

STANDARDS COMMITTEE

16th MARCH 2006

PRESENT:

Independent Members

M Wilkinson (Chair)
Ms C Grant (Independent Member)
Ms Rosemary Greaves (Reserve Member)

Councillors

B Jennings E Nash

Parish Members

Councillor Mrs P Walker (Pool in Wharfedale Parish Council)

APOLOGIES:

Councillor J L Carter
Councillor John C Priestley (East Keswick Parish Council) (Reserve Member)

64 Chair's Opening Remarks

The Chair welcomed Councillor B Jennings to the meeting and informed the Committee that he would be attending the meetings in place of Councillor Kirkland as the Liberal Democrat Member for the time being.

65 Appeals Against the Refusal of Inspection of Documents

It was reported that there were no appeals under Procedure Rule 25 of the Access to Information Procedure Rules.

66 Exclusion of the Public

It was reported that there were no items where a resolution may be moved to exclude the public.

67 Late Items

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

68 Declaration of Interests

M Wilkinson, Ms C Grant, Ms Rosemary Greaves, and Councillor Mrs P Walker all declared personal and prejudicial interests under Section 81(3) of the Local Government Act 2000 and paragraphs 9 to 12 of the Members' Code of Conduct in item 11 of the agenda, as it referred to the

recommendation that the Council's insurance arrangements should be extended to include co-opted members of the Council (Minute 71 refers). All these members indicated that they would withdraw from the meeting during consideration of that item.

Cllr Jennings declared a personal interest in item 9 (Minute 75 refers) as he is a friend of the Chief Executive who was at the middle of the complaint.

69 Minutes of the Previous Meeting and Matters Arising

The minutes of the Standards Committee meeting of 19th January 2006 were approved as a correct record.

70 Minutes of the Corporate Governance and Audit Committee (CGA)

The minutes of the Corporate Governance and Audit Committee of 27th January 2006 were received and noted.

71 Members' Insurance

M Wilkinson, Ms C Grant, Ms Rosemary Greaves, and Councillor Mrs P Walker accordingly declared personal and prejudicial interests in this item, and left the room during consideration of this matter. M Wilkinson vacated the Chair, and Councillor E Nash was appointed to the Chair during consideration of this item. The meeting was therefore inquorate for this item but the Director Of Legal and Democratic Services advised that as the decision was within officer delegated authority Members views would be considered as part of the consultation to any decision he made.

Members received a report of the Director of Corporate Services for information, which detailed the Council's current insurance policy for Members and proposals for extending these arrangements to include co-opted members of the Council. Members were asked to give any comments or feedback for the Director of Corporate Services to consider when making the decision about whether to extend the existing arrangements.

The Committee made the following comments:

- that the proposals to extend the policy were sensible;
- that they were concerned that the existing policy did not cover members if they were found to have breached the code of conduct; and
- that Councillor Carter's comments should also be sought and reported to the Director of Corporate Services.

72 Informed, transparent decision making

Members of the Committee received a report of the Chief Officer of Human Resources regarding the officer code of conduct, and the arrangements the Council has in place for officers to make declarations of interest and gifts and hospitality. It was reported that since the report was written there had been an internal audit which would provide more up to date information about these issues. It was suggested that it would be sensible to bring a further report to the Committee with an action plan arising from the internal audit.

Members of the Committee discussed what political activities have to be declared by officers, and the possibility of the officers' register of interest becoming publicly accessible in the future. It was acknowledged that records of decisions taken by officers are already publicly available on the internet, which include a section on any interests the officer may have.

RESOLVED – That a further report be submitted to the Committee as soon as possible, including the full internal audit report and action plan.

73 Standards Board for England publications

Members of the Committee noted a report of the Director of Legal and Democratic Services outlining the most recent issues of the Bulletin and Town and Parish Standard issued by the Standards Board for England.

Members discussed the amount of work to be done in preparation for introduction of the new code of conduct.

RESOLVED – That the latest publications from the Standards Board be noted.

74 Adjudication Panel for England – Decisions of Case Tribunals

Members of the Committee noted a report of the Director of Legal and Democratic Services detailing recent decisions by the Adjudication Panel Case Tribunals in respect of allegations of misconduct, and considered if there were any lessons to be learnt for Leeds.

Members discussed the seeming disparity in the sanctions applied in the cases.

RESOLVED – That the report be noted.

75 Case Tribunal Decision – London Borough of Islington

Members of the Committee noted a report of the Director of Legal and Democratic Services detailing the outcome of the recent case involving Councillors from the London Borough of Islington.

Members commented that the definition of 'friendship' provided in this case was helpful, and could be used in future training on the code of conduct.

RESOLVED – That the report be noted.

76 High Court Decisions – Councillor Sanders of Peterborough City Council

Members of the Committee noted a report of the Director of Legal and Democratic Services detailing the outcome of two recent High Court cases involving a Councillor from Peterborough City Council.

RESOLVED – That the report be noted.

77 Procedure Rules Amendment

Members of the Committee received and considered a report of the Director of Legal and Democratic Services detailing proposed amendments to the Standards Committee Procedure Rules to provide for hearings to be recorded.

Members discussed the importance of having clarity about what was said in the event of an appeal.

RESOLVED – That the amended Procedure Rules and guidance note be approved.

78 Parish Council Hearings Sub-committee

Members received and considered a report of the Director of Legal and Democratic Services outlining the results of the consultation with Parish Councils in Leeds regarding whether to establish a hearings sub-committee to deal with hearings involving Parish Councillors.

It was reported that the majority of Parish Councils had agreed with the Committee's proposals.

RESOLVED –

- a) that a hearings sub-committee be established to deal with cases involving Parish Councillors;
 - i) That the membership of the hearings sub-committee will be four: 2 independent members, 1 City Councillor and 1 Parish representative.
 - ii) That in the case of a tied vote, the Chair will have a casting vote.
- b) that the terms of reference for the hearings sub-committee be approved.

79 Parish and Town Council Training

Members of the Committee received and considered a report of the Director of Legal and Democratic Services detailing the outcome of a review of available governance and other related training for Parish Council Members and Clerks and the extent of take up within Parishes in Leeds.

Members commented that the case tribunal decisions have demonstrated that more training is required, and that the report reflected a concern that appropriate training is available. It was discussed that grouping parishes for training purposes would be useful, but to travel to Civic Hall for training might be inconvenient. The possibility of making e-learning resources available for Parish Councillors was also discussed.

RESOLVED –

- a) that the Council provide training sessions for Parish Councillors centrally at Civic Hall, and locally in grouped sessions;
- b) that the e-learning module be publicised and made available to all Parish Councils when complete; and
- c) that training for Parish Councils be reviewed by the Standards Committee on an annual basis.

80 Work Programme

Members considered the updated work programme for the Standards Committee and were invited to add items.

RESOLVED – That the work programme be noted.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

**Subject: Minutes of the Standards Committee Independent
Members' Regional Forum (Yorkshire and Humberside)**

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

1.0 Purpose Of This Report

1.1 This report provides Members of the Committee with details of the most recent meeting the Independent Members' Regional Forum and the matters discussed.

2.0 Background Information

2.1 The latest Standards Committee Independent Members' Regional Forum (Yorkshire and Humberside) took place on 22nd March 2006 in the Council Chamber of Civic Hall in Leeds.

2.2 The minutes of the meeting are attached as Appendix 1 to this report for the Committee's information.

3.0 Main Issues

3.1 Members of the Forum discussed the Ethical Standards Workshop held by CIPFA which took place in Leeds in March, and the continuing review of the Members' code of conduct.

3.2 Members also discussed the roles of audit committees, and the varying relationships between audit committees and standards committees in different authorities.

4.0 Implications For Council Policy And Governance

4.1 There are no implications for council policy.

4.2 The Forum makes a positive contribution to governance issues, as it enables independent members to discuss issues in a non-political environment and share examples of good practice. This in turn develops consistency in the approach of standards committees throughout the region.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications.

6.0 Conclusions

6.1 During the last meeting of the Forum, members of the Forum discussed the continuing review of the Members' code of conduct and the roles and relationships between audit committees and standards committees. The full minutes are attached as Appendix 1 to this report.

7.0 Recommendations

7.1 Members of the Committee are requested to note the minutes of the Regional Forum.

NOTES OF A MEETING OF THE STANDARDS COMMITTEE INDEPENDENT MEMBERS' REGIONAL FORUM (YORKSHIRE AND HUMBERSIDE)

22nd MARCH 2006

PRESENT:

Mike Wilkinson - Leeds City Council
Mrs A Beckett - West Yorkshire Police Authority
Martin Allingham - North East Lincolnshire Council
Gerald Burnett - Richmondshire District Council
Alan Carter - South Yorkshire Police Authority
James Daghish - North Yorkshire County Council
Roger McMeeking - City of York Council
Peter Neale - Richmondshire District Council
Lynn Knowles - Calderdale Metropolitan Borough Council/West Yorkshire Fire Authority (until item 10)
Joyce A Clarke - Humberside Fire Authority (until item 10)
William Stroud - Humberside Police Authority
Michael Andrew - Rotherham Metropolitan Borough Council

IN ATTENDANCE:

Amy Bowler - Secretary to the Forum, Leeds City Council

1.0 Apologies for Absence and Welcome to New Members

1.1 The following apologies for absence were reported:

Tony Robinson - Barnsley Metropolitan Borough Council
Roger Nunns - Barnsley Metropolitan Borough Council
Phil Marshall - West Yorkshire Fire and Rescue Authority
George Nairn-Briggs - Wakefield Metropolitan District Council
Paul Worsley - North Yorkshire Police Authority
David Smith - North Yorkshire Moors National Park Authority
Leonard Pinkney - Harrogate Borough Council
Martin Shelton - Rotherham Metropolitan Borough Council
Alan Lawton - North Yorkshire County Council
Rita Leaman - City of York Council
J D Walker DL - East Riding of Yorkshire Council
Hendia Bevan - Richmondshire District Council
Andrew Smith - Humberside Police Authority
Pam Essler - City of Bradford Metropolitan District Council
Michael Chappell - City of Bradford Metropolitan District Council
Denise Wilson - North Yorkshire Fire and Rescue Authority
Jill Bartrop - Rotherham Metropolitan Borough Council
Mary Rose Barker MBE - East Riding of Yorkshire Council
David Hughes - Humberside Fire and Rescue Authority
Tom Gillespie - Wakefield Metropolitan District Council
John Ross - North East Derbyshire District Council
David Edwards - Hambleton District Council
Rosemary Greaves - Leeds City Council

Keith Robinson - Kingston-upon-Hull City Council

1.2 The Chair welcomed two new members of the Forum from Humberside Fire Authority.

2.0 Minutes of the Previous Meeting and Matters Arising

2.1 The minutes of the previous meeting held on 5th December 2005 were approved as a correct record, with an amendment to the apologies, to show that Mrs Joyce Clarke represents Humberside Fire Authority rather than Humberside Police Authority.

3.0 Independent Members Forum Co-ordinators Meeting – March 2006, & 4.0 Ethical Standards Workshop – March 2006

(These items were discussed together)

4.1 Mike Wilkinson briefed the Forum on the March meeting of the Independent Members Forum Co-ordinators, which was very well attended. It was reported that several new Forums had been created in the last few months, including in Derbyshire, Northamptonshire and Suffolk.

4.2 It was reported that there is now a movement in favour of establishing a voluntary national body of independent members. This would be useful in order to seek opinions from independent members at a national level.

4.3 Mike Wilkinson also briefed the Forum on a presentation by Paul Hoey of the Standards Board for England on the proposed changes to the Members' code of conduct and the ethical framework, given at the CIPFA Ethical Standards Workshop in Leeds. Copies of the presentation were circulated at the meeting.

4.4 It was reported that the Office of the Deputy Prime Minister had accepted most of the recommendations made by the Committee on Standards in Public Life, but that more information and consultation is required by the government about the new arrangements. The presentation showed that the Standards Board for England had been asked to carry out this work.

4.5 Several questions about how the new arrangements would operate in practice were raised by the presentation, and by the members of the Forum. Members discussed:

- concerns over how independent members are recruited and supported in authorities, and the possibility of having a national list of suitable people to take up this role;
- concerns over monitoring officers, and whether all monitoring officers are capable of carrying out their role effectively;
- concerns that the local filtering process which must take place may prevent parties from being able to take part in the hearing itself;
- how consistency can be achieved in the sanctions that are applied and in the outcomes of cases, and whether more sanctions should be available to standards committees;
- if the Standards Board for England is to retain ownership of cases which are serious or have national significance, how is this to be defined;

- whether the terms of office for independent members are sufficient, what training should be provided to independent members, and how the terms of office need to reflect the amount of training needed to be an effective committee member;
- the possible use of an appraisal system to assess the skills of independent members and possibly those of elected members on the standards committee; and
- the possible timescales for the introduction of the new legislation.

4.6 Alan Carter of South Yorkshire Police Authority suggested that the Forum could communicate with the Chair of the Standards Board for England working group regarding some of the Forum's observations and concerns. The Chair agreed that this could be valuable.

5.0 Indemnities for Independent Members

5.1 This item had been requested by Peter Neale of Richmondshire District Council. Members were invited to share the arrangements in their own authorities.

5.2 Michael Andrew of Rotherham Borough Council reported that indemnities for independent members had only just been introduced in his authority, and the Chair confirmed that this had now been recommended at Leeds City Council.

5.3 Members discussed:

- whether national government should pay to indemnify independent members rather than local authorities;
- the problems for members who represent more than one authority;
- the terms of the policies, in particular that costs would still need to be paid by the member themselves if they were found to have committed a breach; and
- the fact that those with voluntary roles should be properly protected.

6.0 Authority Audit Committees and Standards Committees: Roles and Relationships

6.1 This item had been requested by Peter Neale of Richmondshire District Council. Mr Neale outlined that he had met with the external auditors of Richmondshire District Council who had suggested that a member of the standards committee should also be a member of the audit committee. However another option that had been outlined by the Council was that the audit committee and the standards committee could become one committee, although it was stated in the report presented to the Forum that this was not legally possible.

6.2 Members discussed the different arrangements in their own authorities. Martin Allingham of North East Lincolnshire Council outlined that the auditors bring their plan to the standards committee for approval. James Daghish of North Yorkshire County Council reported that he is now a non-voting member of the audit committee, although it would not be appropriate for the committees to be combined as they require different skills. Although Alan Carter of South Yorkshire Police Authority outlined his concerns that independent members

could get drawn into other areas of the Council's work, and neglect standards issues as a result.

6.3 Members also discussed:

- the appropriateness of the current legislation which states that co-opted members are not able to vote on audit committees;
- the importance of the roles and functions of the committees remaining clearly separate, for instance that the standards committee is concerned with individual behaviour and the audit committee being concerned with the behaviour of the authority as a whole;
- that some independent members being involved in audit or finance issues may be inappropriate if they do not have the correct background and prior knowledge; and
- the areas of overlap between the committees e.g. the whistleblowing policy and officers' interests.

7.0 Officer Codes of Conduct and Complaints

7.1 This item had been requested by Peter Neale of Richmondshire District Council. Mr Neale outlined the Richmondshire District Council did not currently have an officer code of conduct and as the national code would not be introduced for some time, it was necessary for them to create their own.

7.2 Prior to the meeting, members of the Forum had been asked to provide a copy of the code in place in their authorities. Mr Neale thanked the members who had done so, and requested that any more should be emailed to him as soon as possible.

8.0 Standards Committee Annual Reports

8.1 This item had been requested by Peter Neale of Richmondshire District Council. Mr Neale explained that Richmondshire District Council Standards Committee were considering producing an Annual Report, and so wished to consider the format of the reports which other authorities produced.

8.2 Prior to the meeting, members of the Forum had been asked to provide a copy of their annual report if they had one. Mr Neale thanked the members who had done so, and requested that any more should be emailed to him so that he could take them into consideration when drafting his own.

8.3 Some members of the Forum indicated that they did not produce annual reports as there was not enough work carried out by the committee, although other members expressed the view that annual reports were important for accountability and to raise the profile of the standards committee.

9.0 Local Determination Hearings

9.1 Members were invited to update the Forum on any investigations or hearings that have taken place at their authority.

9.2 Mrs A Beckett of West Yorkshire Police Authority gave a verbal report to the Forum on a hearing she had attended at Richmondshire District Council as an

observer. Mrs Beckett stated that the experience had given her confidence. Michael Andrew of Rotherham Borough Council also attended this hearing, and praised the amount of organisation and preparation done prior to the hearing.

- 9.3 Lynn Knowles of Calderdale Metropolitan Borough Council/West Yorkshire Fire Authority reported that she had found the Standards Board for England DVD "Going Local: Investigations and Hearings" very helpful and informative, especially regarding the preparations involved for the hearing. Mr Neale of Richmondshire District Council reported that he had taken a transcript of the DVD and produced some guidance for the Chair as a result. Mr Neale agreed that this should be distributed to the members of the Forum along with the minutes of the meeting.

10.0 Future Chairing and Administration Arrangements for the Independent Members' Forum

- 10.1 A report was presented to the Forum updating them on the current position regarding the election of a new Chair, and arrangements in other regional Forums regarding their administration.
- 10.2 The Chair reported that there had been no nominations for a new Chair, and so he would Chair one more meeting of the Forum in October 2006 with the support of Leeds City Council. The Chair expressed the view that it would be beneficial for the experience to be shared, and that another authority should take over the support role for the Forum.
- 10.3 Members discussed:
- the potential problems of appointing an amateur secretary to the Forum;
 - that it would be preferable for a larger authority to take on the support role due to the amount of resources required;
 - the possibility of appointing a Chair and secretary from separate authorities; and
 - the possibility of financing Leeds City Council to carry on the secretarial role or seeking support from the Standards Board for England.

RESOLVED –

- That further nominations should be sought for the position of Chair prior to the next meeting in October 2006; and
- That the Chair will send a email to the Forum members outlining the issues and possible solutions prior to the next meeting.

11.0 Any Other Business

- 11.1 Gerald Burnett of Richmondshire District Council outlined that his authority had asked the standards committee to take a role in mediation and reconciliation between Members and between Members and officers in order to avoid formal complaints, if appropriate. Mr Burnett asked the members of the Forum whether they also took part in this.
- 11.2 Michael Andrew of Rotherham Borough Council reported that it had been discussed at his authority and decided that an outside body should have this

role so that the independent members did not become tainted or biased. Martin Allingham reported that at North East Lincolnshire Council the monitoring officer takes on this role if the issue is trivial or minor.

11.3 It was also reported that there are now professional mediation services on offer through the CIPFA Better Governance Forum and through the UK Mediation Service.

11.4 James Daghish of North Yorkshire County Council raised the issue of the Members' register of interests. Mr Daghish asked whether other authorities published their register on-line as this was now a requirement of the Comprehensive Performance Assessment. It was reported that Leeds City Council will do so shortly.

12.0 Date, Time and Venue for the Next Meeting

12.1 Kingston-upon-Hull City Council offered to host the meeting in October 2006.

12.2 Alan Carter of South Yorkshire Police Authority reported that a venue in South Yorkshire would be found for the meeting in March 2007, and hopefully this would be Sheffield City Council.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

Subject: Standards Board for England Bulletin

Electoral Wards Affected:

Specific Implications For:

- Ethnic minorities
- Women
- Disabled people
- Narrowing the Gap

Executive Summary

1. The purpose of this report is to notify Members of the Committee of the latest Bulletin issued by the Standards Board for England.
2. The Bulletin is a summary of news and guidance on the code of conduct issued by the Standards Board. The highlights of this issue are outlined from paragraph 3.1 onwards. The full Bulletin is attached at Appendix 1.
3. Distributing the Bulletin has positive implications for Corporate Governance, as it ensures that all Members of the Council, Parish Council Members and key officers are kept up to date with standards issues and guidance on the code of conduct.
4. Members of the Committee are asked to note the report and the attached Bulletin.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to notify Members of the Committee of the latest Bulletin issued by the Standards Board for England.

2.0 Background Information

- 2.1 The Bulletin is a summary of news and guidance for officers and Members, providing the latest news, features and guidance on the Code of Conduct and the work of The Standards Board for England. It is published every two months on the Standards Board for England website.
- 2.2 The Bulletin is issued to all Members and voting co-opted Members of Council, parish clerks (via the Standards Committee agenda) and key officers within the authority. Past issues are available at:
www.standardsboard.co.uk/Publications/TheBulletin/

3.0 Main Issues

3.1 Highlights from the Bulletin (attached at Appendix 1) include:

Islington Borough Council – Adjudication Panel case

3.2 The latest developments on the case and how the Standards Board for England are putting into practice the 'lessons learned' after the ruling of the Adjudication Panel for England. The Board has apologised to the parties concerned, in particular the Chief Executive who was caught up in the case. However, the Board have stated that this investigation began in its early days, and since then improvements have been made. The Board also states that it is committed to further change including; wider disclosure of information concerning cases, having an oversight of cases, compliance checks, and using different employment models.

Prejudicial Interests

3.3 A report on how to distinguish between a personal and prejudicial interests, and guidance for Members on how to guard against ethical and financial conflicts of interest.

Parish representatives entitled to full standards committee role

3.4 Advice on how to enhance the role of parish representatives on standards committees. The Standards Board believe that parish representatives can produce another perspective on local matters and an independent point of view in debates. It is recommended that Parish representatives take part in hearings even when the case does not involve a Parish Member, that they should be entitled to any allowances that other members of the committee are entitled to, and that where possible there should be more than one parish representative appointed to each committee.

4.0 Implications For Council Policy And Governance

4.1 The distribution of the Standards Board for England Bulletin is part of the Corporate Governance Communication Plan approved at the Committee meeting in January 2006 (Minute 59).

4.2 Distributing the Bulletin has positive implications for Corporate Governance, as it ensures that all Members of the Council, Parish Council Members and key officers are kept up to date with standards issues and guidance on the code of conduct.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications to this report.

6.0 Conclusions

- 6.1 The Bulletin is a summary of news and guidance for officers and Members, providing the latest news, features and guidance on the Code of Conduct published every two months. The highlights in the Bulletin are detailed at paragraph 3.1 onwards and the full Bulletin is attached at Appendix 1.
- 6.2 Distributing the Bulletin to all Members of the Council, Parish Councils and key officers contributes positively to the Council's Corporate Governance arrangements by ensuring they are kept up to date with standards issues and guidance on the code of conduct.

7.0 Recommendations

- 7.1 Members of the Committee are asked to note the contents of the report and the attached Bulletin.

Contents

- 1 The Code isn't a gag**
Guidance on interest
- 2 New - The Case Alert**
To be launched soon
- 3 Local investigations**
Guidance on reports
- 5 Islington**
Lessons learned
- 5 Parish representatives**
Recommendations
- 7 Local referrals**
Guidance to monitoring officers
- 8 Bridging the gap**
Bookings now open
- 8 Access to information**
Amendments to Schedule 12A

Welcome to the latest edition of our *bulletin*, with news and guidance from the Standards Board for England.

In the past, we sent separate newsletters to monitoring officers and standards committee chairs. However, feedback has suggested to us that the two newsletters should be combined into one, and so this is the first joint edition of the *bulletin* which is being sent to everyone who has requested it.

We will welcome all views on the new format, so do let us know what you think of it.

David Prince, Chief Executive

The Code isn't a gag

There has been some confusion about the Code in the recent months. Some members appear to be unsure about the rules on declaring interests, particularly over whether they should remain in the room when matters in which they have an interest are being discussed. So the aim of this article is to clarify that issue.

The nub of the issue revolves around whether the subject under discussion is prejudicial. Not all matters in which a councillor may have a personal interest are necessarily prejudicial, although they should always be declared. If you decide that the matter is not prejudicial, you may stay in the meeting and speak and vote on it. It is only when the matter is prejudicial that you will need to leave the room while it is under discussion.

So how do you decide whether a matter in which you have a personal interest is also prejudicial?

A common scenario

A frequently asked question is about whether a personal and prejudicial interest arises if the matter being considered relates to the area in which the member lives or the ward that they represent.

The answer is as follows:

In some cases, members will have a personal interest because the matter may have some impact upon the residents of that area of the ward to a greater extent than others living in the area of the authority. However, the interest will only be prejudicial if it also has a significant impact upon themselves, or their friends or relatives or any of the other categories set out in paragraph 8(1)(a) to (d) of the Code, so that a reasonable member of the public would consider that their judgment of the public interest was prejudiced.

For instance, if a planning application is being considered for a piece of land in a member's ward that is situated directly opposite that member's property, there is likely to be a prejudicial interest.

But there will be many situations when you have a personal interest that is not prejudicial. So at those times, you will be able to fully participate and vote in the meetings, so long as you are seen to keep an open mind about the matter under discussion.

In our proposals to the Office of the Deputy Prime Minister for changes to the Code, we highlighted this area as one that needed particular reform. We feel that the situation needs greater clarity and that members should be ensured that they are able to advocate on behalf of those they represent.

We wish to see the Code make it crystal clear that, in the normal course of events, a member who merely has an interest shared with the community or an organisation they represent should be able to take part in a meeting. It would only be where a decision is being made and they would get a clear advantage from that decision that they should be excluded from taking part.

However, if you have already made up your mind about a particular decision before hearing all the arguments surrounding it, although this may not necessarily be a prejudicial interest, you may be advised not to take part in the decision-making process.

Business interests

Another issue that brings members into non-compliance with the Code is when he or she has a conflict of interest with regard to their business dealings, and does not declare it.

We advise members to exercise great care in such situations, particularly those working in the law or accounting.

While it is possible to put a barrier in place to separate their role as a member and their involvement in a firm or business that has dealings with the council, issues can arise when a member's firm or business obtains income or profit from work involving the council.

So members need to guard against ethical as well as financial conflicts of interest — and they also need to be seen to do this, so that their constituents can feel reassured on the subject.

This means that if you own a company and a major part of its work is council-related, you may want to rethink whether you can play a meaningful role in work of the authority.

It is important to take particular care in attending meetings, or in fulfilling your role as a member, that you do not use information and access to officers to further your own business interests.

For instance, you should give out your authority's business card, rather than your professional business one, when involved in authority business. In addition, you should not advertise the fact that you are a member when on your firm's business.

For further guidance on declaring interests, follow this link:



[www.standardsboard.co.uk/TheCodeofConduct/
FrequentlyaskedquestionsabouttheCode/
Declaringinterests/](http://www.standardsboard.co.uk/TheCodeofConduct/FrequentlyaskedquestionsabouttheCode/Declaringinterests/)

New — *The Case Alert* to be launched next month

Members and officers looking for best practice guidance on hearings will welcome next month's launch of *The Case Alert*.

The Case Alert will provide a regular in-depth analysis of significant cases and can be emailed directly to you.

These regular bulletins will keep you informed of noteworthy decisions by standards committees, the Adjudication Panel for England and the High Court, particularly where they shed new light on our understanding of the Code of Conduct.

The reports of cases in *The Case Alert* will be more detailed than the short case summaries on our website, and will build on the work in the annual *Case Review* in highlighting lessons from significant cases.

The Case Alert should be especially useful to monitoring officers and standards committees, but will also be of interest to anybody involved in working with the Code of Conduct.

So if you are interested in receiving *The Case Alert*, please send a message to:
casealert@standardsboard.co.uk

Reports following local investigations

As we move towards becoming a more strategic regulator, matters regarding local investigations are bound to be raised for guidance. So in this article, we provide some guidance on the final reports that follow local investigations.

Providing final reports to ethical standards officers

We would like you to send us final reports following local investigations, as they will help us in our new strategic role.

From those reports, we will be able to look into the processes used when conducting a local investigation, as well as the quality of the hearings held by standards committees. On top of that, we will be able to build a knowledge base from which we hope to be able to pick out examples of good practice to feed back to all authorities.

So, for those reasons, we are asking standing committees to send copies of these final reports to the ethical standards officer who referred the matter for investigation.

Disclosing final reports

In addition, we have had several queries from monitoring officers about the disclosure of final reports following local investigations. So here we will expand a little further on our local investigations guidance on this area.

As you will be aware, final reports produced following a local investigation are not confidential, and are not afforded the protection under section 63 of the *Local Government Act 2000* that is given to ethical standards officers' reports.

The Code of Conduct says that the final report must be sent to the subject member. In addition, whether or not there is a breach of the Code, it must also be sent to the standards committee.

On top of that, our local investigations guidance also provides that the final report should also be sent to the:

- person who made the allegation
- clerk of any relevant town or parish council
- ethical standards officer who referred the matter for investigation

Our guidance also states that final reports should be made available for public inspection at the authority unless they contain confidential or exempt

information as defined by Part VA of the *Local Government Act 1972* (as amended).

So you should consider whether any part of the final report and appendices (if any) contains confidential or exempt information. If so, that exempt information should not be disclosed to the public for inspection.

If the report has a finding of no breach of the Code, the final report must be considered by the standards committee and should be made available with the public agenda for the standards committee at least five clear days in advance of the meeting.

But if the report has a finding of a breach of the Code, the presumption is that standards committee hearings will be held in public unless exempt information will be discussed under Schedule 12A (as amended) of the *Local Government Act 1972*.

“ exempt information should not be disclosed to the public ”

Generally, the final report and appendices (if any) should be made available with the hearing's agenda at least five clear days before the hearing, in accordance with normal committee rules for disclosure of agenda reports. However, if a request is made in advance of the hearing for it to be held in private, the final report and appendices, and any other papers provided during the pre-hearing process, should not be published or distributed to members of the public or press before the hearing.

The notice of the hearing and an agenda (without accompanying reports or papers) should be the only documents made available to the public. The agenda should state that a request for the hearing to be held in private is to be decided as a preliminary issue.

The standards committee should then determine on the day of the hearing whether the whole or any part of the proceedings will be held in public or private. And if it is decided that the hearing is to be held in public, copies of the investigator's report and appendices should then be distributed to members of the public who may be present.

Cases of note

Councillor Dane disqualified

At a recent Adjudication Panel for England tribunal hearing, a councillor was disqualified for three years.

In the view of the case tribunal, Councillor Dane had conducted a relentless campaign of destructive criticism against the clerk and council members, which was carried out in bad faith and had serious consequences to the health and welfare of others. This campaign was conducted through a series of letters, internet postings, face-to-face encounters and newsletters.

The case tribunal also considered that Councillor Dane had made repeated and false claims regarding the existence of bullying and misconduct by fellow members.

After considering all the evidence and submissions, the case tribunal decided that Councillor Dane failed to treat others with respect and brought his office into disrepute.

As Councillor Dane's actions were considered to be serious, deliberate and sustained, and he did not show remorse or consideration for those he had affected, and had dishonestly denied responsibility for some of his actions, the case tribunal decided to disqualify him for three years.

You can read the case summary and the link to the full tribunal's decision by going to Case Summaries at www.standardsboard.co.uk/

Adjudication Panel reconsiders Adami case

At a case tribunal hearing on 24 June 2004, the Adjudication Panel for England considered the case of Councillor David Adami.

It was alleged that between April 2002 and January 2003, Councillor David Adami bullied and threatened council staff, was rude and demeaning to a senior officer, made unfounded allegations about officers, tried to reopen closed issues and was generally malicious in his behaviour.

It was also alleged that Councillor Adami tried to reopen a planning representation period so that he could lodge an objection, inappropriately sent

a letter to a barrister who was advising the council, unreasonably pursued matters with officers and made complaints when he felt these matters had not been addressed.

The Adjudication Panel decided that Councillor Adami had committed serious breaches of the Code of Conduct and disqualified him for four years.

Councillor Adami then appealed to the High Court and his appeal was upheld. The ethical standards officer appealed the High Court's decision, and on 21 November 2005 the Court of Appeal made an order. The order included the following:

"...the matter [the Tribunal's original decision] be remitted to the same Tribunal for reconsideration and formulation of adequate reasons for its decision on the Tribunal's findings of fact on the unchallenged evidence, that the Respondent had breached the Appellant's code of conduct, and as to the appropriate sanction in the light of these findings and reasons."

Case sent back to Panel

So on 30 January 2006, the same case tribunal considered and formulated adequate reasons for its decision that Councillor Adami had breached the code and the sanction.

It started from the point where the hearing ended and took into account only that evidence which was available to them at the close of the hearing.

After its reconsideration, the tribunal decided that Councillor Adami had committed serious breaches of the code that justified a substantial period of disqualification. Taking into account all relevant factors, including that Councillor Adami had already served approximately a one-year period of disqualification, the tribunal decided to disqualify him for a further period of two years from 30 January 2006.

You can read all the details of the case tribunal's revised decision on the Adjudication Panel for England's website, which can be reached by going to: www.adjudicationpanel.co.uk/

Islington

Those of you who read the local government trade press will have been aware of concerns expressed about our case against councillors from the London Borough of Islington that concluded in January.

The Adjudication Panel for England made a number of criticisms of the way that we carried out the investigation, and the Board has considered what lessons we can learn from the case.

The Board has now apologised to the parties concerned, in particular the Islington chief executive Helen Bailey, who was caught up in the investigation. It has also now expressed a clear view that officers caught up in cases should be told as much as possible about ongoing investigations. The Board has also expressed its regrets in particular for the effects of the delays during the investigation on Islington councillors who were investigated.

Changes introduced

However, this case was received in the Standards Board for England's early days. Since then, the Board has introduced a number of changes. These include:

- introducing a management framework to instil high standards in the investigations of the statutorily independent ethical standards officers
- a more focused approach to resourcing complex cases
- recruiting more staff with local government experience
- ensuring that evidence and documentation is generally available to witnesses and those being investigated in advance of interviews

The Board also committed to further change, specifically:

- seeking changes in legislation to enable wider disclosure of information concerning cases
- seeking changes to legislation to enable the Board to have an oversight of cases including a code of practice and quality control framework
- compliance checks, overseen by the chief executive, in regard to investigation planning, timeliness, interviews and presentation

- using differing employment models to bring in recent senior local government experience

The Board is clear that ethical standards officers should not be seen as prosecutors and that their role is to help the independent tribunal to arrive at the right decision. This means putting before it all relevant information, whether that information supports or undermines an allegation.

Parish representatives entitled to full standards committee role

Parish councillors should not be marginalised or under-used as they have a vital role to play on standards committees.

They can often produce another perspective on local matters and bring an independent breath of fresh air into debates.

So we've come up with a number of recommendations to ensure that parish representatives on standards committees are treated fairly, and they are as follows:

Parish pump pointers

- Parish councillors should have the same status and voting rights as other councillors and independent members.
- They should be entitled to any allowances and expenses that are available to other members of the committee.
- At least two parish representatives should be appointed to each committee. Having more than one helps guard against problems in the event that a member is unable to take part in a hearing due to a conflict of interest.
- Authorities should consider involving their county association in the nomination and selection process to ensure that the representatives have the support of the parish sector across the county, and are seen to have the backing of their representative body.
- Standards committees should also consider having parish representatives on hearing panels regardless of whether the hearing involves a town or parish councillor. As parish representatives, in many cases, are independent of the principal authority, they can bring a specific and objective perspective to the case that may be helpful.

What did you think of our new training DVD?

All monitoring officers will have now received their copy of our DVD: *Going Local: investigations and hearings*.

The DVD was issued at the start of the year, and is a training aid that offers advice on how to carry out investigations and organise hearings. We are pleased that many positive comments have been made about the programme. However, we are always keen to hear more from you.

For instance, did you find that the learning summaries were helpful? And did they prompt useful discussions on best practice?

Please email your comments to:
rebecca.jones@standardsboard.co.uk

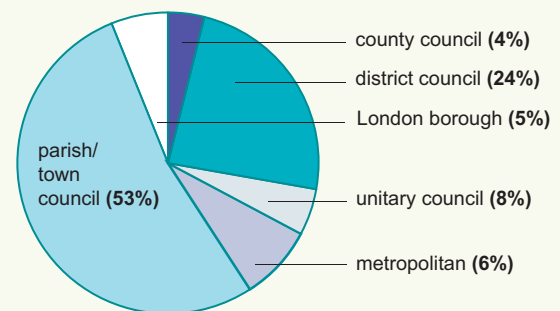
Additional copies of the DVD are available for £38.00 each. To place an order please contact the Communications office on 020 7378 5028, or email Rebecca Jones at the above address.

Referral and investigation statistics

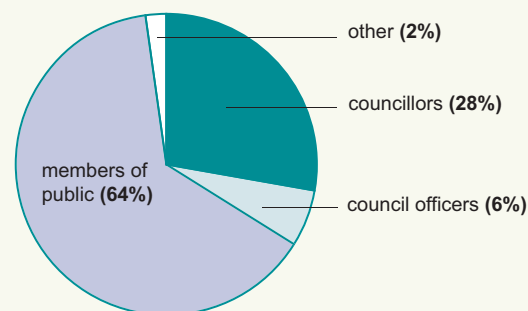
The Standards Board for England received 290 allegations in January and 281 in February, giving a running total of 3,520 for the current financial year.

The following charts show referral and investigation statistics for that period.

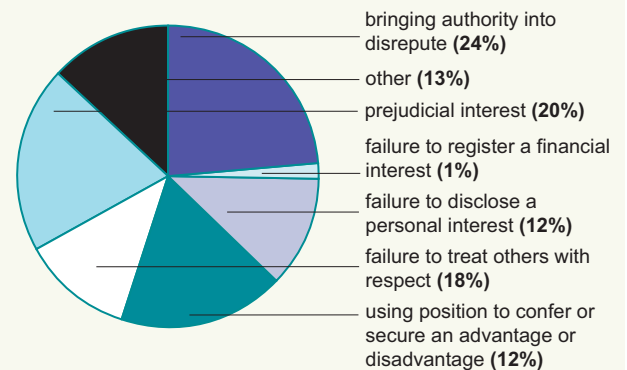
Authority of subject member in allegations referred for investigation



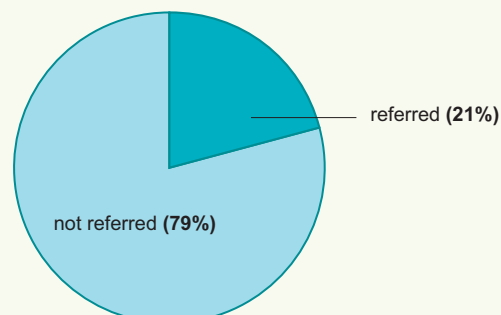
Source of allegations received



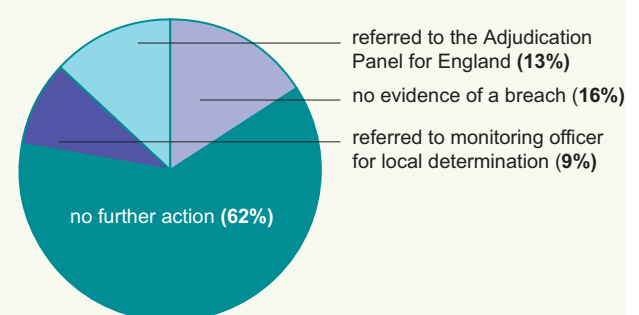
Nature of allegations referred for investigation



Allegations referred for investigation



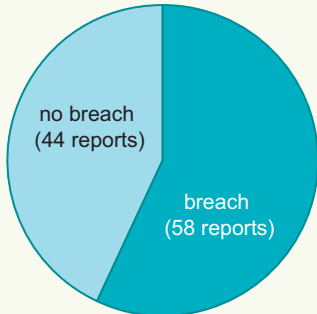
Final findings



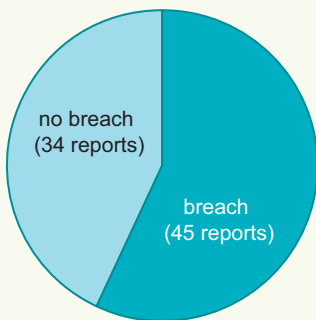
Local investigation statistics

Ethical standards officers referred 352 cases for local investigation between 1 April 2005 and 28 February 2006 — equivalent to 44% of all cases referred for investigation. Of those 352 cases, we have received 102 reports. The following charts illustrate the outcomes of those cases.

Monitoring officers recommendations following local investigations

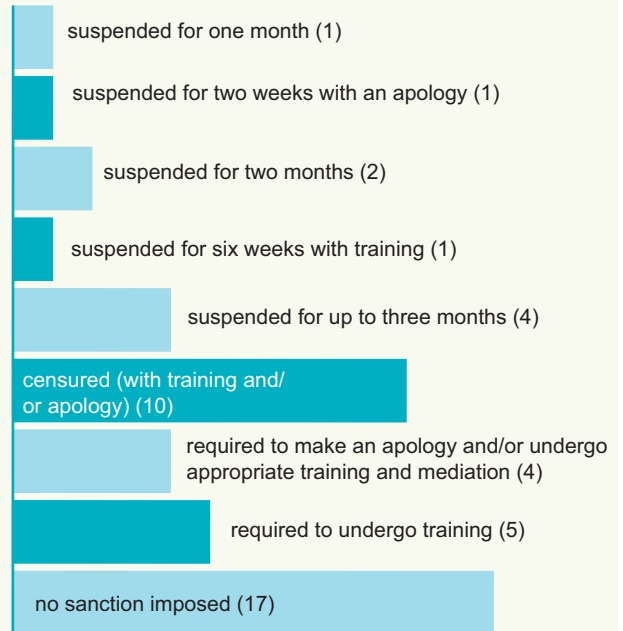


Of those 102 reports, 79 standards committees have met



- >> six instances where the standards committee disagreed with the monitoring officer
- >> four instances where the decision changed to NO at standards committee
- >> two instances where the decision changed to YES at standards committee

Standards committee determinations



- >> There have also been four appeals that went to the Adjudications Panel from local investigations.

Monitoring officers affecting local referrals

Ethical standards officers are finding that they are unable to consider referring some complaints for local investigation. This has occurred when the monitoring officer submitting the complaint has expressed his or her view as to whether the subject of the complaint had failed to comply with the Code of Conduct.

We consider that if monitoring officers express such a view when submitting a complaint, they risk being regarded as having compromised their discretion on the matter. The matter then can only be referred back for local investigation when the authority concerned has a reciprocal arrangement with another one on conducting investigations, a practice recommended in our guidance.

But this does not mean that we do not want to hear from the monitoring officer submitting the complaint.

For instance, we believe it is reasonable and indeed, helpful, for monitoring officers to set out in an allegation any advice that either they or the officers of their department have provided in respect of the behaviour that is the subject of the allegation.

However, if this has not happened, we also feel that it is better practice that no opinion should be expressed. The same advice relates to chairs of standards committees, although no examples of this have yet been noted.

Are you ready to bridge the gap?

Are you confident in your authority's ability to deliver on the ethical agenda? Are you feeling challenged by the changes that lie ahead with the revised Code of Conduct and a more locally focused system?

This year's Fifth Annual Assembly of Standards Committees, *Bridging the gap*, is taking place on 16 and 17 October in Birmingham, and will identify the gaps in resources, knowledge and experience required to deliver effective regulation of ethical standards at a local level.

Working together in a wide variety of sessions, we will then look at how we can bridge those gaps and move forward.

Attracting over 800 delegates, the conference is a rare and valuable opportunity to meet and network with standards committee members,

monitoring officers, council leaders and chief executives from across the country. Fringe events run by other organisations in the local government family also provide a chance to keep up-to-date with developments across the sector.

Bookings are already rolling in and places are filling up fast. So register now to make sure that you won't miss out on the most important event of the year for those who work with the Code of Conduct.

For more information and to reserve your place, call our event managers, Benedict Business Resources, on **01483 205 432** and they will send you an information pack. Or you can visit the conference website by following this link: www.annualassembly.co.uk

Standards committees and access to information

There have recently been some amendments to Schedule 12A (access to information provisions) of the *Local Government Act 1972*. The amendments, which came into force on 1 March 2006, are contained in the *Local Government (Access to Information) (Variation) Order 2006* and the *Relevant Authorities (Standards Committee) (Amendment) Regulations 2006*.

Parts 1 to 3 of the schedule to the order (which apply to authorities in England) replace the existing Schedule 12A.

It is intended that descriptions of information listed in Part 1 of Schedule 12A will be clearer and simpler, and some of the qualifications in part 2 of the schedule are replaced by a public interest test.

Authorities should note that there are significant differences between the categories of exempt information for England and those categories that apply to Wales.

The additional categories of exempt information introduced by the 2003 regulations are largely unaffected, although some of the amendments have been renumbered.

At-a-glance changes

The relevant paragraphs from the 2003 regulations are set out below, with the updated paragraph numbering shown in bold.

"Removed by the 2006 regulations. See paragraphs 1 and 2 in particular of the amended Part 1 to Schedule 12A.

17. **7A.** *Information which is subject to any obligation of confidentiality*
18. **7B.** *Information which relates in any way to matters concerning national security.*
19. **7C.** *The deliberations of a Standards Committee or a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act."*

The main alteration is that the new regulations no longer contain a specific provision of 'Information relating to the personal circumstances of any person' (paragraph 16 of the 2003 regulations refer) as this is essentially covered by the provisions contained in paragraphs 1 and 2 of part 1 of the updated provisions.

For ease of reference, paragraph 1 refers to 'Information relating to any individual', while paragraph 2 refers to 'Information likely to reveal the identity of an individual'.

Change in guidance?

We have reviewed the guidance in light of the changes and consider that the substance does not need to be altered.

However, the wording of Schedule 12A currently set out in the Appendix 3 of the guidance should be read in accordance with the amendments.

We believe that it is in the public interest for hearings to be held in public, to ensure fairness and openness, and we recommend that they are wherever possible.

Standards committees will have a continuing obligation to consider the requirements of Articles 6 and 8 of *The European Convention on Human Rights* when holding local determination hearings.

Welcoming new members of the Board

We are delighted that Elizabeth Hall, Judy Simons and Paul Gott have joined the Board of the Standards Board for England, and here is a little about each of them.

Judy Simons

Judy Simons' background is in education and as Professor of English and Pro Vice Chancellor at De Montfort, she has responsibility for Quality and Standards. She chairs the University Human Research Ethics Committee, and is a board member of the Higher Education Academy and Chair of Council. In addition, she is also on the Strategic Committee for Leadership, Governance and Management at the Higher Education Funding Council for England.

Judy has chaired a number of national academic bodies, including the Council of University Deans of Arts and Humanities. She has also published

widely on literary studies and is a Fellow of the Royal Society of Arts and a Fellow of the English Association.

Elizabeth Hall

Elizabeth Hall comes from the world of financial regulation. For the past ten years, she has worked for the UK's financial services watchdog, the Financial Services Authority, where she has specialised in consumer protection, complaints and financial capability.

Elizabeth is a member of the Queen Mary University of London Research Ethics Committee and of the London Borough of Tower Hamlets Schools Forum and last year, she was appointed to London Travelwatch, the body that represents the views of London's transport users.

In addition, Elizabeth has several lay responsibilities in the Church of England, including chair of the Tower Hamlets Synod and an examining chaplain for the Stepney area.

Paul Gott

Paul Gott comes from a legal background where he practices as a barrister in commercial and employment law. A member of Fountain Court Chambers, he was appointed as junior counsel to the Crown in 1999 and appointed to the Treasury Counsel 'A' Panel in 2005.

His main areas of specialisation are strike action and discrimination as well as equal pay, on which he regularly advises government departments and private clients. He also works specifically in the areas of civil fraud, banking and accountants' negligence.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

Subject: Adjudication Panel for England: Decisions of Case Tribunals

Electoral Wards Affected:

Specific Implications For:

- Ethnic minorities
- Women
- Disabled people
- Narrowing the Gap

Executive Summary

1. This report provides summaries of the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members. There have been eight case tribunal decisions which have each been summarised and then conclusions drawn regarding whether there are any lessons to be learnt for Leeds City Council.
2. Members of the Committee are asked to note the recent decisions of the case tribunals and to consider the lessons to be learnt for Leeds City Council.

1.0 Purpose Of This Report

- 1.1 This report provides summaries of recent decisions made by the Adjudication Panel for England in its role of determining allegations of misconduct. Further details of specific cases are available at www.adjudicationpanel.co.uk

2.0 Background Information

- 2.1 Eight case tribunal decisions have been published since the last report. The decisions are summarised below, in order that Members of the Committee may consider if there are any lessons to be learned by this authority. Copies of each case summary published on the Adjudication Panel for England's website have been sent separately to those Members who have requested them.

- 2.2 The Committee will note that the majority of cases highlight the need for comprehensive and regular training for elected and co-opted Members, on the detailed requirements of the Code of Conduct.
- 2.3 Members of the Committee may wish to note that the cases have been separated into those involving Parish and Town Councils and those involving Borough, City or District Councils, for ease of reference.

3.0 Main Issues

Cases involving Parish and Town Councils

Maldon Town Council

- 3.1 It was alleged that a Councillor had failed to comply with paragraph 4 of the code of conduct, bringing the authority into disrepute, by failing to notify a change in circumstances affecting her claim for council tax benefit.
- 3.2 The Councillor had joined the Town Council in 2002 but had received no training on the code of conduct as she was not able to attend the training session organised by the Council. However, she had watched a training video at home, read various leaflets and had discussions with fellow Councillors.
- 3.3 The Councillor and her husband received council tax benefit based on her earnings, child tax credit, working tax credit and her husband's incapacity benefit. However, her husband returned to work in 2005. The Councillor made a new claim for Council tax benefit after her husband returned to work, but stated on the application form that he was in receipt of job-seekers' allowance.
- 3.4 A few months later, the Council commenced proceedings against the Councillor for two alleged offences of knowingly making a false claim to benefit, and for failing to notify the Council of a change in circumstances affecting her claim for council tax benefit. The Councillor pleaded guilty to the second charge and was convicted. The other charge was dropped as the Council took the view that it was not in the taxpayer's interest to pursue the matter.
- 3.5 The case tribunal was in some doubt as to whether there had been a breach of the code of conduct, but on balance it was of the view that by failing to notify a change of circumstance and being convicted of an offence for failing to do so, this did amount to a breach of paragraph 4 of the code of conduct in that it was conduct which could reasonably be regarded as bringing the Councillor's office or authority into disrepute.
- 3.6 According to the guidance on action to be taken if a Member is found to have breached paragraph 4, it would be normal to suspend or partially suspend. However the case tribunal decided no further action was necessary under the circumstances due to the mitigating factors. The tribunal concluded that the breach was inadvertent

and would not be repeated, the Councillor was under personal pressure at the time, she regretted what had happened and accepted full responsibility.

- 3.7 **In Leeds, Members are frequently reminded that actions in their private life could amount to a breach of the code of conduct, both through training on the code of conduct, and publications such as ‘Governance Matters’.**

Bude Stratton Town Council

- 3.8 It was alleged that a Councillor had breached the code of conduct by:
- failing to treat the Town Clerk with respect contrary to paragraph 2(b) of the code of conduct;
 - bringing his office into disrepute, contrary to paragraph 4 of the code, by threatening to take legal actions against the Town Clerk in her personal capacity;
 - failing to register Bude Town Football Club and Bude Area Chamber of Commerce in his register of interests contrary to paragraph 13(c) of the code of conduct;
 - failing to declare a personal and prejudicial interest, failing to withdraw from the meeting and improperly seeking to influence decisions about a number of matters, contrary to paragraphs 8, 10(a) and 10(b) of the code of conduct; and
 - in doing so bringing his office and authority into disrepute contrary to paragraph 4 of the code by his behaviour towards the Town Clerk and other Members and his persistent involvement in meetings in which he had a prejudicial interest.
- 3.9 The case tribunal found that the Councillor had breached the code of conduct as follows:
- the Councillor failed to treat others with respect on two occasions. Firstly, by faxing an agenda item request containing questions relating to the remuneration and full time status of the Town Clerk, without prior notice to her, and potentially undermining her status as Town Clerk, and secondly, by writing letters to the Bude Stratton Heritage Trust (who had no legal connection with the Town Council) which inappropriately raised issues about the integrity of the Town Clerk and the way in which the Trust was run;
 - the Councillor brought his office and authority into disrepute by writing to the Bude Stratton Heritage Trust as outlined above, and by failing to declare personal interests and participating in meetings in which he had a prejudicial interest. This regular occurrence brought his office or authority into disrepute by damaging public confidence in his office or authority; and
 - the Councillor also breached paragraphs 8, 10(a) and 10(b) of the code by failing to declare interests and withdraw from meetings as outlined above.
- 3.10 In deciding a sanction, the case tribunal took account of the context in which the breaches of the code occurred. The case tribunal concluded that there were shortcomings in the way in which the Council conducted its business, particularly in terms of the support and training given to new Members and the way in which meetings were organised and run.

- 3.11 The case tribunal also took into account that:
- the majority of breaches also occurred before the Councillor had received any training on the code of conduct;
 - the Councillor had little or no advance warning that a declaration of interest might be required;
 - that as the Councillor's interest as president of Bude Town Football Club was well known to the inhabitants of Bude, this was a mitigating factor in line with the *Murphy v Ethical Standards Officer of the Standards Board for England (2004)* case; and
 - there was no attempt to actively conceal interests that should have been declared.
- 3.12 The case tribunal decided to reprimand the Councillor for the admitted and found breaches of the code, as he had already resigned from the Council and a period of suspension was therefore inappropriate.
- 3.13 The case tribunal recommended that the authority consider providing a training programme in relation to the code and provide proper arrangements to enable Members to effectively operate within it.
- 3.14 **In Leeds, the declaration of interests is a standard item at the start of every agenda. Members can seek the advice of the legal officer or Monitoring Officer if they are in doubt about whether they have an interest in an item. New Members are providing with training on the code of conduct in general and specifically on interests as part of the induction programme.**

Burbage Parish Council & Hinckley and Bosworth Borough Council

- 3.15 It was alleged that a Councillor had breached the code of conduct by:
- failing to register her membership of Burbage and District Constitutional Club (BDCC) in the Members' register of interests, despite being a committee member of the club, contrary to paragraph 15 of the code of conduct;
 - failing to declare an interest at a cabinet meeting of the Borough Council when discussing funding for replacement railings for the club, contrary to paragraphs 9 and 10 of the code of conduct;
 - failing to withdraw from the cabinet meeting when the replacement railings were discussed, contrary to paragraph 12(1)(a) of the code of conduct;
 - failing to declare an interest at a Parish Council meeting when the replacement railings were discussed, contrary to paragraphs 9 and 10 of the code of conduct; and
 - failing to declare an interest at the Parish Council's Finance & General Purpose Committee meeting, when the replacement railings were discussed, contrary to paragraphs 9 and 10 of the code of conduct.

- 3.16 The case tribunal found that the Councillor had been a member of the BDCC for over 40 years, and became a co-opted member of the BDCC Committee in 2001. The case tribunal concluded that the club was an industrial or provident society and as such should have been registered.
- 3.17 As the interest was registerable, the case tribunal was also satisfied that the Councillor should have declared a personal interest in the discussions about replacement railings for the BDCC. The case tribunal also concluded that a reasonable member of the public who knew that the Councillor was a member of the BDCC and a member of the Committee, as well as the Chair of the Cabinet of the Borough Council (whose decisions did not need to be ratified by the full Council) who were discussing the matter, that she would have a prejudicial interest also.
- 3.18 As the Councillor did have a prejudicial interest in the matter during the Cabinet meeting, the case tribunal also considered that she had breached the code by failing to withdraw from the meeting, exerting influence as the Chair of the cabinet, and by continuing to exercise an executive function. The case tribunal also decided that the Councillor had breached the code as alleged in relation to the Parish Council's Finance & General Purpose Committee meeting.
- 3.19 When deciding what sanction to apply, the case tribunal considered the following factors:
- the Councillor had not received any personal gain;
 - the Councillor had had little or no training on the code of conduct;
 - the Councillor had received poor advice regarding the code;
 - the Councillor believed that she was acting in the best interests of the village by making environmental improvements;
 - the Councillor was Leader of the Council at the time and was required to set an example; and
 - the Councillor had easy access to training on the code and had shown no remorse for her actions.
- 3.20 The case tribunal decided to suspend the Councillor from the Borough and Parish Council for a period of three months.
- 3.21 **In Leeds, both City Councillors and Parish Councillors have access to training about the code of conduct and the need to declare interests through the induction programme. Parish Councils will also be able to access further training in group sessions organised at Civic Hall or in local areas in the future.**

The Members' register of interests is reviewed annually by Parish and Town Clerks on behalf of the Monitoring Officer, and they are provided with guidance on what interests should be registered. Members can also seek the advice of the legal officer or Monitoring Officer if they are in doubt about whether they have an interest in an item.

Cases involving Borough, City and District Councils

Westminster City Council

- 3.22 It was alleged that a Councillor had failed to comply with paragraph 4 of the code of conduct by bringing her office into disrepute, having been convicted of four counts of false accounting.
- 3.23 The Councillor was previously convicted of four counts of dishonestly falsifying documents relating to claiming housing and council tax benefit. She was found to have failed to register her Member's allowance totalling £6750 a year. As a claimant in receipt of benefits the Councillor was required to declare her receipt of the Member's allowance when making a new benefit application to the Council, but she failed to do so. The Councillor resigned from the Council as a result of her conviction.
- 3.24 The case tribunal concluded that through her actions the Councillor had brought her office into disrepute and a period of disqualification was necessary. Therefore the Councillor was disqualified for 15 months from being or becoming a Member of a relevant authority.
- 3.25 **In Leeds, Members are frequently reminded that actions in their private life could amount to a breach of the code of conduct, both through training on the code of conduct, and publications such as 'Governance Matters'.**

Purbeck District Council

- 3.26 It was alleged that a Councillor had failed to comply with paragraphs 2(b), 2(c), 5(a), 12(1)(c), and 4 of the code of conduct by:
- bringing pressure to bear on an officer of the Council, to have reference to her property removed from a draft report, and was abusive to that officer;
 - attending a meeting of the council and a meeting with an outside body and contact the council's consultant engineers, although she had previously declared a personal and prejudicial interest in the matter;
 - denigrating the Council's district engineer and the Council's consultants, and using offensive language at a meeting of the Belle Vue Action Committee on 19th August 2003; and
 - deceiving and manipulating members of the Belle Vue Action Committee for own private purposes and saying that she would deny the meeting ever took place.
- 3.27 The case tribunal found that the Councillor had breached:
- paragraph 2(b) of the code by swearing at the officer in his office and using offensive and inappropriate language in her meeting with the residents of Belle Vue;

- paragraph 2(c) by employing intimidating behaviour in her interview with the officer in his office;
- paragraph 4 by employing inappropriate and offensive language in meetings with officers and members of the public by being seen to publicly pursue a matter in which she had a personal and prejudicial interest;
- paragraph 5 by attempting to get council officers to change a report that would have an impact upon a matter in which she had a personal and prejudicial interest; and
- paragraph 12(1)(c) by attempting to influence the outcome of a matter in which she had a personal and prejudicial interest, and the public would perceive that her influence over council officers would be greater than a member of the public would ordinarily have.

- 3.28 On the issue of offensive language, the case tribunal decided that even though such words may be part of a person's normal vocabulary, this did not mean that the person listening would not be offended by it. Also the person's intent when using the language makes no difference to the outcome. In her defence, the Councillor stated that she was not a lady and maintained that she was a woman. In the case tribunal's opinion, the language used in this case would be *"more worthy of a fishwife than a woman"*.
- 3.29 Regarding the personal and prejudicial interest, it was clear that the Councillor had understood she had an interest from the start as she declared it and left the meeting. The serious aspect of the case in the tribunal's opinion is her actions in pursuing this matter outside of meetings through her direct contact with officers and third parties that is the more serious aspect of this case. It is irrelevant whether she believed she was doing this as a Councillor or as a resident, and the perception of the public would be that she was using her position as Councillor for her personal gain or advantage. It was not sufficient for her to rely on officers to presume she was speaking to them in a personal capacity, it should have been made patently clear.
- 3.30 When deciding on the sanction to impose, the case tribunal took into account the fact that this matter was a particular and unique one that presented the councillor with unusual personal conflicts and that they were unlikely to be repeated or occur again. This with the service that the Councillor had given to the local community influenced the tribunal not to impose a lengthier period of disqualification. They concluded that a period of disqualification for one year would be a suitable sanction in this case.
- 3.31 The case tribunal was conscious of the culture of the council in that they condoned the use of bad language and accepted this type of behaviour. The tribunal therefore recommended further training for all Members of the Council, on the code of conduct and on the nature and manner of Councillor and officer relations. The tribunal also requested that the authority fulfil its obligations under section 48 of the Local Government Act as it was apparent that there had been insufficient training on the code of conduct, in Member officer relationships, and culture.

3.32 In Leeds, the Protocol on Member/officer Relations states that:

“At the heart of the Codes, and this Protocol, is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy...The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion.”

Breaches of this protocol by a Member may be referred to the Monitoring Officer for consideration by the Standards Committee, Leader or Whip of the political group, or may constitute a breach of the code of conduct as in the case highlighted above.

Dartford Borough Council

- 3.33 It was alleged that a Councillor had failed to comply with paragraphs 9 and 12 of the code of conduct by:
- failing to update his register of Member's interests within 28 days of becoming director of the Riverside Community Company Ltd, contrary to paragraph 16 of the code; and
 - failing to declare an interest and withdraw from the Chamber at three Council meetings on separate occasions contrary to paragraphs 9 and 12(1)(a) of the code.
- 3.34 The case tribunal found that the Councillor had formed and become a Director of the Riverside Community Company Limited. This was something which needed to be included in the Councillor's register of interests. Paragraph 16 of the code required him to provide written notification to the monitoring officer within 28 days. The Councillor did make written notification but only after 20 months. He therefore failed to comply with paragraph 16 of the code.
- 3.35 Regarding the other allegations, that the Councillor failed to declare an interest and withdraw from the Chamber at Council meetings, the tribunal found that the Councillor had breached paragraphs 9(1) and 12(1)(a) of the code.
- 3.36 When deciding on an appropriate sanction, the case tribunal considered the following factors:
- that the matters referred to it were ones which would normally be referred to the standards committee of the authority, and therefore they only considered using the powers normally available to such a committee;
 - the delay in the Councillor updating his register of interests was of an unacceptable length;

- that the breaches of the code regarding his attendance at Council meeting were the result of his commitment to a cause, and there was no intent to conceal his interest;
- there was also no financial gain, and no intent to cause harm or deliberately breach the code; and
- that the Councillor had acknowledged that he was at fault, had stated that he had learnt from the experience and would be willing to learn more through training.

3.37 The case tribunal decided to reprimand the Councillor for the breaches, although if there was a repetition of the breaches it would be considered more serious.

3.38 **In Leeds, Members are reminded of the need to update their register entry within 28 days through training on the code of conduct, guidance on how to register their interests, and through publications such as 'Governance Matters' which had a feature on the Members' register of interests in the April issue.**

The training provided on prejudicial interests includes case studies such as the 'Richardson and Another -v- North Yorkshire County Council and the First Secretary of State' case, which demonstrated that even if the Councillor is attending a meeting due to a local issue in a private capacity or on behalf of his constituents, the requirement to declare an interest and withdraw from a meeting still applies, as if a Councillor with a prejudicial interest were to remain in such a meeting then there is a real risk that they would damage public confidence in the decision making process.

Slough Borough Council

3.39 It was alleged that a Councillor had failed to comply with the code of conduct by:

- failing to treat a member of the public and council officers with respect, contrary to paragraph 2.1(b);
- compromising the impartiality of those who work for or on behalf of the authority, contrary to paragraph 2.1(c);
- compromising the impartiality of an employee of the authority, contrary to paragraph 2.3;
- using his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage contrary to paragraph 5.1(a); and
- bringing his office or authority into disrepute, contrary to paragraph 4.1(a).

3.40 The case tribunal decided that over a period of time the Councillor had shown a pattern of behaviour that demonstrated disrespect to a range of Council officers. This was sometimes done in an official capacity and so breached paragraph 2.1(b) of the code of conduct. When dealing with officers, his mode of address was unduly

negative, rude and accusatory. Examples of conduct which the case tribunal considered demonstrated disrespect are as follows:

- the Councillor was disrespectful about the IT department for a long period of time, questioning their ability and referring to them as a “pitiful fifth-rate service”;
- the Councillor was disrespectful towards a junior officer by obtaining her private mobile number without permission;
- the Councillor gave gifts to two female members of staff who were uncomfortable with this. In response he became accusatory and difficult;
- when the Councillor was told to only communicate with senior officers, he sent so many emails and casework matters to the Council’s ASBO officer that this constituted disrespect; and
- when resigning from his position on the Council’s Employment and Appeals Committee, the Councillor stated that he could not work with the Director of Human Resources who was “stitching him up”. The case tribunal considered that to make such a comment about an officer in a public meeting to be disrespectful.

3.41 The case tribunal found that there was a pattern of conduct giving rise to breaches of paragraph 4.1(a) of the code, and that the Councillor had behaved in such a way as might be reasonably regarded as bringing his office or authority into disrepute. Examples of conduct which the tribunal considered brought his office or authority into disrepute are:

- the way in which he treated junior officers of the Council and persisted in contacting them even when he was asked only to correspond with senior officers;
- making unsubstantiated accusations of criminal conduct, particularly on a community website which the case tribunal considered wholly inappropriate behaviour;
- in a letter sent to the local newspaper which concerned a severance payment to a former officer of the council. In the letter the Councillor made a number of incorrect assertions which he did not check. He also alleged that some Council officers were incompetent, racist and corrupt;
- the Councillor also sent a letter to the press regarding a staff training day which he claimed was being covered up by the Council and that he had not been provided with the details he had requested. However, by the time his letter had been published he had been provided with the relevant information and so his comments were misleading and unjustified; and
- the comments made on the community website showed a breach of paragraph 4.1(a) particularly in reference to officers obtaining their jobs through Labour favouritism, and the personal details of another poster.

3.42 The case tribunal found that relations between the Councillor and officers had broken down, although some of the Councillor’s behaviour referred to in this case was merely unpleasant and difficult rather than a breach of the code of conduct.

- 3.43 When deciding what sanction to apply, the case tribunal considered the fact that the Councillor's behaviour spanned a period of at least 2 years. During this time he had received training, been offered meetings with officers and the Chair of the standards committee, and was not apologetic in any way. Although the issues which he raised were often genuine and needing attention, the way he went about this business was rude and aggressive. He behaved from the start of his office as though he acted outside the normal rules and regulations.
- 3.44 The case tribunal decided to disqualify the Councillor for a period of one year from being or becoming a Member of a relevant authority.

3.45 **In Leeds, the Protocol on Member/officer Relations states that:**

“At the heart of the Codes, and this Protocol, is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy...The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion.”

Breaches of this protocol by a Member may be referred to the Monitoring Officer for consideration by the Standards Committee, Leader or Whip of the political group, or may constitute a breach of the code of conduct as in the case highlighted above.

North Norfolk District Council

- 3.46 It was alleged that a Councillor had failed to comply with the code of conduct by calling the Chief Executive and two other named senior officers dishonest and alleging that they had withheld information concerning the housing stock transfer in which the Council was engaged during the open session of full Council. The Councillor declined to withdraw his comments and stated that he looked forward to the Chief Executive's further action on the matter. In so doing, the Councillor failed to treat the officers with respect, contrary to paragraph 2(b) of the code of conduct.
- 3.47 The case tribunal decided that the exchange which took place in the Council meeting was not an isolated incident. There was a raft of paperwork presented to the case tribunal in which in letters, publications and minutes the Councillor had referred to the way the housing transfer process was being handled and the individuals involved in an emotive and derogative way. The use of phrases such as “mischief afoot”, “deceit”, “mislead” and “lack of integrity” show that the Councillor was pursuing a campaign aiming to discredit the individuals involved, not simply gaining or publicising further information about the process of the housing stock transfer. The case tribunal concluded that the Councillor had breached the code as alleged.

3.48 As the Councillor had not apologised for his action or shown any understanding of how his actions were inappropriate, the case tribunal decided to suspend him for a period of six months. The case tribunal hoped that this would act as a deterrent to others.

3.49 **In Leeds, the Protocol on Member/officer Relations states that if Members are concerned about the conduct or capability of an officer they should not raise matters openly or through the media, particularly because the officer has no means of responding to such criticisms in public. Secondly, the protocol states that the Member should avoid personal attacks on the officer, ensure any criticism is well founded and constructive, never make any criticism in public, and take up the concern with the officer privately.**

4.0 Implications For Council Policy And Governance

4.1 There are no implications for Council Policy.

4.2 By continually monitoring decisions made by the Adjudication Panel and the implications for Leeds, the Standards Committee is fulfilling its terms of reference by keeping the codes and protocols of the Council under review.

4.3 By identifying problem areas the Standards Committee are also able to improve the training provided for Members on conduct issues, and maintain good conduct in the Council.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications to noting this report.

6.0 Conclusions

6.1 This report summarises the eight case tribunal decisions that have been published by the Adjudication Panel for England since the last Committee meeting. The possible lessons to be learnt for Leeds City Council are highlighted in bold at the end of each summary.

7.0 Recommendations

7.1 Members of the Committee are asked to note the latest decisions of the Adjudication Panel's case tribunals, and consider if there are any lessons to be learned for Leeds.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

Subject: Standards Committee Procedure Rules

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. This report sets out a number of proposed amendments to the Standards Committee Procedure Rules, which will take effect from the start of the new municipal year.
2. The first amendment clarifies the timescales relevant within the pre-hearing process. The second amendment clarifies the position in relation to investigation reports which contain mixed findings, with regard to the pre-hearing process. The third amendment clarifies that hearings in relation to Parish or Town Councillors will be dealt with by the Parish and Town Councils Hearings Sub-Committee.
3. Members of the Committee are asked to note and approve the proposed amendments to the Standards Committee Procedure Rules.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to seek the approval of Members of the Committee to amendments which need to be made to the Standards Committee procedure rules in relation to the pre-hearing process. A full copy of the amended procedure rules is attached at Appendix 1. Members of the Committee should note that these amended rules will take effect from the start of the new municipal year.

2.0 Background Information

- 2.1 An investigation into an allegation of failure to comply with the Members' Code of Conduct or any of the Local Codes may result in one of three outcomes:-
 - A finding of no failure

- A finding of failure
- A mixed finding of some elements of failure and some elements of no failure.

2.2 Currently, the Standards Committee Procedure Rules state that where the Committee receives a report which contains a finding of no failure, it will meet to consider the report and decide whether:

- it accepts the Investigator's finding (a "finding of acceptance"), or
- the matter should be considered at a hearing of the Standards Committee. (paragraph 6.1)

3.0 Main Issues

3.1 A small amendment to the rules is proposed to clarify that a "day" is a clear working day (paragraph 1.0). This will assist in determining the timescales relevant to the pre-hearing process.

3.2 With regard to the second proposed amendment, the Standards Board for England has recently clarified that in the case of an investigator's report with a mixed finding; i.e. one or more breaches of the code but also one or more findings of no failure, the pre-hearing process will begin as in the case of a finding of breach.

3.3 The reasoning for this clarification surrounds the difficulty in distinguishing between two separate findings which result from the same incident and therefore the same set of facts. In attempting to do so it would be very easy for the Committee to get drawn into other areas of the report during their considerations, or in the alternative to hear evidence during the hearing itself that would make them reconsider their initial findings.

3.4 In such cases therefore the Standards Board are of the view that it would be sensible to start the pre-hearing process, rather than try and consider the findings of no failure separately to the rest of the report.

3.5 In order to clarify this position within the procedure rules, a footnote to paragraph 6.1 of the rules has been inserted to read:

"In the event that the Committee receives a report with a number of findings, when one or more of those findings indicate a breach of the Code of Conduct or a Local Code, the Committee will not consider the report prior to the hearing in relation to the findings of breach. In these circumstances the Monitoring Officer will ask the Committee Clerk to start the pre-hearing process in accordance with Rule 5.2.1. The Committee will consider the entirety of the report at the hearing including the finding of no breach."

3.6 The third proposed amendment relates to the new Parish and Town Councils Hearings Sub-Committee. For completeness a footnote is added to Rule 7 clarifying that hearings in relation to Parish or Town Councillors will be heard by the sub-committee.

3.7 Members may also wish to consider whether reports containing findings of no failure should all be received by the Standards Committee, or whether reports containing findings of no failure in relation to Parish or Town Councillors should be received by the Parish and Town Councils Hearings Sub-Committee.

3.8 The terms of reference for the sub committee allow it to “consider and determine any allegations of misconduct made against Parish and Town Council Members and to determine any sanction to be imposed on a finding of misconduct”. The receiving of an investigation report would necessitate the consideration of an allegation of misconduct, even if that consideration were to conclude by concurring with a finding of no failure. It would therefore be within the remit of the sub-committee to receive and consider such reports.

3.9 Members are also asked to confirm that the quorum for the Parish and Town Councils Hearings Sub-Committee will be the same as for the Standards Committee itself. This is set out in the Council Procedure Rules as being “three, including at least one independent member”. Given that the sub-committee will be dealing with parish or town council matters it will be necessary for one of those three members comprising the quorum to be the Parish or Town Council representative.

4.0 Implications For Council Policy And Governance

4.1 The amendments clarify the Standards Committee Procedure Rules and therefore reinforce the clarity and openness of the pre-hearing process by removing uncertainty in relation to reports containing mixed findings.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications as the cases which this report would affect are already the subject of the pre-hearing process.

6.0 Conclusions

6.1 The proposed amendments to the Standards Committee Procedure Rules clarify the position in relation to investigation reports with mixed findings. The amendments are in line with advice received from the Standards Board for England.

7.0 Recommendations

7.1 Members of the Committee are asked to:

- approve the proposed amendments to the procedure rules;
- determine whether investigation reports in relation to Parish and Town Councillors containing findings of no failure should be dealt with by the Standards Committee or by the Parish and Town Council Hearings Sub Committee, and authorise the Director of Legal and Democratic Services to make the necessary amendments to the Standards Committee Procedure Rules to implement this decision; and

- Confirm the quorum of the Parish and Town Councils Hearings Sub Committee as set out in paragraph 3.9 of this report.

**PROCEDURE FOR DEALING WITH COMPLAINTS OF MISCONDUCT
AGAINST MEMBERS OF THE COUNCIL**

1.0 INTERPRETATION

“Authority” means Leeds City Council;¹

“Chair” means the Chair of the Committee;²

“Code of Conduct” means the Code of Conduct adopted by the Authority;³

“Committee” means the Standards Committee;

“Complainant” means the person who made the complaint;

“day” means a clear working day unless otherwise indicated;

“ESO” means the Ethical Standards Officer appointed by the Standards Board who referred the Referred Complaint to the Monitoring Officer, or the ESO’s nominee;

“Investigator” in respect of a Referred Complaint for Determination means the ESO who referred the report to the Monitoring Officer or the ESO’s nominee.⁴ In respect of a Referred Complaint for Investigation, it means the Monitoring Officer or nominee. In respect of a Local Complaint, it means the Monitoring Officer or nominee;

“Legal Advisor” means the person providing legal advice to the Committee;⁵

“Local Code” means ⁶

- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority’s Protocols/Codes which refer to the conduct of members, other than the Code of Conduct; or
- a breach of the Members’ Allowances Scheme in relation to the requirement to submit six monthly reports, or a gross neglect of duties highlighted by such a report.

“Local Complaint” means a complaint that the Member has breached a Local Code;

¹ Or, where relevant, the parish council within its area, in respect of which the Standards Committee is exercising functions under Part III of the Local Government Act 2000.

² Or other Member elected by the Committee in the absence of the Chair.

³ Under Section 51 of the Local Government Act 2000.

⁴ In respect of a hearing it also includes the Monitoring Officer’s nominee where the ESO has not chosen to attend the hearing.

⁵ This will be the Monitoring Officer or nominee who may be another legally qualified officer of the Authority or someone legally qualified who is appointed for this purpose from outside the Authority.

⁶ The Monitoring Officer will provide copies of these on request.

- within 2 days, ask the Committee Clerk to make arrangements for the Committee to consider the report, and to start the pre-hearing process and notify the Committee Clerk of the date on which the report was received from the Investigator and on which it was sent to the Member;
- within 5 days, tell the Committee Clerk and the Chair who the Legal Advisor to the Committee will be for the pre-hearing process and the hearing.⁷

6.0 CONSIDERATION OF REPORT BY THE COMMITTEE WHERE FINDING OF NO FAILURE (Local Complaints and Referred Complaints for Investigation)

- 6.1 Where the Committee receives a report which contains a finding of no failure, it will meet to consider the report⁸ and decide whether:
- it accepts the Investigator's finding (a "finding of acceptance"), or
 - the matter should be considered at a hearing of the Standards Committee.
- 6.2 At this meeting, the Committee will consider the report; it will not interview witnesses, nor take representations from the parties.
- 6.3 The Committee may make recommendations to the Authority on matters arising from the report.
- 6.4 As soon as reasonably practicable after making a finding of acceptance, the Committee shall give written notice of the finding to
- the Member;
 - the ESO⁹;
 - any Parish Council¹⁰; and
 - the Complainant¹¹
- 6.5 The Committee shall also as soon as reasonably practicable, arrange for a notice to be published stating that the Committee have found that there has not been a failure on the part of the Member to comply with the Code of Conduct. This notice shall not be published if the Member requests that it should not be.

7.0 HEARINGS BY COMMITTEE

- 7.1 The Standards Committee¹² shall conduct a hearing in relation to

⁷ The Monitoring Officer will usually act as Legal Advisor, but must consider in respect of each Complaint whether s/he may have, or be perceived to have, a conflict of interest if s/he acts as Legal Advisor, which would make it inappropriate to do so.

⁸ In the event that the Committee receives a report with a number of findings, when one or more of those findings indicate a breach of the Code of Conduct or a Local Code, the Committee will not consider the report prior to the hearing in relation to the findings of breach. In these circumstances the Monitoring Officer will ask the Committee Clerk to start the pre-hearing process in accordance with Rule 5.2.1. The Committee will consider the entirety of the report at the hearing including the finding of no breach.

⁹ Referred Complaint only

¹⁰ Referred Complaints only

¹¹ Also, to the Standards Committee of the authority concerned, if not the Standards Committee that made the finding, and the Standards Committee of any other authority concerned, if not the Standards Committee that made the finding.

- a Referred Complaint for Determination;
- a report prepared by an Investigator which concerns a finding of failure; or
- a Complaint which the Committee has decided should be considered at a hearing, in accordance with paragraph 6 above.

8.0 THE PRE-HEARING PROCESS

8.1 The pre-hearing process will only deal with procedural issues. It will normally be carried out in writing, although the Chair has discretion to convene a pre-hearing meeting with the Parties, where the Chair considers this is necessary.

8.2 The purpose of the pre-hearing process is to:

- identify whether the Member disagrees with any of the findings of fact in the report;
- decide whether or not those disagreements are significant to the hearing;
- decide whether or not to hear evidence about those disagreements during the hearing;
- decide whether or not there are any parts of the hearing that should be held in private; and
- decide whether or not any parts of the report or other documents should be withheld from the public.

8.3 After consultation with the Chair and within 3 days of receiving notification from the Monitoring Officer the Committee Clerk will:-

- provide a copy of this procedure to the Member;
- send the Member an outline of his/her rights and responsibilities (Annex A to this procedure); and
- invite the Member to respond in writing by a set time¹³ to the questions set out in Forms 1, 2, 3, 4 and 5 (Annex B to this procedure), in order to find out whether the Member:
 - disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
 - wishes to make representations about any sanctions to be imposed if the Committee decide that the Member has breached the Code of Conduct or a Local Code;
 - wants to be represented at the hearing by a solicitor, barrister or any other person;
 - wants to give evidence to the Committee, either verbally or in writing;
 - can come to the hearing on the proposed date;
 - wants any part of the hearing to be held in private; and
 - wants any part of the report or other relevant documents to be withheld from the public.

¹² Or, in the case of a complaint in relation to a Parish or Town Councillor, the Parish and Town Council Hearings Sub Committee

¹³ The Chair will decide the set time in relation to each Complaint, according to the relevant circumstances, but it will be a minimum of 10 days.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

Subject: The Role and Effectiveness of the Standards Board for England: Government Response to the Committee's Seventh Report of Session 2004-5

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. The ODPM: Housing, Planning, Local Government and the Regions Committee¹ (the Committee) have made a series of recommendations arising out of their review of the role and effectiveness of the Standards Board for England. The Government have responded to these recommendations in a paper attached at Appendix 1. The main points of the Government's response are summarised in this report.
2. The Committee made a series of recommendations on three aspects of the Standards Board's work:
 - Investigation and enforcement;
 - Promotion, guidance and training; and
 - The code of conduct.
3. Some of the proposals made by the Committee are already in place in Leeds City Council, but increasing the guidance and support provided by the Standards Board would support the Council's governance arrangements by ensuring good conduct and behaviour by Councillors and improving ethical awareness.
4. Members of the Committee are asked to note contents of the report and the attached appendix.

1.0 Purpose Of This Report

- 1.1 This report summarises the Third Special Report of the Government's session 2004-5 regarding their response to ODPM: Housing, Planning, Local Government and the

¹ The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk

Regions Committee's (the Committee) report on the role and effectiveness of the Standards Board for England (SBE). The full report is attached at Appendix 1.

2.0 Background Information

- 2.1 On 6th April 2005, the Committee published its report on the role and effectiveness of the SBE.
- 2.2 The Government responded to this report on 15th December 2005 in a memorandum, which forms the basis on the report attached at Appendix 1.
- 2.3 The Government's response also took into account the recommendations made by the Committee on Standards in Public Life and the Standards Board, whose reports covered some of the same issues.

3.0 Main Issues

- 3.1 The Committee made a series of proposals about:
- Investigation and enforcement;
 - Promotion, guidance and training; and
 - The code of conduct.

Investigation and Enforcement

- 3.2 The Committee disagreed with the Committee on Standards in Public Life, and proposed that central initial assessment of complaints by the SBE was a unique strength of the current system. The Government agreed that there was an importance attached to applying a consistent set of criteria to allegations, but that allowing local standards committees to carry out this initial assessment would encourage local ownership of standards and allow local knowledge to be put to use. The Government also considered that there was a need for a strong central role for the SBE in providing a national overview, guidance and risk-based assessment for authorities, and to bolster the capability of local standards committees.
- 3.3 The Committee recommended that the Members against whom a complaint has been made be informed of the complaint by the Standards Board for England as soon as it is received, along with the monitoring officer. The Government has rejected this recommendation as currently the SBE concentrates its efforts on making initial decisions about whether to investigate a case as quickly as possible. At the moment, the SBE rejects 75% of allegations received and aims to make decisions and inform all parties concerned within 10 days.
- 3.4 The Committee did not support the proposal that the names of complainants should be made public. The Government accepted this viewpoint and agreed that naming complainants in a website could act as a disincentive to people coming forward with legitimate complaints.
- 3.5 The Committee recommended that the SBE should review its policy for publicising case details on the website and consider a reduction in the time that exonerated Members' details remain on the site. The Government states that the SBE has

reviewed in policy as a result of this recommendation. The current policy is to remove case summaries after 6 months where Members have been found not to have breached the code, rather than after 2 years as in other cases. This strikes a balance between exonerating the Member in public and not remaining in the public eye for too long.

- 3.6 The Committee condemned those who make trivial or malicious complaints, but did not recommend that these people should be sanctioned. The Government agreed that this may have a disincentive effect on those with legitimate complaints from coming forward with their allegations.

Promotion, Guidance and Training

- 3.7 The Committee welcomed the SBE's assurances that further training resources would be made available to meet the increasing demand, but recommended that attention be paid to the producing advice and guidance in a timely and accessible fashion. The Government agreed that this was important, especially as the local authorities would need more support and guidance to prepare for their new roles.

- 3.8 The Committee recommended that training on the code of conduct and ethical governance for newly elected Members becomes embedded within the culture of local authorities. The Government states that the SBE will increase its efforts to improve the presence of training provision. The SBE will also work to ensure that it can assess the effectiveness of training in improving local cultures.

- 3.9 The Committee recommended that the SBE monitor attendance levels for training, and that the Audit Commission use this information as part of the Comprehensive Performance Assessment (CPA). The Government states that the SBE will consider conduct issues arising from the management of the CPA process with the Audit Commission. The SBE will also try to measure the impact of training alongside the CPA and the Ethical Governance Toolkit, on embedding conduct issues within local government.

Leeds City Council Standards Committee considered a report about the CPA on 25th November 2005 (Minute 42). There are also future plans to carry out an ethical audit within the authority in the next municipal year, to assess how well the ethical framework is understood and how high the profile of standards is within the authority. It is proposed that the Standards Committee will launch and champion the audit. More information about the planned ethical audit is contained on page 15 of the Annual Report (Item 11 Appendix 1).

- 3.10 The Committee recommended that the SBE should concentrate on improving communications with Parish Councils and promote the code of conduct. The Committee welcomed the consideration the SBE is giving to deliver training directly at a local level and asked that it do so quickly. The Government states that the SBE is not able to deliver training at a local level due to the limited resources available and the number of parishes. However, the SBE is seeking to assist the local delivery of training and support for parishes, through supporting the work of county organisations and attending regional training events for parishes.

The Standards Committee considered training for Parish and Town Councils at the last Committee meeting (Minute 79). In Leeds, parishes can access training at a local level, and through central sessions at Civic Hall. The training on the code of conduct delivered as part of the induction process is also open to parishes throughout the year to incorporate Members elected outside of the normal electoral cycle.

The Code of Conduct

- 3.11 The Committee proposed that the code should support the reporting of wrongdoing by Members. The Government considers that there is a need to reduce the number of trivial and vexatious complaints, and the SBE has proposed that the requirement to report breaches should be deleted from the code. The Government agrees with the SBE's proposal, and also supports the recommendation that there should be a specific provision making it a breach of the code to seek to intimidate a complainant or witness. The Government believes that this will provide appropriate protection to those reporting serious allegations.
- 3.12 The Committee did not support the proposal that knowingly making false allegations should be a specific breach of the code of conduct. The Government agreed that this measure would discourage Members from bringing forward substantial allegations.
- 3.13 The Committee proposed that clause 7 of the code of conduct be amended to reduce its scope to include only complaints arising from a members' public life. The Government states that Councillors should be expected to act lawfully even when they are not acting as Members. The SBE has recommended that certain behaviour outside public life should be regulated but that it should be restricted to unlawful behaviour. The Government accepts this proposal as it balances the need for Members to set an example to the community, with the freedom for Members to engage in actions outside of public life which some people may merely disapprove of.

4.0 Implications For Council Policy And Governance

- 4.1 The Committee's proposal that training on the code of conduct and ethical governance should become part of the culture of local authorities, is already in place within Leeds City Council, both through the Member Development Strategy and the Corporate Governance Statement. The extension of the induction process to include new Members elected outside of the normal electoral cycle reflects the importance placed on this type of training. The commitment to improving the training on offer and increasing the range of training materials (i.e. by the use of e-learning), also shows the importance placed on this issue.
- 4.2 The increase in guidance and support from the SBE recommended by the Committee would support the Council's governance arrangements by ensuring the good conduct and behaviour of Councillors and improving ethical awareness.

5.0 Legal And Resource Implications

5.1 There are no legal implications to noting this report.

5.2 There are no resource implication to noting this report.

6.0 Conclusions

6.1 This report provides Members of the Committee with a summary of recommendations made by the ODPM: Housing, Planning, Local Government and the Regions Committee arising out of their review of the role and effectiveness of the Standards Board for England.

6.2 The main recommendations and proposals are summarised above along with the Government's response to each point. On some issues, the Committee have not agreed with the recommendations made by the Committee on Standards in Public Life and the Standards Board, and the Government has preferred the Committee on Standards in Public Life and the Standards Board's arguments on these issues. However, the Committee's recommendations have been generally welcomed.

6.3 The possible increase in guidance and support from the Standards Board will support the Council's governance arrangements by ensuring good conduct and behaviour by Members and improving ethical awareness. Although the concentration on training on the code of conduct for new Members is already reflected in the Corporate Governance Statement and the Member Development Strategy.

7.0 Recommendations

7.1 Members of the Committee are asked to note the contents of the report and the attached appendix.



House of Commons

ODPM: Housing, Planning,
Local Government and the
Regions Committee

**The Role and
Effectiveness of the
Standards Board for
England: Government
Response to the
Committee's Seventh
Report of Session
2004–05**

**Third Special Report of Session
2005–06**

*Ordered by The House of Commons
to be printed 13 March 2006*

HC 988
Published on 22 March 2006
by authority of the House of Commons
London: The Stationery Office Limited
£4.50

Third Special Report

1. On 6th April 2005, the Committee published its Seventh Report of Session 2004-05 as HC 60, on the Role and Effectiveness of the Standards Board for England. The Government's response, in the form of a memorandum to the Committee from the Office of the Deputy Prime Minister, was received on 15th December 2005.
2. The Government's response is published as an Appendix to this Report.

Appendix 1: Government Response

I am writing to pass on the Government's response to the Committee's report on the role and effectiveness of the Standards Board for England. The enclosed memorandum provides our response to each of the recommendations in your report.

You will be aware of the recent recommendations of the Committee on Standards in Public Life *Getting the Balance Right - Implementing Standards of Conduct in Public Life* and the recommendations of the Standards Board following its own review of the code of conduct for members. Our response to the Select Committee follows our careful consideration of the Committee's recommendations as well as the recommendations from these other reports covering some of the same ground.

PHIL WOOLAS

Introduction

The Government welcomes the report of the Select Committee and the contribution the Committee has made to the consideration of the role of the Standards Board for England and its place in the development of the conduct regime for local government.

The Committee will be aware that its report coincides with the recommendations of the recent report of the Committee on Standards in Public Life covering similar issues, and the Standard's Board's recommendations to the Office flowing from its recent review of the code of conduct for members. The detailed response to the Select Committee, below, reflects the Government's conclusions following consideration of the recommendations arising from all three of these reports.

The Committee proposed:

1. We recommend that the Government and the Standards Board make all aspects of their relationship readily transparent and that the basis of that relationship is promulgated widely.

The Government's response:

In communicating with the public, both the Government and the Standards Board will continue to distinguish between the role played, and the views expressed, by each of them. We accept that the remit of the Government in providing the framework of rules within which the conduct regime operates, is separate from that of the Board, which is an independent NDPB with a distinct statutory role provided by Parliament under the Local Government Act 2000.

The Committee proposed:

2. We recommend that the Standards Board and the Audit Commission monitor closely the impact of their new working arrangements and be prepared to make further revisions should it become apparent that their policies or activities are or appear to be inconsistent at a local level.

The Government's response:

The Government welcomes the Committee's support for the Board's working arrangements with the Audit Commission. One outcome of the Board's collaboration with the Commission is the ethical governance toolkit, which the Board has developed in partnership between the Commission and IDeA. The Board has also worked with the Commission in developing a Key Line of Enquiry for the Comprehensive Performance Assessment process, in order to test the robustness of standards arrangements at local level as part of wider consideration of effective corporate governance. The Board will develop its relationship further with the Commission on these and other issues, and will seek to consolidate its links with the Commission, as appropriate.

Investigation and Enforcement

The Committee proposed:

3. Rather than being a unique weakness of the current system, we believe that central initial assessment of complaints by experienced officers applying a consistent set of criteria is one of its unique strengths.

The Government's response:

The Government appreciates the Committee's support for the role the Board has undertaken in making initial assessments of all allegations of misconduct, and the importance of applying a consistent set of criteria to allegations. However, we accept the view taken by the Committee on Standards in Public Life that there would be benefits in promoting more locally-based decision making, by giving powers to local standards

committees to make initial assessments of allegations. We consider that this move would encourage local ownership of standards and allow local knowledge and sensitivities to be more easily reflected in the handling of cases.

At the same time, as a guarantee of the application of consistent standards, which the Committee has rightly identified as necessary to guarantee the independence and robustness of the system, we consider there is a need to retain a strong central role for the Standards Board in providing a national overview, guidance and risk-based assessment for authorities, and to bolster the capacity and capability of standards committees so they will be able to undertake their new role.

The Committee proposed:

4. It is regrettable that the Government allowed a four year delay between the introduction of the new ethical framework for local government and the completion of the statutory measures required to make it work effectively. It was unreasonable to expect the Standards Board to function well within an incomplete statutory framework and without the necessary resources and powers.

The Government's response:

The Government accepts that there was a delay between the coming into force of the Local Government Act 2000 and the introduction of regulations in 2003 and 2004 to provide for the local investigation and determination of less serious allegations. This delay was largely a result of the need to consult on the detail of the regulations, and to consider difficult issues raised by the consultation. We accept that this caused a delay in the completion of the full ethical regime, and a consequent high workload for the Board, since, until the regulations were put in place, it was not able to refer cases for action at local level. The statutory framework for the ethical regime is, however, now fully in place, and the necessary powers and resources are available to allow the regime to operate effectively.

The Committee proposed:

5. We congratulate the Standards Board on the progress that has been made in reducing the average time taken between the receipt of a complaint and the completion of any associated investigation.

The Government's response:

The Government appreciates and fully endorses the Committee's recognition of the impressive improvements in case handling which the Board has achieved over the last year and a half, and which are recognised in the progress made towards achieving its performance indicators recorded in its annual report for 2004/05.

The Committee proposed:

6. We recommend that the impact of the s66 Regulations on the time taken to complete investigations is monitored closely. If the Standards Board does not meet its target of completing within six months 90 per cent of its investigations by the end of the 2005-06 financial year, further measures to improve efficiency will be required. Continuing inordinate delays are counter-productive and unacceptable.

The Government's response:

We accept the need to monitor the impact of the provisions introduced in November 2004 for the local investigation and determination of less serious allegations at the discretion of the Board's ethical standards officers. The Board is monitoring this impact closely.

We accept the Committee's concern that undue delay in the completion of cases is not acceptable, and that justice delayed is justice denied. We and the Board are working, and will continue to work, closely together to monitor the progress of more locally-based decision making and will consider the implementation of further measures to improve efficiency, as appropriate, to ensure that decision making is undertaken in a timely but thorough way.

The Committee proposed:

7. We welcome the June 2003 regulations enabling some cases to be referred to local standards committees for determination.

The Government's response:

The Government welcomes the Committee's support for the introduction of these regulations.

The Committee proposed:

8. We recommend that members against whom a complaint has been made be informed of the complaint by the Standards Board as soon as it is received and that the relevant monitoring officer be made aware of the complaint at the same time.

The Government's response:

The Government does not accept this recommendation. The Board's current approach is to concentrate its resources on making speedy initial decisions on whether or not to refer cases for investigation. The Board currently rejects some 75% of allegations received and aims to make decisions and inform the parties concerned, including the member accused, within 10 days of receipt of the complaint. We are discussing with the

Standards Board the practicalities of ensuring this information is brought to the attention of those concerned as soon as practicable.

The Committee proposed:

9. We do not support the proposal that the names of the complainants should be made public.

The Government's response:

The Government accepts the Committee's recommendation, and considers that naming complainants publicly on a website could act as a disincentive to people with legitimate complaints from coming forward with their allegations.

The Committee proposed:

10. We welcome the Standards Board's commitment to review practice on the publication of case details on its website during 2005 and recommend a reduction in the duration of time for which the names of those exonerated remain on the Standards Board's website.

The Government's response:

The Government appreciates the Committee's concern about the potential effect of publicity about cases arising from the naming of members subject to allegations on the Board's website, specially in the case of members who are found not to have breached the code. However, many members who have been found not to have breached the code may equally wish this information to be made public. The Board has reviewed its policy on the publication of information on cases on its website in the light of the Committee's concerns, and has amended its practice on the publication of case details. Its current policy is for summary information on cases where members have been found not to have breached the code of conduct to be removed from the website after six months (rather than after two years for other cases). The Board believes this strikes a balance between exonerating the member in public and ensuring that his name does not remain in the public eye for too long.

The Committee proposed:

11. We support the recommendation of the Committee on Standards in Public Life that all parish councils remain within the ambit of the ethical framework for local government.

The Government's response:

The Government accepts that parish councillors should continue to be subject to the conduct regime for local government, reflecting the importance of the role of parish councils in the local government world.

The Committee proposed:

12. We strongly condemn the activities of those who knowingly make vexatious, malicious or frivolous complaints.

The Government's response:

The Government welcomes the Committee's condemnation of those who make vexatious or trivial complaints. The Board will continue to respond publicly and robustly in the case of such complaints, so as to give the clear message that vexatious and trivial complaints will not be investigated and will be rejected straightaway, and so that any inclination to make unfounded complaints will be discouraged. However, other people and bodies, such as members, local authorities and political parties, have vital roles in reducing the incidence of vexatious complaints. Local authorities, in taking ownership of conduct issues, need to understand that the making of vexatious complaints can have a corrosive effect on the way councils are perceived by the public, so it does not benefit anyone in the long term.

The Committee proposed:

13. We do not believe that that the imposition of penalties on those making malicious complaints would be beneficial in the long term. The additional burden it would impose on the Standards Board and its Ethical Standards Officers could not be justified and we are conscious that taking such an approach may act as a disincentive to those with legitimate complaints to raise.

The Government's response:

The Government agrees with the Committee's view that the imposition of penalties on people making malicious complaints would not be beneficial to the overall regime, given the disincentive effect it would be likely to have on those with legitimate complaints from coming forward with their allegations.

Promotion, Guidance and Training

The Committee proposed:

14. The Standards Board acknowledged a growing demand for its training and guidance materials. We welcome the Standards Board's assurances that further resources would be deployed to respond to this demand and recommend that in doing so that it pay particular attention to producing advice and guidance in a timely and accessible fashion.

The Government's response:

The Government appreciates the Committee's recognition of the increasing importance of the provision of guidance and training materials by the Board. The Board will deploy increasing resources into the provision of guidance and training, so as to meet the growing demand for support. The importance of this will be underlined as a result of our intention to give standards committees powers to make initial assessments of allegations, which will mean that local authorities will need to be provided with support and guidance for their new role in advance of the new provisions coming into effect.

The Committee proposed:

15. We advocate an approach whereby training on the Code of Conduct and ethical governance for newly elected members becomes embedded within the culture of local government organisations.

The Government's response:

The Government appreciates the stress the Committee places on the importance of the provision of training on the code of conduct as an intrinsic part of local government culture. It is the responsibility of local authorities to ensure that officers who are investigating cases and members who are making determinations on them understand what is expected of them. The Board will increase the effort it is devoting to improving the presence of training provision as a central part of the local government world. As part of its wider remit, the Board will work to ensure that it is able to assess the effectiveness of training in improving local cultures.

The Committee proposed:

16. We recommend that the Standards Board include monitoring levels of attendance for training as part of its annual programme of research and the Audit Commission take account of attendance levels as part of the Comprehensive Performance Assessment.

The Government's response:

The Government appreciates the importance the Committee places on the role of ethical issues within the Comprehensive Performance Assessment process. The Board will consider conduct issues arising from the management of the CPA process with the Audit Commission, including any possible assessment of the take-up of training, as appropriate. The Board will seek to measure the impact which training is having, alongside CPA and the ethical governance toolkit, in embedding conduct issues at the centre of the local government world.

The Committee proposed:

17. We recommend that the Board concentrate further resources on communications with and promotion of compliance with the Code of Conduct to parish councils. In this regard we welcome the Board's undertaking to consider delivering training directly at a local level and would urge it to do so quickly.

The Government's response:

We appreciate the Committee's concern about the need to support parish councils in the management of their role regarding the code of conduct. Although the Board is not in a position to deliver training themselves at local level, given the sheer number of parishes and the Board's limited resources, it is seeking ways of building capacity to promote high ethical standards in parish councils, and to assist the local delivery of training and support for parishes, particularly through supporting the work of county associations and attending regional training events for parishes.

The Code of Conduct

The Committee proposed:

18. We recommend that the general principles of standards of conduct in public life, as set out in the Relevant Authorities (General Principles) Order 2001, should be incorporated into the Code of Conduct as this would provide greater context for the Code itself and assist in interpretation.

The Government's response:

The Government accepts that there would be benefits in incorporating the ten general principles of public life into the code of conduct, or as an annex or preamble to it, since these principles provide extra context for understanding the code. Following its review

of the code of conduct, the Standards Board has proposed the inclusion of the principles as a preamble to the code. We intend to make amendments to allow for the principles to be published alongside the code.

The Committee proposed:

19. We agree with the Committee on Standards in Public Life in their statement that “the principle that the Code should support an organisational culture that encourages the reporting of wrongdoing by others is at the heart of ensuring high standards in public life”.

The Government's response:

The Government appreciates the Committee's view that the code should support the reporting of wrong-doing by members. However, we also consider there is a need, as the Committee has also accepted, to reduce the incidences of vexatious or trivial complaints. Following its review of the code, the Standards Board has proposed that the requirement in the code to report to the Board any breach of the code by others should be deleted. They take this view because of the encouragement some members feel this provision gives to the reporting of trivial or vexatious complaints. We intend to accept this proposal.

However, in order to support the encouragement of a culture where members feel able to report cases where they have serious and genuine allegations to make, we also agree with, and will implement, the Board's proposal for a specific provision making it a breach of the code to seek to intimidate a complainant or a witness. We believe that this will provide appropriate protection to encourage the reporting of serious allegations of misconduct.

The Committee proposed:

20. There should be scope within Clause 7 of the Code of Conduct for members to exercise judgement in distinguishing between rumours and well-founded suspicions. The Code, and any guidance produced on interpretation, should reflect this.

The Government's response:

The Government appreciates the Committee's concern that where allegations are put to the Board they are well-founded, and not based on rumour. As indicated in our response to the Committee's 19th recommendation, we have concluded that the requirement for members to report to the Board any breach of the code by other members should be deleted, in response to the concern by some that this provision gives encouragement to the reporting of trivial or vexatious complaints. Support for members who do wish to make well-founded complaints will be provided by making it a breach of the code to seek to intimidate a complainant or a witness.

The Committee proposed:

21. We do not support the proposal that knowingly raising false allegations should be a specific breach of the Code of Conduct.

The Government's response:

The Government agrees with the Committee's view that a specific provision should not be added to the code to provide that raising false allegations should be a breach of the code, given the effect such a measure would be likely to have in discouraging members from bringing forward substantive allegations.

The Committee proposed:

22. We recommend that Clause 7 be amended to reduce its scope to include only complaints arising from members' activities in public life.

The Government's response:

The Government believes that councillors should set an example of leadership to their communities, and that they should be expected to act lawfully even when they are not acting in their role as members. We do not agree therefore that the code should be amended to refer only to complaints arising from members' activities in public life. Following its review of the code, the Standards Board has, however, recommended that the current rules should be amended to provide that certain behaviour outside official duties should continue to be regulated, but that this should be restricted only to matters that would be regarded as lawful. We accept this proposal, since it would balance the need for members to continue to set an example to their communities, and the need to exclude from proscription actions outside of official duties of which certain people might merely disapprove.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

Subject: Standards Committee Annual Report 2005/6

Electoral Wards Affected:

Specific Implications For:

- Ethnic minorities
- Women
- Disabled people
- Narrowing the Gap

Executive Summary

1. The purpose of this report is to seek the Committee's approval of the final draft of the Standards Committee Annual Report 2005/6. This report provides a summary of the amendments which have been made since January 2006, and an outline of the content of the final draft at Appendix 1.
2. Since the first draft of the report was brought to the Committee, a page about the parishes in the Leeds area and a page about the Monitoring Officer have been inserted into the report.
3. Members of the Committee are asked to approve the final draft at Appendix 1.

1.0 Purpose Of This Report

- 1.1 To seek the Committee's approval of the final draft of the Standards Committee Annual Report 2005/6. The report is attached at Appendix 1.

2.0 Background Information

- 2.1 It has been proposed that an Annual Report be submitted to the Council to outline the achievements of the previous year and plans for the year 2006/7. It was agreed at the meeting in January 2006 that a further draft be brought to the Committee for final approval prior to the publication of the report.
- 2.2 It was also requested at the meeting in January 2006 (minute 61) that a page providing details of the Parish and Town Councils that the Committee is responsible for, be included in the report.

3.0 Main Issues

Amendments made since January 2006

- 3.1 Following the request for a section regarding the Committee's relationship with the parishes in the area, a page has been inserted which summarises the Committee's role regarding the parishes and lists all the Parish and Town Councils in the area. This can be found at page 7 of the report. Although it was also suggested that logos and crests should be sought for inclusion in the report, only 5 of these were obtainable and the quality of the images varied, and so it is proposed that none of these are included.
- 3.2 It is also proposed that a page regarding the Monitoring Officer's responsibilities and relationship with the Committee should be inserted. This can be found at page 8 of the report. The page gives a brief overview of the role of the Monitoring Officer and her relationship to the Standards Committee.
- 3.3 The work of the Committee in the previous year and the work proposed for the year 2006/7 have remained broadly unchanged.

The Work of the Committee 2005 - 2006

- 3.4 The section about the work of the Committee in this municipal year is split up into four issue areas which reflect the Committee's terms of reference. The content of these sections is summarised below:
- 3.5 Promoting, monitoring and reviewing the codes of conduct
- Review of the register of Members' interests
 - Hyperlink to the Standards Board for England
 - Consideration of local complaints
 - Constitutional amendments
 - Review of Member/officer protocol
 - Officer code of conduct
 - Raising the profile of the Committee
- 3.6 Providing guidance and training
- Training for City Councillors
 - Parish Council training
 - Training the Committee
- 3.7 Corporate Governance issues
- Whistleblowing policy
 - Comprehensive Performance Assessment
 - Corporate Governance Statement
- 3.8 Working with other agencies
- Consultation
 - Independent members regional forum

Issues for 2006 - 2007

- 3.9 The potential work of the Committee for the next municipal year is summarised at the end of the report.

These issues are outlined below:

- new codes of conduct;
- implementation of Parish Council training;
- changes in Committee membership;
- changes in the role of the Standards Committee;
- launch of the ethical audit; and
- raising the profile of the Committee.

4.0 Implications For Council Policy And Governance

- 4.1 There are no implications for Council policy.
- 4.2 Producing a report which details the Committee's work throughout the year and the key decisions it has taken promotes transparency in the Committee's actions.
- 4.3 The annual report is also a method by which Members and officers can be informed of the Committee's role and its inputs and outputs. This is an objective of the communication plan which seeks to cascade regular information to Members and officers. The annual report will therefore have a fundamental contribution to the corporate governance arrangements of the Council.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications.

6.0 Conclusions

- 6.1 This report summarises the amendments that have been made to the draft report since the Committee meeting in January 2006, and an outline of the content of the final draft.
- 6.2 The publication of this Annual Report will support the Council's governance arrangements by promoting transparency in the Committee's actions and help fulfill the Corporate Governance Communication Plan.

7.0 Recommendations

- 7.1 Members of the Committee are asked to approve the final draft of the report as set out in Appendix 1.

Standards Committee

Annual Report 2005 – 2006



Introduction

The Local Government Act 2000 requires councils to set up a standards committee. Standards committees have a proactive role in creating an ethical framework which governs the relationship between high standards of conduct and transparency and openness in decision making.

The Annual Report presents a summary of the Leeds City Council Standards Committee's work during 2005/2006 and supports the Corporate Governance arrangements of the Council by promoting good conduct and cascading information.

Foreword from the Chair

I have pleasure in introducing this first Annual Report of the Leeds City Council Standards Committee. Its appearance reflects our concern to enhance awareness – by Councillors, Council staff and the people of Leeds – of the Committee's role and activities.

The Committee has an important job in seeking to ensure high standards of behaviour among Councillors and Co-opted members. I hope that the contents of this Annual Report will give you a good feel for our current work and also for further developments and changes that are likely over the next year. In particular, the section on issues for 2006/2007 flags up likely changes in the national framework which would lead to a more substantial role for the Standards Committee.

M. Wilkinson

Members of the Committee

The Standards Committee is composed of two independent members, three City Councillors, and one Parish Councillor. There are also two reserve members; an independent reserve member and a parish reserve member. In March 2006 the membership of the Committee changed when Councillor Brian Jennings temporarily replaced Councillor Kirkland.

Mike Wilkinson

has been an independent member and Chair of the Committee since 2002. Until 2001 he was a University Secretary and Clerk to the Board at Leeds Metropolitan University. He is a magistrate on the Leeds Bench and also acts as an Independent Assessor to the Student Loans Company. He is a Director of UNIPOL Student Homes.



Cheryl Grant

joined the Standards Committee in 2003 as a reserve independent member, and was appointed as a full independent member in 2004. Cheryl currently works at the Leeds Metropolitan University as Associate Senior Lecturer in the School of Film, Television and Performing Arts. She also works as a freelance producer.



Rosemary Greaves

joined the Standards Committee in 2004 as a reserve independent member. Rosemary currently works for BT as a Business Manager specialising in business development and strategy which includes developing significant new business propositions or identifying potential acquisition requirements.

*Photograph
pending*

Councillor Les Carter

is a member of the Conservative Group and has been a Leeds City Councillor since 1974. He represents the Adel and Wharfedale ward on Leeds City Council and is also an Executive Board Member with responsibility for Neighbourhoods and Housing. Councillor Carter's areas of responsibility include housing policy and strategy, community safety, regeneration, homelessness and environmental health.



Councillor Elizabeth Nash

is a member of the Labour Group and has been a Leeds City Councillor since 1973. She represents the City and Hunslet ward on Leeds City Council, has been a member of the Committee since 2003, and is also a member of the City Centre Plans Panel.



Councillor Graham Kirkland

is a member of the Liberal Democrat Group and represents the Otley and Yeadon ward on Leeds City Council. He has been a Councillor for a total of 39 years, and was Lord Mayor from 1998-1999. Councillor Kirkland is also a member of the Environment and Community Safety Scrutiny Board. Councillor Kirkland was replaced by Councillor Brian Jennings from March 2006 until the end of the municipal year due to a short period of ill health.



Councillor Brian Jennings

is also a Member of the Liberal Democrat Group and joined the Committee on a temporary basis in March 2006. Councillor Jennings represents the Weetwood ward on the Council and is the Executive Board member with responsibility for Children's Services.



Councillor Mrs Pat Walker

is a member of Pool-in-Wharfedale Parish Council which she was elected to for the first time 6 years ago. She is lead member on conservation matters. Previously a Harrogate District Councillor, she has been involved in politics at local, national and European levels. A business manager in Leeds and Harrogate for 25 years, she is now an active member of the Ruskin Society and is presently a Foundation Governor of Prince Henry's Grammar School, Otley.



Councillor John C Priestley

joined the Committee in 2005 as a reserve parish member. He is a retired (litigation) solicitor and was a senior partner of Booth & Co. Leeds. He retired in 2002 and is now an elected Parish Councillor with East Keswick Parish Council and a member of the Wetherby and District Crime Prevention Committee. He is also a Trustee of the W.W. Spooner Charitable Trust.



Introduction to the Standards Committee

The general functions of the Standards Committee are:

- ▶ Promoting and maintaining high standards of conduct by Members and co-opted members; and
- ▶ Assisting Members and co-opted members to observe the Code of Conduct.

The terms of reference for the Committee are:

- ▶ Promoting, monitoring and reviewing the rules controlling the behaviour of Councillors and Officers (Code of Conduct);
- ▶ To consider any complaints made about the behaviour of Councillors and decide whether their behaviour has broken the rules described above. If the Councillor is found to have broken the rules, the Committee decide what punishment to impose;
- ▶ To make suggestions to and work with other agencies about standards issues and the different codes of conduct. This involves taking part in research projects and consultation exercises, as well as letting the Standards Board for England know about things the Committee are doing well;
- ▶ To provide advice and guidance to Members and officers and to make arrangements for training them on standards issues;
- ▶ To advise the Council about changes which need to be made to the code of conduct for Officers and to promote, monitor and review this code.

More details about the rules of procedure governing the Committee can be found on the Leeds City Council website and within the constitution.

Parish Councils

The Standards Committee has a special responsibility to the Parish and Town Councils in Leeds. The Standards Committee is responsible for ensuring high standards of conduct are met within the parishes and that every Member is aware of their responsibilities under the code of conduct.

The Parish and Town Councils in the Authority's area are:

Aberford & District	Drighlington	Otley
Allerton Bywater	East Keswick	Pool-in-Wharfedale
Arthington	Gildersome	Pudsey
Austhorpe	Great and Little Preston	Scarcroft
Bardsey Cum Rigton	Harewood	Shadwell
Barwick in Elmet & Scholes	Horsforth	Swillington
Boston Spa	Kippax	Thorner
Bramham cum Oglethorpe	Ledsham	Thorp Arch
Bramhope and Carlton	Ledston	Walton
Clifford	Micklefield	Wetherby
Collingham with Linton	Morley	Wothersome

The Monitoring Officer

In Leeds City Council, the role of the Monitoring Officer rests with the Director of Legal and Democratic Services. The Monitoring officer has a key role in promoting and maintaining standards of conduct.

As well as acting as legal advisor to the Standards Committee, the Monitoring Officer carries out the following functions:

- ▶ reporting on contraventions or likely contraventions of any enactment or rule of law;
- ▶ reporting on any maladministration or injustice where the Ombudsman has carried out an investigation;
- ▶ establishing and maintaining registers of Members' interests and gifts and hospitality;
- ▶ maintaining, reviewing and monitoring the Constitution;
- ▶ supporting the Standards Committee;
- ▶ receiving reports from Ethical Standards Officers and decisions of case tribunals;
- ▶ conducting investigations into misconduct;
- ▶ performing ethical framework functions in relation to Parish Councils;
- ▶ acting as the proper officer for access to information;
- ▶ advising whether executive decisions are within the budget and policy framework; and
- ▶ advising on vires issues, maladministration, financial impropriety, probity, and budget and policy issues to all Members.

The Work of the Committee 2005 – 2006

Promoting, monitoring and reviewing the Codes of Conduct

The Standards Committee exists to promote and maintain high standards of conduct within the Council, and has considered several important standards issues over the past year, including the following:

- ▶ **Review of the Register of Members' Interests** – the Committee has considered how the systems in place for recording and reviewing Members' interests could be improved. The Committee also took the decision that the register should be published on the internet in order to improve transparency and accessibility.
- ▶ **Hyperlink to the Standards Board for England** – the Committee has simplified the way that members of the public can report suspected breaches of the code of conduct. There is now a link to the Standards Board website in the form of a logo as well as access to the Council's internal complaints procedure.
- ▶ **Consideration of Local Complaints** – the Committee has considered one complaint in the last year, which was referred to the Council for local investigation by the Standards Board for England. The Committee decided that there was no breach of the code of conduct. The Committee also regularly review complaints and cases from other authorities in order to get a national picture of developments and identify any problem areas which can be addressed.
- ▶ **Constitutional Amendments** – In preparation for the possibility of holding a local hearing, the Committee has made amendments to its media protocol and procedure rules. The Committee also considered whether to establish a hearings sub-committee and one has now been established to hear cases involving Parish or Town Councillors. This sub-committee has its own terms of reference. All these documents can be found within the constitution.

-
- ▶ **Review of the Member/Officer Protocol** – The Member/Officer Protocol guides Members and officers in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships. The protocol ensures that Members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from Members. The Standards Committee decided to make a series of amendments to the protocol in line with a new model protocol which was published earlier in the year. The amended protocol now addresses specific issues such as the roles of Members and officers and the use of Council resources.
 - ▶ **Officer Code of Conduct** - In February 2005 the Council enhanced the Terms of Reference of the Standards Committee. As a result the Committee has advised on the adoption, by the Council, of the officer Code of Conduct and monitored its application. In March 2006 the Committee considered the maintenance of the register of officer interests and the disclosure of offers or receipts of gifts and hospitality. The Committee also considered a report by the Chief Officer of Human Resources detailing the steps the Council has taken to embed existing arrangements for officers to make declarations of interests and declarations of offers of gifts and hospitality.
 - ▶ **Raising the Profile of the Committee** – The Chair of the Standards Committee meets regularly with the Leader of Leeds City Council. This demonstrates the continuing importance placed on standards issues and the work of the Standards Committee.

Providing Guidance and Training

The Standards Committee has a special responsibility for ensuring that Members are trained in matters relating to the code of conduct and arranging for appropriate training to be provided. During the previous year, the Standards Committee has both reviewed and recommended training for others and taken part in training themselves.

- ▶ **Training for City Councillors** – the Standards Committee has a special responsibility for training Councillors on the code of conduct. The Member Development Strategy ensures that all Members are trained in this area through the induction programme. The Member Development Strategy was reviewed at the start of 2006 and now incorporates a rolling induction programme to ensure that Members who are elected at other times during the municipal year are also trained in the code. An understanding of the code of conduct has now been incorporated into the Personal Development Programme as a core skill for all Councillors.
- ▶ **Parish Council Training** – as well as having a responsibility for training City Councillors, the Standards Committee must also make sure that training is available for Parish Councillors. The Committee has done this by conducting a survey of what training is available and the take up of this training amongst the parishes in Leeds. The Committee has also consulted the parishes on what their current training needs are and has adapted the training provision accordingly.
- ▶ **Training the Committee** – the Committee has taken steps in the past year to improve its own skills and expertise. Several members of the Committee attended the Fourth Annual Assembly of Standards Committees this year. The Committee has taken part in a training day on how to conduct a local hearing with external specialists and has developed a training plan for its Members to ensure that all the necessary areas are covered.

Corporate Governance Issues

The Standards Committee shares responsibility for Corporate Governance issues with the Corporate Governance and Audit Committee. The Chair of the Standards Committee is a co-opted member of that Committee. The Committee has considered the following corporate governance issues during the year:

- ▶ **Whistleblowing Policy** – the Committee has considered the whistleblowing policy of Leeds City Council, including what protection is available for whistleblowers and how the policy is advertised.
- ▶ **Comprehensive Performance Assessment** – The Committee has considered how the Council has performed against the criteria in relation to ethical standards, and any improvements which could be made to the ethical framework.
- ▶ **Corporate Governance Statement** – The work of the Committee has contributed to the Corporate Governance Statement for 2006. An essential element of good governance is the good behaviour and conduct of Councillors and officers which the Committee promotes and maintains. It is of note that during the year 2004 – 2005 only one out of 99 Councillors was found to have breached the code of conduct. By improving training for Members the Committee has also contributed to the aim of developing skills and capacity.

Working with Other Agencies

During the year, the Standards Committee has taken part in policy development on a national scale through various consultation exercises. The Independent Members of the Standards Committee are involved in the Standards Committee Independent Members' Regional Forum of Yorkshire and Humberside.

- ▶ **Consultation** – the Committee took part in the national consultation exercise carried out by the Standards Board for England earlier this year about the Code of Conduct for Members. This consultation resulted in a series of recommendations being made to the Office of the Deputy Prime Minister (ODPM) to reform the code. These reforms will make the code simpler and more enabling, and will support the Councillors' role as an advocate of their local community. Further details of the consultation process, results and recommendations can be found at the Standards Board website: www.standardsboard.co.uk
- ▶ **Independent Members' Regional Forum** – Leeds City Council has a special role on the Forum, as the Chair of the Forum is Mike Wilkinson, who is also the Chair of the Standards Committee. This Forum seeks to enable members to share their experiences, views and concerns about their role as independent members and to provide a means of communication and liaison between members. The Forum acts as a focal point for communication between independent members of Yorkshire and Humber and the Standards Board for England, and assists in fostering best practice amongst its membership and supports members in the delivery of their roles as independent members. Through their involvement in the Forum, the Independent Members of the Standards Committee has been able to provide feedback and suggestions to the Standards Board for England as well as representatives from other authorities.

Issues for 2006 – 2007

The Standards Committee will have many important issues to address in the coming the year, including the following:

- ▶ **New codes of conduct** – The Committee may have to consider the implementation of revised codes of conduct for Members and Officers. The government is expected to introduce the revised code in line with the discussion paper by the ODPM entitled 'Standards of Conduct in English Local Government: The Future' which can be found on the ODPM website www.odpm.gov.uk.
- ▶ **Implementation of Parish Council Training** – The comprehensive training requirements and plan for Parish Councillors that the Committee considered last year will be fully implemented this year. Parish Councillors will now be able to take more part in the training offered by Democratic Services, and the specialised code of conduct training provided to clerks and councillors will become more focused.
- ▶ **Changes in Committee membership** – the Committee may have changes to its membership during the year. Both one independent member and the reserve independent member come to the end of their term of office during 2007. To keep up to date with the membership of the Committee and any upcoming vacancies for independent members, see the Leeds City Council website www.leeds.gov.uk
- ▶ **Changes in the role of the Standards Board** – the indications are that as a result of the recent review of the Standards Board's performance, the Standards Board may alter its role to become more of a strategic regulator. This may lead to more complaints against Members being referred to the Standards Committee for local investigation and determination.

-
- ▶ **Launch of the Ethical Audit** – In order to assess how well the ethical framework is understood and how high the profile of standards is within the authority, the Standards Committee will launch and champion an ethical audit this year. This will help the Council prepare for the Comprehensive Performance Assessment and allow the Committee to identify where training is most needed.
 - ▶ **Raising the profile of the Committee** – At the start of this municipal year, the Chair of the Standards Committee together with the Monitoring Officer, will be meeting the Councillors to outline the role of the Standards Committee. It is vital that the Members are aware of the work of the Committee, in particular their responsibility for providing training and guidance for Members on standards issues.

Useful Links

If you would like to find out more about standards issues and the work of the Committee, as well as keep up to date with national issues, you may find the following links useful:

- ▶ **The Standards Board for England** (for guidance on standards issues, standards Committees and outcomes of recent cases – www.standardsboard.co.uk)
- ▶ **The Adjudication Panel for England** – www.adjudicationpanel.co.uk
- ▶ **The Audit Commission** – www.audit-commission.gov.uk
- ▶ **Office of the Deputy Prime Minister** – www.odpm.gov.uk
- ▶ **National Association of Local Councils** – www.nalc.co.uk
- ▶ **Leeds City Council** – www.leeds.gov.uk
- ▶ **Chartered Institute of Public Finance and Accountancy** – www.ipf.co.uk
- ▶ **The Countryside Agency** – www.countryside.gov.uk

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 25th April 2006

Subject: Standards Committee Work Programme 2006/7

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

1.0 Purpose Of This Report

1.1 To notify Members of the Committee of the draft work programme for the next municipal year and to seek comments from the Committee regarding any additional items.

2.0 Background Information

2.1 The work programme provides information about future items for the Standards Committee agenda, when reports will be presented to the Committee and who the responsible officer is.

3.0 Main Issues

3.1 The work programme for the year 2006/7 is attached at Appendix 1.

3.2 The proposed dates of the meetings are listed on the work programme. Members of the Committee should note that the majority of the proposed dates of the meetings fall on a Wednesday, rather than a Tuesday or Thursday as was the case in this municipal year.

4.0 Implications For Council Policy And Governance

4.1 There are no implications for Council policy.

4.2 By ensuring the codes and protocols of the Constitution are reviewed and fit for purpose, the Standards Committee is supporting the Council's governance arrangements.

5.0 Legal And Resource Implications

5.1 There are no legal and resource implications.

6.0 Conclusions

6.1 The draft work programme is attached at Appendix 1 for the Committee's information. The work programme contains information about future agenda items for the Committee.

7.0 Recommendations

7.1 Members of the Committee are asked:

- to note the draft work programme and advise officers of any items they wish to add;
- to advise officers whether Wednesday is a suitable day for meetings of the Committee; and
- to confirm the proposed dates for the future meetings listed in the work programme.

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Meeting date: 8th June 2006 – The deadline for reports for this meeting is 22nd May 2006			
Complaints referred to the Standards Board for England in the period October 2005 to April 2006	Regular item every 6 months detailing the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, and the outcome of those complaints.	Corporate Governance Officer Amy Bowler	
Standards Committee Procedure Rules	To consider the Standards Committee Procedure Rules in light of the first hearing.	Principle Corporate Governance Officer Kate Sadler	
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Bowler	
Meeting date: 26th July 2006 – The deadline for reports for this meeting is 10th July 2006			
Informed, Transparent Decision Making	To receive an updated report on the steps the Council has taken to embed existing arrangements for Officers to make declarations of interests and declarations of offers of gifts and hospitality.	Head of Human Resources Strategy Helen Grantham	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Bowler	
Protocol for Elected Members/Education Leeds Relations	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	<u>Lead Officer:</u> <u>Nicole Jackson</u>	
Meeting date: 4th October 2006 – The deadline for reports for this meeting is 18th September 2006			
Complaints referred to the Standards Board for England in the period April 2006 to October 2007	Regular item every 6 months detailing the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, and the outcome of those complaints	Corporate Governance Officer Amy Bowler	
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Bowler	
Code of Practice for Determination for Licensing Matters	The Director of Legal and Democratic Services will report to the Standards Committee regarding whether the arrangements set out in the code have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.	<u>Lead Officer:</u> <u>Nicole Jackson</u>	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Meeting date: 21st December 2006 – The deadline for reports for this meeting is 4th December 2006			
Standards Committee Independent Members' Forum	To receive the minutes from the October meeting of the Independent Members Forum.	Corporate Governance Officer Amy Bowler	
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Bowler	
Members' Code of Conduct	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the code have been complied with and will include any proposals for amendment in light of any issues that have arisen during the year.	<u>Lead Officer:</u> <u>Nicole Jackson</u>	
Protocol on Member/Officer Relations	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	<u>Lead Officer:</u> <u>Nicole Jackson</u>	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Meeting date: 14th February 2007 – The deadline for reports for this meeting is 29th January 2007			
Draft Standards Committee Annual Report 2006/2007	To seek Members' input on content of the Standards Committee annual report 2006/2007. The report provides proposals and suggestions for content, and a draft report.	Corporate Governance Officer Amy Bowler	
Parish Council Training	To receive and consider a report detailing the outcome of the annual review of available governance and other related training for Parish Council Members and Clerks and the extent of take up within Parishes in Leeds.	Corporate Governance Officer Amy Bowler	
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Bowler	
Code of Practice for the Determination of Planning Matters	The Chief Planning and Development Services Officer will report to the Standards Committee regarding whether the arrangements set out in the code have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.	<u>Lead Officer: Ian Andrews (Chief Planning and Development Services Officer)</u>	
Annual report on the Monitoring Officer Protocol	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	<u>Lead Officer: Nicole Jackson</u>	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
<p>Meeting date: 11th April 2007 – The deadline for reports for this meeting is 26th March 2006</p>			
<p>Final Standards Committee Annual Report 2006/2007</p>	<p>To seek Member's approval for the final draft of the Standards Committee Annual Report 2006/2007.</p>	<p>Corporate Governance Officer Amy Bowler</p>	
<p>Adjudication Panel Decisions/Notable Cases</p>	<p>Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.</p>	<p>Corporate Governance Officer Amy Bowler</p>	
<p>Standards Committee Procedure Rules</p>	<p>The Monitoring Officer will report to the Committee on how the "gate-keeping" role has been discharged, in respect of preliminary investigations under paragraph 3.2, and in respect of reports where s/he decided that no further action should be taken, under paragraph 4.1. The Monitoring Officer will report to the Standards Committee annually on whether the arrangements set out in this procedure have been complied with, and will include any proposals for amendments in the light of any issues that have arisen during the year.</p>	<p><u>Lead Officer:</u> <u>Nicole Jackson</u></p>	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<u>Unscheduled Items</u>		
Ethical Online Survey	To receive a report outlining the findings of the research by SBE and the University of Manchester into the work of standards committees	<u>Lead Officer: Liz Davenport</u>
Officer Code of Conduct	Approval of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code.	<u>Lead Officer: Stuart Turnock</u>