

STANDARDS AND CONDUCT COMMITTEE

FRIDAY, 11TH JANUARY, 2013

PRESENT: Councillor E Nash in the Chair

Councillors C Campbell, J Harper,
P Harrand and B Selby

19 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 19 of the Access to Information Procedure Rules.

20 Exempt Information - Possible exclusion of the press and public

There were no resolutions to exclude the press and public.

21 Late items

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

22 Declaration of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary or other significant interests.

23 Apologies for absence

Apologies for absence were received from Councillor Kamila Maqsood and Councillor Bob Gettings. The Independent Person, Mr Gordon Tollefson, provided apologies due to an overrunning prior commitment.

24 Minutes of the previous meeting

The minutes of the meeting held on Friday 19th October 2012 were approved as a correct record.

25 Officer declaration of interests

The Chief Planning Officer submitted a report providing assurances on the arrangements in place for officers to declare or make known any beneficial interest in land or property where it is in the public interest to do so. The Chief Planning Officer was in attendance at the meeting to present the report and answer any questions from the Committee.

Members discussed the following issues:

- Members questioned whether there would be any disciplinary action taken against employees who did not make the necessary declaration. The Chief Planning Officer advised the Committee that this would be the case, but there had been no instances of an employee failing to make a declaration in the last six years. The Committee were also advised that all personal planning applications made by an officer were decided by the relevant Area Plans Panel, rather than by another officer.
- Members asked what sorts of interests officers were required to declare and whether only officers making decisions were required to make declarations of interest. The Chief Planning Officer outlined that employees were expected to declare interests in relation to applications made by their family members, as well as those made by the employers of their family members. It was also outlined that all employees are encouraged to make declarations of interest even though they are not involved in the decision making process.
- Finally, Members asked whether other departments had similar arrangements in place for officers to declare any conflicts of interest. It was outlined that it is for each Director to review the arrangements and to decide which of their employees needs to complete a register of interests.

RESOLVED – Members of the Standards and Conduct Committees resolved to note the contents of the report and the robust assurance that it provides in terms of the measures used in mitigating the risk of officer conflict of interest and in declaring interests.

26 Review of the Codes of Practice for the Determination of Licensing and Planning Matters

The City Solicitor submitted a report which outlined the comments and suggestions received from the Licensing Committee and the Joint Plans Panel in relation to the review of the Codes of Practice, and asked the Committee to consider how the Codes of Practice should be amended and approved in future.

Members discussed that it was part of the Standards and Conduct Committee's role to ensure that the Council has proper arrangements in place to deal with the issue of bias and predetermination, but that the individual Committees were better placed to formulate the contents of the Codes of Practice. It was also clarified that if the recommendations were accepted, complaints about potential breaches of the Codes of Practice would no longer be dealt with by the Standards and Conduct Committee under the Code of Conduct complaints procedure.

RESOLVED – Members of the Standards and Conduct Committee resolved to note the information in the report and agreed to transfer responsibility for the Codes of Practice to the Joint Plans Panel and the Licensing Committee respectively.

27 Review of the standards and conduct arrangements

The City Solicitor submitted a report asking the Committee to consider whether the new standards and conduct arrangements are operating effectively and remain fit for purpose, including the Members' Code of Conduct.

In relation to the complaints procedure, Members of the Committee agreed that it would be helpful to expand the list of criteria against which each complaint is assessed to specifically cover complaints which otherwise do not fall under the Members' Code of Conduct.

Members of the Committee particularly discussed the feedback that had been received from Leeds City Councillors attending the training sessions on the new standards arrangements, as outlined in paragraph 3.8 of the report:

- In relation to appeal arrangements, Members discussed whether it was necessary to offer the subject Member an appeal after Stage 3 of the complaints procedure. Members were advised that there was no provision in the Localism Act 2011 for an appeal to be heard. Members agreed that this was not necessary especially as the Independent Person must be consulted prior to the Committee making a decision, and in doing so the Independent Person may offer a view as to the reasonableness of a proposed finding.
- Members discussed whether Leeds City Councillors who have a disclosable pecuniary interest, but are not part of the decision making body, should be required to leave the room during the discussion and vote. Some Members felt that there was potential for a perception of a Member unduly influencing the decision making body if they remained in the room, but on balance Members concluded that it should be down to personal choice whether they choose to leave the room or not, and they should have the right to observe the proceedings as a member of the public would.
- Finally, Members of the Committee agreed that the Code of Conduct should be kept as simple as possible and that the provisions about 'other significant interests' should be removed from Part 2 of the Code of Conduct, and instead Members should be advised that they may make a declaration of a significant and relevant interest if they wish in accordance with the principle of 'honesty and integrity'.

The Committee also noted the Deputy Monitoring Officer's intention to write to the relevant Director at the Department for Communities and Local Government to seek clarification on the definitions of disclosable pecuniary interests.

RESOLVED – Members of the Standards and Conduct Committee resolved:

- To note the information in the report;
- To recommend to General Purposes Committee that the list of assessment criteria in paragraph 6 of the complaints procedure is expanded;

- To request an annual reminder to update the register of interests following the Annual Council Meeting;
- To recommend to General Purposes Committee that the Members' Code of Conduct is amended by full Council to remove the provisions regarding 'other significant interests' from Part 2 of the Code of Conduct, and instead to insert a footnote to the principle of 'honesty and integrity' in Part 1 of the Code to emphasise that it is entirely down to the personal judgement of the Member whether they wish to declare any other conflicts of interest rather than a requirement;
- To recommend to General Purposes Committee that the Members' Code of Conduct is also amended by full Council to clarify that only Members of the decision making body are required to leave the room when they have a disclosable pecuniary interest in an item of business, and that Members who are attending the meeting in another capacity who have a disclosable pecuniary interest can remain in the room to observe the discussion and voting; and
- That the current arrangements are operating effectively and are fit for purpose.

28 Appointment of the Independent Person

The City Solicitor submitted a report outlining the options for the appointment process for the Independent Person.

Before this item was considered Councillor Janet Harper explained that she had previously worked with Mr Gordon Tollefson as a Magistrate, and therefore felt unable to participate in the discussion and vote on the matter. Councillor Harper therefore left the meeting.

RESOLVED – Members of the Standards and Conduct Committee resolved to recommend to General Purposes Committee that full Council vary its original decision taken on 11th July 2012 and extend the current appointee's appointment for a further four years.

29 Standards and Conduct Committee Work Programme

The City Solicitor submitted a report presenting the Committee with a draft work programme for the final meeting of the municipal year.

RESOLVED – Members of the Standards and Conduct Committee resolved to:

- Remove the report on the review of the standards and conduct arrangements, as this had been sufficiently dealt with;
- Remove the report on the use of Council resources by Members and officers, as this was the remit of the Member Management Committee;
- Amend the time of the meeting to 2pm; and
- Note the amended work programme.