be appointed to a Plans Panel that considers applications from their ward.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the latest decisions of the First-Tier Tribunal (Local Government Standards in England) case tribunals; and
- (b) Request that an item is added to the Committee's work programme in relation to whether a Member should be appointed to a Plans Panel that considers applications from their ward.

97 Standards Committee Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report seeking comments from the Committee regarding the draft work programme for the next municipal year.

RESOLVED – Members of the Standards Committee resolved to note the work programme subject to the inclusion of the item referred to in Minute 96 above.