



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 21st December, 2006
at 2.00 pm

MEMBERSHIP

Independent Members

Mike Wilkinson (Chair)	(Independent Member)
C Grant	(Independent Member)
Rosemary Greaves	(Reserve Independent Member)

Councillors

E Nash	G Kirkland	J L Carter
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Parish Members

Councillor Mrs P Walker	Pool in Wharfedale Parish Council
Councillor John C Priestley	East Keswick Parish Council (Reserve Member)

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p>	
2			<p>EXCLUSION OF PUBLIC</p> <p>To identify items where resolutions may be moved to exclude the public</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 13 of the Members' Code of Conduct</p>	
5			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the Standards Committee meeting held on 4th October 2006 and consider any matters arising.</p>	1 - 6
6			<p>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</p> <p>To note the minutes of the Corporate Governance and Audit Committee meeting of 27th September 2006.</p>	7 - 12

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7			<p>STANDARDS COMMITTEE INDEPENDENT MEMBERS' FORUM OF YORKSHIRE AND HUMBERSIDE</p> <p>To receive the minutes of the Standards Committee Independent Members' Forum meeting of 24th October 2006.</p>	13 - 22
8			<p>MEMBERS' ICT</p> <p>To consider a report of the Chief Democratic Services Officer consulting the Committee on the updated draft Members ICT policy.</p>	23 - 38
9			<p>STANDARDS BOARD FOR ENGLAND: BULLETIN 31</p> <p>To note a report of the Director of Legal and Democratic Services together with the latest Bulletin by the Standards Board for England, providing information and advice on a range of conduct issues.</p>	39 - 50
10			<p>TOWN AND PARISH STANDARD 08</p> <p>To note a report of the Director of Legal and Democratic Services together with the latest Town and Parish Standard by the Standards Board for England, providing information and advice on a range of conduct issues.</p>	51 - 58
11			<p>STANDARDS BOARD ANNUAL ASSEMBLY</p> <p>To receive a report of the Director of Legal and Democratic Services detailing the events of the Standards Board Annual Assembly and providing feedback from those Members who attended the assembly.</p>	59 - 78
12			<p>ADJUDICATION PANEL FOR ENGLAND - DECISIONS OF CASE TRIBUNALS</p> <p>To note a report of the Director of Legal and Democratic Services detailing recent decisions by Adjudication Panel Case Tribunals in respect of allegations of misconduct, and consider if there are any lessons to learn for Leeds.</p>	79 - 90

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13			<p>ADJUDICATION PANEL FOR ENGLAND - ANNUAL REPORT</p> <p>To note a report of the Director of Legal and Democratic Services outlining the contents of the Adjudication Panel's Annual Report for the year ending March 2006.</p>	91 - 96
14			<p>HIGH COURT DECISION - LIVINGSTONE APPEAL OUTCOME</p> <p>To note a report of the Director of Legal and Democratic Services outlining the recent High Court decision regarding Ken Livingstone's appeal against the Adjudication Panel's decision that he had breached the Code of Conduct.</p>	97 - 102
15			<p>STANDARDS COMMITTEE HALF YEAR PROGRESS REPORT</p> <p>To approve a report of the Director of Legal and Democratic Services outlining the work done by the Standards Committee in the last six months to be presented to the Corporate Governance and Audit Committee at their next meeting.</p>	103 - 110
16			<p>REVISED MEMBERS' CODE OF CONDUCT</p> <p>To receive a report of the Director of Legal and Democratic Services outlining the contents of the revised Code of Conduct to be released in May 2007, and providing the opportunity to respond to the consultation process.</p>	111 - 116
17			<p>PARISH AND TOWN COUNCIL TRAINING</p> <p>To receive a report of the Director of Legal and Democratic Services advising Members of the Committee of the training for Parish and Town Councils which has taken place in the last six months.</p>	117 - 126

Item No	Ward/Equal Opportunities	Item Not Open		Page No
18			<p>ETHICAL AUDIT QUESTIONNAIRE - PRELIMINARY RESULTS</p> <p>To receive a report of the Director of Legal and Democratic Services outlining the final response statistics to the Ethical Audit questionnaire and some preliminary results.</p>	127 - 140
19			<p>FEEDBACK ON CONSULTATION PROCESS ON AMENDMENTS TO THE PROTOCOL ON MEMBER/OFFICER RELATIONS</p> <p>To receive a report of the Director of Legal and Democratic Services outlining the response received to the consultation process regarding the amendments proposed to the Protocol on Member/officer Relations.</p>	141 - 166
20			<p>PROTOCOL ON MEMBER/EDUCATION LEEDS RELATIONS</p> <p>To receive a report of the Director of Legal and Democratic Services outlining whether the arrangements set out in the protocol have been complied with and any proposals for amendments in the light of any issues which have arisen during the year.</p>	167 - 200
21			<p>STANDARDS COMMITTEE WORK PROGRAMME</p> <p>To note the updated work programme for the Standards Committee.</p>	201 - 206

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Standards Committee

Wednesday, 4th October, 2006

PRESENT:

Independent Members

Mike Wilkinson (Chair) (Independent Member)
C Grant (Independent Member)
Rosemary Greaves (Reserve Independent Member)

Councillors

E Nash G Kirkland

Parish Members

Councillor Mrs P Walker Pool in Wharfedale Parish Council
Councillor John C Priestley East Keswick Parish Council (Reserve Member)

APOLOGIES:

J L Carter

36 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

37 Exclusion of public

There were no resolutions to exclude the public.

38 Late items

The Chair indicated that, in accordance with his powers under the Local Government Act 1972, he had agreed to accept for inclusion on the agenda one Late Item (Minute 46 refers). The report in question was not available at the time of the agenda dispatch and required urgent consideration for the following reason:-

The case summary was published on the Standards Board website on 4th October 2006 and it was necessary for the Members of the Committee to be aware of the case summary. Also the Standards Board for England has previously advised that, once an investigation has been completed and a case

summary published, it would be appropriate for the Standards Committee to consider if there are any lessons to be learnt from the incident.

39 Declaration of interests

There were no declarations of personal/prejudicial interest for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 9 to 12 of the Members' Code of Conduct.

40 Minutes of the previous meeting

The minutes of the Standards Committee meeting on 26th July 2006 were approved as a correct record.

41 Members' Insurance Arrangements

The Council's insurance manager was present during this item in order to answer any questions from Members about the Council's insurance arrangements. It was reported that the terms of the policy were set by The Local Authorities (Indemnities for Members and officers) Order 2004, and the authority could not do anything to amend these terms. It was also reported that the insurers had reserved their position as to whether they would seek to reclaim any money spent on legal costs if a Member was found to have breached the Code of Conduct, and had stated that it would depend on the circumstances of the case.

RESOLVED - Members of the Committee resolved to:

- Note the contents of the report; and
- Raise awareness of the current insurance policy and its terms by distributing a short briefing note to all Members of the Council.

42 'Devolution and Evolution' – Standards Board Annual Review 2005/06

The Director of Legal & Democratic Services submitted a report informing Members of the Committee of the contents of the Standards Board for England Annual Review 2005/06.

Members of the Committee discussed whether there would be any significant resource implications to more investigations being carried out at a local level. The Monitoring Officer reported that as yet there had been no resource implications as the number of cases in Leeds had been very low.

Members of the Committee also noted their appreciation that the Standards Board for England had reduced the average time taken for the initial assessment of complaints to nine days, and that now only 22% of cases are referred for further investigation.

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

43 Adjudication Panel for England - Case Tribunal Decisions

The Director of Legal & Democratic Services submitted a report detailing recent decisions by Adjudication Panel Case Tribunals in respect of allegations of misconduct, and whether there are any lessons to be learnt for Leeds.

Members of the Committee discussed the variation in the sanctions applied between different cases.

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

44 Case Law on Bias and Predetermination of Decisions

The Director of Legal & Democratic Services submitted a report detailing the decision of the High Court in a recent judicial review case about bias and predetermination of decisions.

Members of the Committee discussed that this was a particular problem with planning applications. In particular Members discussed how they were unable to make representations about applications affecting them personally, but that they were able to submit letters in relation to applications affecting other wards. It was suggested that Members could have a discussion in the future about amending the Code which might include consideration of Councillors making representations about applications affecting other wards. It was reported that Members are able to appoint a planning agent to make representations on their behalf, or can write their own letter of objection as long as it is made clear that they are writing in their personal capacity only.

It was requested that the advice in the report should be made more widely available to all Councillors. It was reported that the advice would be publicised in 'Governance Matters', incorporated into the Members' Code of Conduct training, and included in the compulsory training on planning matters. It was also suggested that advice could be made available via email and the Council's website.

RESOLVED – Members of the Committee resolved to:

- Note the report; and
- Make the advice in the report available to all Members.

45 Complaints referred to the Standards Board for England in the period 1st April 2006 to 30th September 2006

The Director of Legal & Democratic Services submitted a report advising Members of the number and outcome of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish and Town Councillors within the area, under the Members' Code of Conduct.

Members of the Committee noted that all the complaints were made by individual members of the public, apart from one made by a fellow Councillor. It was also noted that this information was a good indicator of the robust ethical health in Leeds as only one of the complaints was referred for further investigation.

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

46 Case Summary - Leeds City Council Member

The Director of Legal & Democratic Services submitted a late item providing Members of the Committee with details of the case summary published on the Standards Board for England website on 4th October 2006 in relation to the local hearing held on 25th May 2006.

It was necessary for the Members of the Committee to be aware of the case summary. Also the Standards Board for England has previously advised that, once an investigation has been completed and a case summary published, it would be appropriate for the Standards Committee to consider if there are any lessons to be learnt from the incident.

Members of the Committee noted that they had already considered what lessons there were for Leeds arising from the case at the meeting on 26th July 2006.

RESOLVED – Members of the Committee resolved to note the report and the attached case summary.

47 Disqualification for election and holding office as a Member of Local Authority by reason of bankruptcy

The Director of Legal & Democratic Services submitted a report advising Members of the law in relation to disqualification for election and holding office as a Member of a local authority by reason of bankruptcy.

It was reported that national guidance from the Electoral Commission had been updated recently, and that the information would also be included in the Leeds City Council guidance to candidates in future.

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

48 The Components of an Ethical Environment: Final research report to the Standards Board for England

The Director of Legal & Democratic Services submitted a report informing the Committee of the findings of the research conducted by the University of Manchester into the work of standards committees.

Members of the Committee noted that the Leeds City Council Standards Committee was very proactive in terms of the ethical agenda.

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

49 Members' Register of Interests and Register of Gifts and Hospitality

The Director of Legal & Democratic Services submitted a report informing Members of the new arrangements for storing and displaying the Members' register of interests and the outcome of the first quarterly review of the Members' register of gifts and hospitality.

Members discussed whether it would be possible to require Members to record any offers of gifts and hospitality that were refused as well as those that were accepted, as this may help to identify any trends or problem areas. Members of the Committee also agreed that given the level of activity in the previous quarter, it was necessary to only receive information about the register of gifts and hospitality annually in future, unless there is a substantial change in the amount of declarations before then.

RESOLVED – Members of the Committee resolved to:

- Note the report; and
- Receive information about the Members' register of gifts and hospitality annually in future.

50 Standards Committee Work Programme

The Director of Legal & Democratic Services submitted the updated work programme for the remainder of the municipal year.

Members of the Committee were reminded that they were able to suggest additional items for inclusion in the work programme if required.

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

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Agenda Item 6

Corporate Governance and Audit Committee

Wednesday, 27th September, 2006

PRESENT: Councillor A Carter in the Chair

Councillors D Blackburn, R Finnigan,
E Minkin and K Wakefield

Co-optee Mike Wilkinson

IN ATTENDANCE: Councillor S Smith (Substitute for
Councillor Harris)

Apologies Councillor M Harris

20 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

21 Exclusion of Public

There were no resolutions to exclude the public.

22 Late Items

The Clerk advised Members of one late item – a report regarding the external auditor's report on the Council's Statement of Accounts.

The Chair indicated that, in accordance with his powers under the Local Government Act 1972, he had agreed to accept for inclusion on the agenda one Late Item (Minute 35). The report in question was not available at the time of agenda despatch and required urgent consideration for the following reason:- the requirement for the Accounts to be received by the Committee by 30th September 2006.

23 Declaration of Interests

Councillor Carter declared a personal and prejudicial in the item relating to Abbey Mills and St Ann's Mills (Minute 37) on the basis that he was supporting officers in a complaint to the Standards Board with regard to an individual member and he wished to avoid any perception that consideration of this report may be influenced by that fact.

24 Minutes

Draft minutes to be approved at the meeting
to be held on Wednesday, 29th November, 2006

RESOLVED – That the minutes of the meeting of the Corporate Governance and Audit Committee held on the 29th June be approved as a correct record.

25 Minutes of the Standards Committee

RESOLVED - That the minutes of the Standards Committee meeting held on the 8th June 2006 be noted.

26 Local Government Ombudsman's Annual Letter

The Chief Customer Services Officer submitted a report regarding the receipt of the annual letter from the Local Government Ombudsman.

The Deputy Local Government Ombudsman attended the meeting, as did officers from various relevant departments, in order to respond to questions from Members.

Members discussed what mechanisms are in place to ensure senior officers are aware of complaints to ensure that lessons are learned from complaints to the Ombudsman.

RESOLVED – Members resolved to note the Annual Letter.

27 Local Government Ombudsman Performance Report

The Chief Customer Services Officer submitted a report updating Members on complaints received from the Local Government Ombudsman for the period March to June 2006.

Members noted that the number of reports in relation to key departments (Development and Education Leeds) which have previously been high are declining, although more work needs to be done.

RESOLVED - Member resolved to note the performance information and issues raised within the report.

28 The development of corporate consultation and engagement

The Chief Officer (Executive Support) submitted a report updating Members on the development of a more corporate approach to consultation and engagement.

Members discussed the importance of ensuring that the Parish and Town Councils are considered in consultation exercises.

RESOLVED – Members resolved:

- to note the progress made on the coordination of consultation and engagement to date; and

- to request a report to the next meeting of the Committee providing more detail regarding the toolkit that has been developed to support consultation and engagement, prior to this being approved by the Executive Board.

29 Ethical Audit 2006/7

The Director of Legal and Democratic Services submitted a report informing Members of the launch of the ethical audit.

Members commented on the significance of the ethical audit and particularly on the importance of ensuring that the Parish and Town Councillors receive the same support on ethical matters as is enjoyed by Members of the City Council.

Members also commented on the value of the 'fraud triangle', presented to attendees at the launch of the ethical audit, which demonstrated that when pressure/motive, perceived opportunity and rationalisation are present many individuals will commit fraud.

RESOLVED – Members resolved to:

- note the contents of the report;
- support the ethical survey; and
- receive further updates from the Standards Committee on the outcome of the survey.

30 Housing Benefits Security

The Director of Corporate Services submitted a report providing information on the steps taken by Leeds Benefits Services (LBS) to secure the benefit system against fraud and error.

Members particularly discussed the issue of tax credits and the difficulties involved in sharing information between all those bodies / organisations which provide benefits.

RESOLVED – Members resolved to note the report.

31 Payments for Void Beds for Residential and Nursing Care

The Director of Corporate Services submitted a report advising Members of the key issues arising regarding the payment for void beds for residential and nursing care as detailed in the Annual Internal Audit Report for 2005/6.

RESOLVED – Members resolved to:

- note the report; and
- request a report to the Executive Board regarding the policy options and implications of booking beds for residential and nursing care.

32 Delivering Successful Change

The Director of Corporate Services submitted a report outlining the progress made by the Delivering Successful Change (DSC) project in developing proposals for a consistent corporate approach to the management of the Council's major projects and programmes.

Members discussed how the proposals deal with the involvement of private sector and other partners in certain projects and how this may affect the appropriate membership of project and programme boards.

RESOLVED – Members resolved to:

- note the progress of the project, in particular the completion of the Project Management Methodology and the piloting of the programme management approach in Children's Services: and
- receive further updates on a quarterly basis.

33 Amendment to Council Procedure Rules

The Director of Legal and Democratic Services submitted a report proposing minor amendments to the Council Procedure Rules with regard to the speaking rights of the Support Executive Member (Children's Services) in Council meetings, and in relation to deputation requests which relate to live licensing matters.

RESOLVED – Members resolved to recommend to Council the following amendments to the Council Procedure Rules.

- That Council Procedure Rule 14.5(a) be amended by the addition of the following words:

“That in instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up”

- That Council Procedure Rule 10.4.3 be amended to the following effect.

“Representations relating to matters subject to current consideration by a Plans Panel, the Licensing Committee or a sub-committee thereof shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels or the Licensing Committee Procedure Rules and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may require written details of the proposed deputation speech prior to the determination of the request.”

34 Amendment to Article 4 - The Budget and Policy Framework

The Director of Legal and Democratic Services submitted a report outlining a proposed change to the Council's Budget and Policy Framework due to an

amendment to schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

RESOLVED – Members resolved to recommend to Council that Article 4 of the Constitution is amended at paragraph 4.1(i) to include the ‘Licensing Authority Policy Statement’.

35 External Audit - Audit Memorandum Accounts 2005/6

The Director of Corporate Services submitted a report presenting to Members the external auditor’s report on the 2005/6 accounts and informing Members of any amendments to the approved accounts which have been made with, or required by, the Councils auditors.

Members expressed their appreciation that the Council had completed the accounts within the new deadline and that the accounts contained no material errors.

Members also noted the auditors comment that the Authority has proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources.

RESOLVED – Members resolved:

- to receive the report of the Council’s external auditors on the 2005/6 accounts and to note that a number of amendments have been made to the 2005/6 Statement of Accounts as agreed with the external auditors; and
- that the Chair should sign the management representation letter on behalf of the Corporate Governance and Audit Committee.

36 Work Programme

The Director of Legal and Democratic Services submitted a report notifying Members of the updated work programme and seeking comments from the Committee regarding any additional items.

RESOLVED – Members resolved to:

- note the updated work programme; and
- request a report to a future meeting of the Committee regarding a review of the training received by Members on planning issues, after that report has been received by the Standards Committee.

37 Abbey and St Ann’s Mills Audit Report

The Directors of Corporate Services and Development submitted a joint report informing Members of their response to an external audit (KPMG) report which reviewed the accuracy of an Executive Board report regarding Abbey Mill and St Ann’s Mill.

Councillor Carter, the Chair of the Committee, left the room due to declaring a personal and prejudicial interest in the item. The Chair was taken by Councillor Steve Smith.

The Chair acknowledged a request by Councillor Illingworth to speak at and produce evidence to the meeting and explained his reasons for refusing the request.

RESOLVED – Members resolved:

- to note the report;
- to request that officers carry out a review of the process for clearing reports for Executive Board, in line with the external auditor's recommendation; and
- that officers ensure that in future Executive Board reports where a Discounted Cash Flow (DCF) is used, it is made clear to Members that the outcome of the DCF can differ depending on the assumptions used to carry out the exercise (as per paragraph 3.3 of the report).



Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Standards Committee Independent Members' Regional Forum (Yorkshire and Humberside) - 24th October 2006

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

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 24th October 2006 in the Council Chamber of the Guildhall in Hull. The minutes of the meeting are attached as Appendix A to this report for the Committee's information.

3.0 Main Issues

3.1 Members of the Forum discussed the Fifth Annual Assembly of Standards Committees (Item 11 of the agenda), and the inaugural meeting of the new Association of Independent Members of Standards Committees in England (AIMScE). Members also discussed the future chairing and administration arrangements for the Forum, as this was the last meeting which would be serviced by Leeds City Council.

4.0 Recommendations

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

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

24TH OCTOBER 2006

PRESENT:

Mike Wilkinson - Leeds City Council
Ann Becket - West Yorkshire Police Authority
Martin Allingham - North East Lincolnshire Council
Alan Carter - South Yorkshire Police Authority/South Yorkshire Passenger Transport Authority
Gerald Burnett - Richmondshire District Council
James Daghish - North Yorkshire County Council
Cheryl Grant - Leeds City Council
Peter Neale - Richmondshire District Council
Lynn Knowles - Calderdale Metropolitan Borough Council/West Yorkshire Fire and Rescue Authority
John Ross - North East Derbyshire District Council
Phil Marshall - West Yorkshire Fire and Rescue Authority
Joyce Clarke - Humberside Fire and Rescue Authority
Brian Cottingham - Kingston-upon-Hull City Council
Keith Robinson - Kingston-upon-Hull City Council
Dr Michael French - Harrogate Borough Council
Richard Burton - South Yorkshire Police Authority
William Stroud - Humberside Police Authority
Mary Rose Barker - East Riding of Yorkshire Borough Council
G Polley - East Riding of Yorkshire Borough Council
Michael Andrew - Rotherham Metropolitan Borough Council
D G Hughes - Humberside Fire and Rescue Authority

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:

Denise Wilson – North Yorkshire Fire and Rescue Authority
Angela Bingham – South Yorkshire Police Authority
George – Wakefield Metropolitan District Council
Nairn-Briggs
Paul Matthews – Rotherham Metropolitan Borough Council/South Yorkshire Fire and Rescue Authority
Roger Nunns – Barnsley Metropolitan Borough Council
David Smith – North Yorkshire Moors National Park Authority
Tony Stanley – Rotherham Metropolitan Borough Council
David Edwards – Hambleton District Council
Mrs H Bevan – Richmondshire District Council
David McClean – Sheffield City Council
John White – Hambleton District Council
Tony Robinson – Wakefield Metropolitan District Council
Christine Bainton – City of York Council

Leonard Pinkney – Harrogate Borough Council
Gillan Fleming – North Yorkshire County Council
Jill Bartrop – Rotherham Metropolitan Borough Council
Martin Shelton – Rotherham Metropolitan Borough Council
Colonel Colin Kirby – Calderdale Metropolitan Borough Council
Paul Kelly – North Lincolnshire County Council
Pam Essler – Bradford Metropolitan District Council
Rita Leaman – City of York Council
Michael Chappell – Bradford Metropolitan District Council

- 1.2 The Chair welcomed the following new members of the Forum who had joined since the last meeting:

Christine Bainton – City of York Council
Angela Bingham – South Yorkshire Police Authority
Richard Burton – South Yorkshire Police Authority
Dr Revd Gary Wilton – South Yorkshire Police Authority

The Chair also thanked the following people who had ceased to be members of the Forum since the last meeting:

Roger McMeeking – City of York Council
Tony Alcock – South Yorkshire Police Authority
David Hargreaves – South Yorkshire Police Authority

- 1.3 The Chair thanked Kingston-upon-Hull City Council for hosting the meeting at the Guildhall.

2.0 Minutes of the Previous Meeting and Matters Arising

- 2.1 The minutes of the meeting held on 22nd March 2006 were approved as a correct record.

3.0 Fifth Annual Assembly of Standards Committees

- 3.1 Members who attended the fifth annual assembly of standards committees were invited to feedback to the Forum.

- 3.2 It was reported that the assembly was efficiently run and was well attended by people from all levels of standards committees. Members discussed:
- the usefulness of the content of the assembly and whether the topics had already been discussed sufficiently;
 - the drawbacks of having professional facilitators to conduct the sessions who were not experts in standards issues;
 - the problems in some areas of having good independent members who are not supported effectively by the authority;
 - the challenges of possible 'double devolution' for local standards committees; and
 - the general concerns in authorities regarding the levels of work for monitoring officers and the additional resources which may be required when the Standards Board becomes a strategic regulator.

- 3.3 It was also reported that the new Code of Conduct was expected to be ready within weeks, with the Minister's stated intention of enabling new Councillors elected in May 2007 to sign up to the new Code, although it was suggested that it would have been helpful for a draft version to have been prepared in advance of the assembly.
- 3.4 Finally Members noted that there was a lot of useful material available on the Standards Board website for those independent members who did not attend the assembly. Peter Neale from Richmondshire District Council commented that the Standards Board website is very difficult to navigate and use, in particular the search facility for filtering case summaries did not allow users to search by paragraph of the Code, although it was reported that this facility was available through the 'advanced search' function.
- 4.0 New Association for Independent Members of Standards Committees in England (AIMSce)**
- 4.1 Members of the Forum received a report regarding the inaugural meeting of the AIMSce which took place at the fifth annual assembly.
- 4.2 Mike Wilkinson, who had been a member of the formation committee for AIMSce, reported that although there had been mixed views regarding whether it was appropriate for independent members to join associations or forums, there had only been one vote against the formation of AIMSce. So far officers had met with the Local Government Association, the Association for Council Secretaries and Solicitors and SOLACE, with very positive outcomes. Letters of support had been received from the Standards Board and Sir Alistair Graham.
- 4.3 It was reported that anyone wanting to find out more information about AIMSce could access the website (www.aimsce.org.uk). The website will contain newsletters, minutes, and a reserve area for members of the association. The costs of membership were outlined as a £15 joining fee and a £5 annual fee for the remainder of the current year, followed by only a £10 annual fee in subsequent years. It was also outlined that a number of local authorities were paying the fees on behalf of their independent members.
- 4.4 Members discussed whether AIMSce would replace the regional Forum. It was reported that the Forum could consider becoming a local branch of the AIMSce, as AIMSce would look towards having a local branch structure in place in future. Some Members counselled the importance of AIMSce not becoming a mouthpiece for central government, allowing only one way communication.
- 4.5 Mike Wilkinson outlined that the aim of the AIMSce was to act as a support and sharing agency for independent members, with a particular concern to support new independent chairs in the light of the intended legislation.

The objects of AIMSce as outlined in the draft constitution are attached to the minutes of the meeting as an appendix.

5.0 The Components of an Ethical Environment

5.1 Members of the Forum received a report summarising the final report of a research project by the University of Manchester into the work of standards committees. It was reported that the conclusions of the research had been discussed at the fifth annual assembly.

5.2 Members of the Forum discussed:

- that the research proposed that a wider role for standards committees included carrying out periodic ethical audits. It was reported that Leeds City Council was currently undertaking an ethical audit through the Audit Commission which was focused on senior officers and Members, but that in future it would be useful to seek opinions from junior officers and members of the public. James Daghish from North Yorkshire County Council reported that their recent ethical audit revealed a need to communicate more effectively with Members and the public;
- that the 'guide dog' model of committee presented challenges in that it may not only overlap with the remits of other committees, but also that of certain officer roles;
- that many decisions are taken by officers instead of Members but the standards regimes in place to monitor officers are not so stringent; and
- that some audit and ombudsman reports have ethical implications and should rightly be considered by the standards committee as well as the audit committee. It was reported that both Leeds City Council and Richmondshire District Council had the Chair of the standards committee as a non-voting member of the audit committee because of their position. James Daghish of North Yorkshire County Council expressed the view that the types of expertise required for each committee were quite different and so the authority had sought to address this by having other independent members on the audit committee who had financial experience.

6.0 Lyons Inquiry into Local Government

6.1 Members of the Forum received a report updating them on the progress of the Lyons Inquiry so far, and the likely contents of the final report due for release in December 2006.

6.2 It was suggested that the work being carried out by Sir Michael Lyons may raise matters of importance for independent members. For example, the report suggested that authorities may experiment with single member wards in the future, and extend the role of scrutiny boards. Also the proposed changes in the performance management framework and proposed 'double devolution' (meaning central government devolving power to local authorities and them in turn devolving power to parish or town councils) may raise issues for the standards regime and independent members.

6.3 It was reported that any stakeholder was welcome to respond to the inquiry and that the final report was due to be released in December 2006, although it was likely that some elements would be included in the forthcoming white paper from the Department for Communities and Local Government, "*Strong and Prosperous Communities*".

7.0 Local Determination Hearings

- 7.1 Members of the Forum were invited to update the Forum on any investigations or hearings that have taken place in their authority since the last meeting.
- 7.2 Dr Michael French of Harrogate Borough Council outlined that the standards committee had recently held a local hearing into a very straightforward case, but that there were concerns in that there were no guidelines on appropriate sanctions.
- 7.3 Members discussed the lack of support from the Standards Board in carrying out local hearings, including:
- that certain monitoring officers and members had received inconsistent or conflicting advice from the Standards Board. Michael Andrew of Rotherham Borough Council suggested that it would be important for the Standards Board to develop advice as to sanctions, and that the Forum should send a letter to the Standards Board expressing this view. It was reported that there was already a 38% appeal rate against standards committee decisions and that independent members would feel more confident about imposing specific sanctions if guidelines were available;
 - that there is a back catalogue of cases considered by the Adjudication Panel available, but that there is apparent inconsistency with regard to sanctions;
 - that the Standards Board should also support standards committees in enforcing sanctions, for example ensuring that apologies are made; and
 - that the Adjudication Panel did not often give sufficient reasons for the sanctions that they have applied and therefore the case summaries were limited in usefulness.

In the light of the above minute and further to a discussion between the Chair and Secretary after the 24th October meeting, the attention of Members of the Forum is drawn to the availability of the following current advice:

- *“Guidance on decisions to be made by a Case Tribunal where a Respondent has been found to have failed to comply with a Code of Conduct” available on the Adjudication Panel for England website www.adjudicationpanel.co.uk in the ‘Procedures’ section. Provides advice as to mitigating factors which case tribunals can take into account and the circumstances in which applying a period of suspension or partial suspension would be appropriate.*
 - *“Standards Committee Determinations: Guidance for monitoring officers and Standards Committees” available from the Standards Board website www.standardsboard.co.uk under the ‘Code of Conduct’ – ‘Guidance’ – ‘Guidance for Local Authorities’ section. Pages 9 – 11 provide details of what sanctions are available to standards committees and what factors they should take into account when deciding an appropriate penalty.*
- 7.4 Mike Wilkinson of Leeds City Council reported that the standards committee had found it useful to have an informal debrief meeting after their first hearing to which the Member involved was invited to contribute, and that this helped inform any changes to the procedure for future hearings.

8.0 Future Chairing and Administration Arrangements for the Independent Members Forum

- 8.1 Members of the Forum received a report updating them on the current position regarding the election of a new Chair.
- 8.2 It was reported that although a venue in South Yorkshire had been identified to host the next Forum meeting, the meeting may not go ahead unless new administrative support arrangements could be finalised.
- 8.3 Members discussed various options for the Forum including:
- that money could be secured to pay for the services of the Leeds City Council officer, although Mike Wilkinson reported that Leeds City Council would prefer another authority to take on the role even if funding could be provided;
 - that monitoring officers needed a formal request for help from the Forum, not just verbal enquiries from their independent members;
 - that the Forum could become an electronic Forum in order to reduce costs, although it was noted that not all members of the Forum had email addresses;
 - that each authority hosts and services one meeting of the Forum on a rolling basis;
 - that the Chair is also chosen from the host authority;
 - that some continuity in the agenda items could be provided by an agenda committee; and
 - that if the rolling programme is not possible then the Forum should go into abeyance until a future date.

RESOLVED – Members of the Forum resolved:

- to write to all local authorities in the Yorkshire and Humberside region proposing that individual authorities host and service one meeting on a rolling basis and bear the associated costs;
- that the Chair of the Forum is selected from the host authority and an agenda committee is formed;
- to formally thank Mike Wilkinson for his work and to thank Leeds City Council for the support provided to date;
- that further consideration be given to chairing arrangements at the next meeting;
- that Mike Wilkinson should continue to attend the Regional Co-ordinators meetings; and
- that if the proposed arrangements do not come to fruition that the Forum should go into abeyance until some future date and that the membership database be retained.

9.0 Any Other Business

- 9.1 Members of the Forum did not discuss any other business.

10.0 Date, Time and Venue for the Next Meeting

- 10.1 Depending on the outcome of the proposed new arrangements for servicing the Forum, it was reported that the next meeting would be held in a venue in South Yorkshire, either Sheffield City Council or Doncaster Mansion House. The meeting will be held in March 2007 unless the Forum goes into abeyance.

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Originator: N de la Taste

Tel: 2474560

Report of the Chief Democratic Services Officer

Standards Committee

Date: 21st December 2006

Subject: Members' ICT Support

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. To facilitate the urgent introduction of a corporate ICT upgrade programme it has been necessary to develop the Council's administrative arrangements in relation to the use by Members of Council supplied ICT equipment. This has included a consideration of the guidelines which should apply to Members in this regard.
2. This report seeks the views of the Standards Committee on these guidelines with regard to their implications for Member Conduct matters.
3. The Standards Committee is asked to comment on these guidelines, consider whether it wishes to adopt these guidelines as a local code and offer any views it may have regarding the Council's arrangements for charging Members for incidental private use of their ICT facilities.

1.0 Purpose Of The Report

- 1.1 This report seeks the views of the Standards Committee on the implications for Member conduct matters arising from the introduction of guidelines for the use by Members of their Council supplied ICT facilities.

2.0 Background Information

- 2.1 On the 25th November 2005, Standards Committee received a report regarding the arrangements which the Council applies in relation to the use by Members of Council supplied ICT facilities.

- 2.2 In summary it was reported that:

2.2.1 The Council considered it essential that all Members should be encouraged to use the Council's ICT systems in order to promote efficient and effective working. Indeed, the Council increasingly relies on ICT for the purposes of exchanging information with Members in a proper and timely manner.

2.2.2 In pursuit of the above, all Members are encouraged to have a laptop or home based personal computer provided by the Council.

2.2.3 The Council has allowed Members secondary "personal use" of these facilities, in recognition of which it charges £50 per annum fee for any Members wishing to make such use of them.

2.2.4 Problems can arise from the fact that there is limited guidance regarding what is considered to be permissible use and, in particular, what is considered to be acceptable personal use.

2.2.5 The Standards Committee resolved that further consultations with Members take place and that a future report be brought back.

- 2.3 Since that time, discussions have been taking place with Members with a view to developing common guidelines. Initially, there was no requirement to complete this exercise within any particular timescale but, latterly, it became apparent that the absence of agreed guidelines was impeding the roll-out of the ICT upgrade programme for Members. This programme has been implemented across all officers but, in the absence of clear guidelines, could not be introduced to Members. As a consequence, the Council was in danger of delaying significant benefits, key amongst which was deferring potential savings of £100k pa, and of bringing into play escalating risks of hardware failure. Examples of some of the benefits and risks which form the rationale for the ICT Upgrade programme are as follows:

2.3.1 To provide Councillors with increased functionality by providing a platform which allows the use of new technologies to more effectively support Members in conducting their Council business;

2.3.2 To remove the old technology which underpins the current Member ICT infrastructure which is expensive to support and maintain and is increasingly at risk of irrecoverable failure;

2.3.3 To avoid additional costs of renewing leases on parts of the old infrastructure;

2.3.4 To provide better and more cost effective support arrangements

2.4 It therefore became imperative to progress this as a matter of urgency, as detailed in a report to the Member Management Committee on 31st October 2006, a copy of which is appended to this report.

2.5 The issues raised, as identified within this report, include implications for Code of Conduct matters which fall within the remit of the Standards Committee. However, more broadly, there are significant implications for operational practice and resources in relation to Council's ICT systems.

2.6 In light of this, and in view of the urgent requirement to upgrade the Council's ICT systems, a delegated decision has been taken to implement the guidelines and commence with the Members ICT Upgrade programme as detailed in the report to the Member Management Committee but subject to the personal usage elements being reviewed in the light of consideration by the Standards Committee as to their implications for Member Conduct matters.

3.0 Main Issues

3.1 The provision and development of ICT systems for Members continues to be an important aspect of the Council's operation and it remains committed to encouraging Members to use such facilities for the purposes of conducting Council business.

3.2 It is considered vitally important to establish clear rules as to Members' use of such facilities and, in particular, in relation to any non-council use which may be permitted.

3.3 Such rules will have implications for Member conduct matters but will also affect the way in which the Council's ICT systems can be developed and supported. In particular, the development of such systems is contingent upon parameters being established regarding who may access such systems and what software and hardware may be incorporated within them.

3.4 Some Members have no use for ICT systems other than for the purposes of conducting Council business. However, other Members have varying needs for personal computing facilities and it is recognised that this can provide logistical difficulties for example in relation to running two parallel sets of equipment within Member households.

3.5 There are no objections in principle to Council supplied ICT systems being used for secondary personal use providing that certain criteria are complied with. In detail,

3.5.1 Any such personal use must be contained within what may be deemed to be lawful e.g. in relation to the use of Council resources and in relation to any software licensing conditions.

3.5.2 There must be no additional marginal costs to the Council arising from such personal use.

- 3.5.3 Although the approach formulated is on the basis of there being no additional costs to the Council, it is considered appropriate to make a reasonable charge in respect of those Members wishing to make personal use of their Council supplied ICT facilities.
- 3.5.4 Any such arrangements must be constructed in such a way as to be perceived as being appropriate and ethical.
- 3.6 Any Member who has a requirement for personal computing facilities which cannot be incorporated within the above criteria would have to make separate and personal arrangements for obtaining such facilities as they wish.
- 3.7 The Standards Committee is invited to offer such guidance and advice which it considers appropriate in relation to the approach being adopted. In particular, the Committee's attention is drawn to the appendices in the attached report which are entitled "guidelines for Members using Council ICT equipment" and "Member's e-mail code of practice" and is asked whether it would wish to include these within Part 5 of the Council's Constitution.
- 3.8 On a point of detail, the Standards Committee is asked to consider the level of charge which may be considered appropriate to levy in respect of Members opting to make personal use of their Council supplied ICT facilities. It is a fundamental requirement of the approach being adopted that no additional costs should be incurred by the Council for any such personal use. However, it is recognised that there is the potential for negative perceptions to arise from Members being seen to receive "free" facilities arising from their Council Membership. Primarily for this reason, therefore, it is considered appropriate to continue the practice of making a charge for any Member who opts to make personal use of their Council ICT supplied facilities.
- 3.9 Currently this figure is set at £50 per annum. This is embodied within the Members' Allowances Scheme and has remained unchanged for some years. As the Standards Committee may be aware, any decisions on the adoption or variation of the Members' Allowances Scheme must be determined by a meeting of full Council, acting on the recommendation of the Council's Independent Remuneration Panel.
- 3.10 It is therefore intended to convene a meeting of the Independent Remuneration Panel with a view to reporting to a meeting of full Council in order for it to maintain or amend this provision. In anticipation of this, the Standards Committee is asked for any advice it may wish to give with regard to the level of payment to be made for personal use. Any such advice will then be forwarded to the Independent Remuneration Panel for inclusion within their deliberations.

4.0 Implications for Council Policy and Governance

- 4.1 This report has implications for the Governance of the Council with particular regard to Member Conduct issues.
- 4.2 There are no implications for any policies as contained within the Council's budget policy framework although there are implications for the development of corporate practices and policies in relation to the Council's Corporate ICT provision.

5.0 Legal And Resource Implications

- 5.1 This report has legal implications with regard to ensuring the proper use of Council resources and ensuring compliance with software licensing agreements.
- 5.2 Developing clear parameters with regard to use of ICT facilities by Members will enable completion of the Council ICT's development programme which will introduce a number of benefits including updated ICT resources and considerably reduced support costs.

6.0 Conclusions

- 6.1 It is considered essential that all Members should be encouraged to use Council-provided ICT systems in the interests of efficient and effective working.
- 6.2 The Council recognises that it would be difficult for Members to have both private and personal ICT systems and have no object in principle for such systems being used for secondary personal uses provided certain criteria are complied with.
- 6.3 It is considered imperative that clear rules be established in relation to the use of such equipment to cover both Council and incidental personal use by Members. In particular, the early establishment of such guidelines is essential to enabling the continued implementation of a corporate ICT upgrade programme which will bring significant financial and other benefits to the Council.
- 6.4 If individual Members have personal computing needs which cannot be met within the criteria operated by the Council then it will be necessary for them to make separate and personal arrangements for any activities that fall outside the Council's criteria.

7.0 Recommendation

- 7.1 The Standards Committee is asked to:
 - 7.1.1 Note the contents of this report
 - 7.1.2 Offer such advice and recommendations as it considers appropriate in relation to any Member conduct matters.
 - 7.1.3 Consider whether it wishes to adopt the proposed guidelines as a local code within Part 5 of the Council's Constitution.
 - 7.1.4 Consider the fee which applies to Members making personal use of their ICT equipment as contained within the Council's Members' Allowance Scheme and consider whether or not it wishes to make any recommendations in this regard to the Council's Independent Remuneration Panel.



Originator: Dylan Roberts

Tel: 39 51515

Report of the Chief Democratic Services Officer and the Head of ICT

Member Management Committee

Date: 31st October 2006

Subject: Members' ICT Support

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

In order to facilitate the development of ICT systems which are both modern and economic to support it is necessary to clarify the uses which may be made of the equipment and systems which the Council provides to Members.

Following previous discussions at this Committee, and subsequent consultations with Members via Group Whips, this report sets out proposed new guidelines. The Committee's advice and comments are sought, prior to seeking a formal decision as to their introduction.

1.0 Purpose of this Report

1.1 This report advises Members of the development of guidelines for the use of Members' ICT equipment and software in preparation for the Members' ICT upgrade programme.

2.0 Background Information

2.1 Members will recall that, at the last meeting of this Committee on 12th September 2006, they received a report outlining options for the development of guidelines for the use of Member's ICT equipment and software.

2.2 At that meeting, Members made a number of suggestions regarding the development of the guidelines contained in one of the options presented and resolved that officers should consult with Group Whips on their further development prior to bringing them back for further consideration at this meeting.

2.3 The revised guidelines have now been submitted to all Group Whips to facilitate consultation within their Groups and the resultant document is now attached as the Appendix to this report.

3.0 Main Issues

3.1 As Members will recall that it is important to agree clear guidelines for the operation of Member's ICT equipment and software so as to enable the upgrade programme for Members' ICT to be scoped and delivered.

3.2 Moreover, it is important that this programme be undertaken as quickly as possible so as to enable enhancements in functionality for Members and the cost of service provision to be reduced.

3.3 Feedback from Whips included the following proposals

- That we remove references to "incidental" personal use. (These have been removed from the redrafted guidelines)
- That when new software is made available for use by Members that we announce in advance any restrictions in the use of that software which may be as a result of licence restrictions and so forth. (This proposal is again reflected in the redrafted guidelines)
- Members who wish to make unlimited use of Microsoft software should have the option of purchasing their own personal licence. (This proposal has not been included as the existing licensing arrangements allow Members to make personal and political use of their ICT equipment which would seem to accommodate most of their needs; any alternative arrangement would be complex to administer).

3.4 The main features of the proposal for the provision and use of ICT equipment and software by Members, as detailed in the attached, are as follows:

- The Member will be restricted to using their council-provided hardware and software primarily to conduct their Council business (and subject to the provisions around personal, political and business use contained in the attached Appendix).
- If a Member wishes to make use of the Council-provided ICT equipment and software for personal, political or business use (subject to the constraints outlined within the Appendix of this report), an annual payment must be paid.

- Use of the ICT equipment and software will be restricted to the Member (or another Member living in the same household). In all cases each Member will be provided with individual passwords to access the equipment and the Council's ICT systems and applications.
- The Member can use hardware and software provided in his / her home and those PCs supplied in Civic Hall and at other locations around the city – Morley Town Hall, Pudsey Town Hall, Dewsbury Road One Stop Centre etc.
- The desktops will be “protected” to ensure that no additional software or drivers for hardware which may compromise the system can be installed.
- The Member can choose between a standard Council PC and a standard Council laptop for installation within his or her own home.
- The BT Managed Service for ADSL connection constitutes part of the council-provided ICT equipment i.e. the Authority provides broadband access from Members' own homes.
- The Member can be provided with a VASCO token which allows authenticated access from any PC or laptop with an internet connection to use certain applications – e.g. corporate email system, corporate intranet, file storage areas (H:\ drive and L:\ drive) etc.
- Corporate ICT Services provide full support for hardware and software.
- Wherever possible technical problems will be resolved remotely by ICT support officers. Where the problem requires a physical examination of the hardware, laptop users will be encouraged to deliver the hardware to Civic Hall to expedite the resolution process.
- The standard Managed Service Charge for ICT service provision applies and will be charged to Legal and Democratic Services.
- The ICT equipment, software and support are provided at no cost to the Member.
- Consumables will be provided by Legal and Democratic Services to allow the Member to conduct Council business. A reasonable (unspecified) supply of consumables will be provided at the discretion of the Group Support Manager and subject to budgetary provision.
- All equipment and software to be refreshed and upgraded periodically in accordance with the corporate arrangements.
- Data storage facilities (for directories, files etc) will be available on the corporate ICT infrastructure and will be protected by the standard corporate back-up and anti-virus provisions.

- ALL non-council software will be removed from the desktop.
- A service catalogue of hardware and software will be drawn up through consultation with Group Support Managers and Members. Items within the catalogue may be requested and will be provided in accordance with budget availability within Legal and Democratic Services and / or a Members ICT Development strategy to be determined through consultation with Member Management Committee.

3.5 The guidelines are now being submitted to Member Management Committee for any further comment and advice from Members, prior to their being progressed as follows:

- Submission for approval by Standards Committee in relation to the implications for Member conduct issues.
- Submission, as appropriate, for approval by the Executive Board or by the Director of Corporate Services acting under delegated powers.

3.6 In addition, as indicated above, the proposals envisage continuing the current arrangement whereby Members who opt to make personal use of their Council supplied facilities are required to make a payment of £50 pa. This figure is embodied within the Members' Allowances Scheme and has remained unchanged for some years. It may be considered appropriate to seek the views of the Independent Remuneration Panel as to whether this sum should be revised, prior to asking full Council to consider revising the charge.

3.7 Once agreement has been reached as to the implementation of guidelines with regard to use of Members' ICT equipment, work will commence with a view to implementing the upgrade programme as quickly as possible. As part of implementing this programme, it will be important to gain the input of Members with regard to for example acceptance testing. To this end, Member Management Committee may wish to consider establishing a small group of, say, 3 to 5 Members to assist in the implementation of the programme.

4.0 Implications for Council Policy and Governance

4.1 The establishment of guidelines for Members' personal use of IT equipment has implications in relation to governance in that they impact on what may be considered as appropriate conduct by Members.

5.0 Legal and Resource Implications

5.1 Increased assurance of compliance with Data Protection Act.

5.2 Additional costs to the Council if the upgrade programme does not begin soon.

5.3 Adopting the proposed options will reduce the operational support costs for Members.

6.0 Conclusions

- 6.1 The proposed ICT provision and associated guidelines for Members' ICT use meet the needs of most stakeholders.
- 6.2 The proposals around Members personal, political and business use of ICT will be presented at Standards Committee for consideration of the implications pertaining to Members' conduct.

7.0 Recommendations

7.1 Member Management is asked to:

- Note the contents of this report
- Offer such advice and comments the Committee considers appropriate prior to this report being submitted for approval as detailed in Section 3.0 above.
- Establish a small Working Group of Members to provide a user input to the proposed ICT development programme.

GUIDELINES FOR MEMBERS USING COUNCIL ICT EQUIPMENT
SECURITY
The Member should make reasonable arrangements for the safekeeping of the ICT equipment allocated.
Insurance: Provided that the Member has made reasonable arrangements for the safekeeping of the ICT equipment allocated within his/her own home and in transit, Legal and Democratic Services will make such arrangements as are necessary for the replacement of the equipment at no cost to the Member. Where due care has not been taken with respect to the safekeeping of the equipment (for example, if a laptop is left in full view in an unattended vehicle) the Member will be responsible for replacement costs of the equipment.
The Member should not attempt to physically modify, repair or open computer hardware for any purpose.
The Member should not attempt to add, modify, repair or change any software for any purpose.
The Member may not link the computer to any network other than the Council's network.
Passwords are personal property and must not be shared with anybody else. N.B. Access to a Member's email inbox or calendar can be achieved either through the delegation facilities within the software or by providing authorisation in writing for technical staff to action on his / her behalf.
Data Protection: Members will at all times protect personal and confidential data.
Data storage: Wherever possible the Member should store their documents on the corporate data storage facilities (for directories, files etc) rather than on the hard disk (C:\ drive) of their allocated PC or laptop. This means that they will be protected by the standard corporate back-up and anti-virus provisions and be covered in terms of security of data in the event of theft or failure of the equipment itself.
ACCESS
Member to whom ICT equipment has been allocated and any other elected Members in the same household. NB: In cases where two or more Members share Council equipment, they will be provided with individual logins and passwords.
CATEGORIES OF USE
Use in connection with role as and discharge of functions as a Member, including use in connection with role on outside bodies appointed to by the Council
Private, business and political usage is permissible subject to the following conditions <ul style="list-style-type: none"> • A Member wishing to make such use of Council equipment will be subject to a £50 annual charge • There should be no significant usage of Council-funded consumables • Certain specified software is not licensed for, and may not be used for, private business use (currently this applies to Microsoft products applications e.g. Word, Publisher, Excel and Powerpoint). Members are authorised to use IBM Lotus Notes software for business use at this time. Clarification around business and private use for other software on the Council's catalogue will be advised on a case by case basis.
E-MAIL LIMITATIONS
Must comply with Corporate Code of email practice for Members (see below)
INTERNET
Internet facilities are provided to Members primarily for Council business, to assist in carrying out duties as an elected representative.
Inappropriate use of the Internet may result in allegations of misconduct to the Standards Board. Where criminal conduct may have occurred, breaches may also be reported to the police.
Members must not use Council-provided equipment to visit inappropriate sites. For guidance, such sites include the following: Adults only – sites that the author or publisher labels as being strictly for adults. Such labels include "Adults Only", "You must be over 18 to visit this site", "Registration is allowed only for

<p>people 18 or older” and “You must be of legal drinking age to visit this site”.</p> <p>Chat – sites that offer access to offer access to online chat rooms, or allow users to download chat software that enables the online posting and receiving of real-time messages.</p> <p>Drugs – sites that promote or advocate recreational drug use.</p> <p>Hate / Discrimination – sites that specifically target a group of people based on race, gender, sexual orientation, religion or ethnicity in a hateful, derogatory manner. The language of these sites often includes racial slurs and is insulting, abusive, and sometimes violent.</p> <p>Illegal – sites that promote illegal activities, or offer instructions or advice that can be used to commit illegal activities. Such activities include making or distributing child pornography, making bombs, hacking (breaking computer security), phreaking (breaching phone security or phone service theft), lock picking, selling pirated material (such as music, videos, software or fake IDs) and counterfeiting.</p> <p>Murder / Suicide – sites offer information about committing murder or suicide, or that contain photos of crime scenes or autopsies. Sites containing galleries of “death pics” are included in this category.</p> <p>Personal Information – sites that gather personal information (such as name, address, credit card number, school or personal schedules) that may be used for malicious intent.</p> <p>Pornography – sites that contain material that are intended to be sexually arousing or erotic. This includes photos, animation, cartoons and stories.</p> <p>Profanity – sites that contain crude, vulgar or obscene language or gestures. Sites that include excessive use of letter substitution are included.</p> <p>School cheating information – sites that promote plagiarism or cheating by providing term papers, written essays, or exam answers.</p> <p>Sex – sexual merchandising and fetish sites are included.</p> <p>Tasteless / Gross – sites that include content such as tasteless humour, excretory functions (vomiting, urinating or defecating), graphic medical or accident scene photos (containing blood or wounds), and some forms of body modification (cutting, branding or genital piercing).</p> <p>Violence – sites that contain graphic images or written descriptions of reckless violence or grave injury (e.g. maiming, mutilation or dismemberment). Includes graphically violent games.</p> <p>Weapons – sites that containing information about buying, making, modifying, or using weapons such as guns, knives, swords or ammunitions.</p>
<p>Members must not download, copy or record inappropriate content (obscene, violent, sexual etc). Indications of categories are outlined above.</p>
<p>Members must not knowingly use the internet in a way which may interfere with or damage the Council’s network</p>
<p>Members must not download programmes from the internet, except where authorised to do so by the Chief IT Officer.</p>
<p>The Member must not sign up to any other ISP (Internet Service Provider) for Internet use on the LCC computer.</p>
<p>HARDWARE</p>
<p>Hardware from the Council’s catalogue will be provided, installed and supported at the Council’s expense. This catalogue will be periodically updated in consultation with Group Support Managers. Members may request additional items to be added for Council business purposes. Where there is a business case (i.e. the potential for wide use / benefits across all Members) hardware will be evaluated for inclusion on the list.</p>
<p>Hardware must not be modified in any way.</p>
<p>No other hardware may be installed or connected to Council-provided ICT equipment by a Member.</p>
<p>SOFTWARE</p>
<p>Software from the Council’s catalogue will be provided, installed and supported at the Council’s expense. This catalogue will be periodically updated in consultation with Group Support Managers. Members may request additional items to be added for Council business purposes. Where there is</p>

a business case (i.e. the potential for wide use / benefits across all Members) software will be evaluated for inclusion on the list. Any additional software will be tested prior to inclusion to ensure no detrimental impact on the corporate desktop (N.B. there will be a lead time for this).
Software must not be modified in any way.
No other software may be installed by a Member on Council-provided ICT Equipment.
CONSUMABLES
Only paper and cartridges which comply with the Council's published guidelines may be used.
The Council will provide a reasonable (unspecified) supply of consumables at the discretion of the Group Support Manager and subject to budgetary provision.
A Member may, at his/her own expense, purchase and use additional paper and cartridges.
RECHARGES
Members will be entitled to use their Council-provided computer equipment and software for Council business purposes at no cost to them.
A £50 annual charge will be levied on Members who wish to use their Council provided ICT equipment and software for private, political and business purposes. Such use is subject to the contents of this guidance document.
EXCLUSIONS
It may be justifiable and appropriate that Members use the equipment and software provided for purposes outside the above guidelines. Such use, however, needs to be approved by the appropriate Group Support Manager on a case-by-case basis.

LEEDS CITY COUNCIL

MEMBERS E-MAIL CODE OF PRACTICE

1 INTRODUCTION

- 1.1 The purpose of this Code of Practice is to make sure the Council's e-mail facilities are used properly by all users.
- 1.2 E-mail facilities are provided to Members to enable them, or assist them in carrying out their duties as elected representatives. However, some incidental personal use by Members is allowed (see below). E-mail facilities are provided to Members primarily for Council business, to help them carry out their duties as elected representatives. However, by agreement the facilities can also be used by Members for other secondary personal uses. All users are personally responsible for complying with the rules for email use in this Code of Practice, and for making sure they use e-mail in a way which is compatible with the Council's Core Values.
- 1.3 E-mail correspondence is subject to the same internal Council rules, policies and procedures as other Council communications. It also has the same legal status as other communications, so it could create a contract, or someone could claim they were being harassed by email.
- 1.4 E-mail correspondence is subject to legal restrictions, just like other communications. Information must not be sent by e-mail, where this would break data protection or human rights rules about not disclosing personal data or private information.
- 1.5 All users must be vigilant about making sure their own e-mail account and the Council's systems generally are kept secure, and must comply with the rules about the security of the Council's systems.
- 1.6 Breaches of the rules for e-mail use in this Code of Practice by Members may result in allegations of misconduct to the Monitoring Officer. Where criminal conduct may have occurred, breaches may also be reported to the Police. E-mail users who breach the data protection rules could face prosecution.

2. RULES FOR E-MAIL USE

- 2.1 Members use e-mail to help them carry out their duties as elected representatives, subject to incidental personal use (see below). Where an Elected Member has entered into an agreement to make other secondary private use of a computer, all such use must also be in accordance with the following rules.
- 2.2 Generally, users must make sure their e-mail correspondence conforms to the Council's rules, policies and procedures.
- 2.3 In particular, users must not engage in any e-mail correspondence which would constitute a breach of:
 - The Disciplinary Rules, Code of Conduct, and Disciplinary Procedures.
 - Policies relating to dignity at Work.
 - the Equalities Policies.
 - the Members Code of Conduct.

2.4 Users must not create and/or send messages and/or attachments to messages that are, or which reasonably could be regarded as being:

- obscene
- pornographic
- indecent
- of a sexual nature
- violent
- a serious attack on someone's reputation
- racist, sexist or otherwise discriminatory or harassing
- threatening or intimidating
- encouraging or supporting racism, sexism, violence, drug taking or gambling

Where Elected Members have to send email or attachments with this content, as part of their duties as elected representatives, they must have prior authorisation from the Chief Democratic Services Officer (or nominee).

2.5 Users must not use e-mail to disclose information, where this would break data protection or human rights rules.

2.6 Users must not send non-Council related advertisements, chain letters other unsolicited non business related email.

2.7 Users must not create or exchange information, logos etc. which belong to someone else, in contravention of copyright or other intellectual property laws.

2.8 Users must not commit the Council to any contract or agreement other than in compliance with the Council's Contracts Procedure Rules, and Financial Procedure Rules.

2.9 Users must not (unless authorised to do so as part of proper proxy arrangements, and/or where they have the consent of the other e-mail user):

- give their passwords to others.
- read e-mail in, or send email from another e-mail user's account.
- alter e-mail or attachments which they have received, or which are in another email user's account,
- add or delete attachments to e-mail which they have received, or which are in another e-mail user's account,

2.10 Incidental e-mail correspondence (i.e. which is personal, political or business in nature), is allowed as long as it does not have an adverse effect on service levels. All such e-mail by Members, must still comply with the rules for e-mail use in this Code of Practice, and will still be subject to monitoring. It should also be noted that private, business and political emails may be associated with the Council by the recipient in that any email issued identifies the Member @leeds.gov.uk.

2.11 E-mail correspondence on a matter which becomes, or might become subject to court action should be kept (and not deleted from e-mail systems), because it might need to be disclosed in court. If a matter is subject to court action, internal e-mail correspondence should be avoided.

- 2.12 E-mail correspondence on a matter which is the subject of a request for information under the Freedom of Information Act 2000 must not be deleted until after the request has been dealt with, and any complaint or application to the Information Commissioner has been determined.



Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Standards Board for England: Bulletin 31

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to inform Members of the Committee of the latest Standards Board Bulletin published on 27th November 2006.
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. 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 To inform Members of the Committee of the latest Standards Board Bulletin published on 27th November 2006.

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:

- a monitoring officer's first hand perspective on preparing for a local investigation;
- key findings from the research project *A snapshot of standards committees*;
- how the eight monitoring officers of Suffolk share good practice; and
- a look at specific Code of Conduct issues, including the recent Collins judgement.

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.

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.

6.2 The highlights in the Bulletin are detailed at paragraph 3.1 and the full Bulletin is attached at Appendix 1.

6.3 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.

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Contents

- 2** Preparing for a local investigation
- 3** Standards committees: a national snapshot
- 4** Change to referrals criteria
- 4** Sharing good practice
- 5** Registering land interests
- 6** Prejudicial interests — meetings of other authorities & discussions about unitary status (p7)
- 7** The Code of Conduct & the Licensing Act 2003
- 8** The Collins judgement

Welcome to the November issue of the *Bulletin*.

The Standards Board welcomes the emphasis placed in the White Paper *Strong and Prosperous Communities* on the links between high standards of conduct and strong, accountable, responsive leadership. With the introduction of legislation to implement a more locally based conduct regime with more powers for standards committees, our role will become one of a light touch regulator, ensuring the effectiveness of the new local framework. We fully support this devolutionary reform whilst recognising the challenges this provides for monitoring officers and standards committees. The Standards Board will work with all stakeholders as we develop and implement the legislation. We also look forward to the publication by the Department for Communities and Local Government (DCLG) of the revised Code of Conduct for consultation, and to a local government bill at the earliest opportunity.

There is much work to do in preparing for the introduction of the revised Code in time for the May 2007 elections, and we are committed to producing guidance and training materials to assist monitoring officers and standards committees in its implementation. We are also preparing for a series of eleven roadshows across the country in June 2007 to support you with the implementation of the revised Code, identify any early emerging issues, and prepare for the introduction of the local filter system for complaints in 2008. If you have ideas or suggestions for the content of these roadshow events, please email eilidh.murray@standardsboard.co.uk

Topics covered in this month's edition of the *Bulletin* include a monitoring officer's first hand perspective on preparing for a local investigation, a summary of key findings from the research project *A snapshot of standards committees*, how the eight monitoring officers of Suffolk share good practice, and a look into some specific issues such as prejudicial interests.

David Prince, Chief Executive

Case Review number four

A round-up of some of the most significant cases, decisions and trends so far. Available at www.standardsboard.co.uk or in hard copy for £15.00 by calling 0845 078 8181

With well over half of investigations now being dealt with locally, we thought it would be useful to share the experience of a monitoring officer who has arranged for investigations to be conducted both in-house and by external providers. Michael Blamire-Brown, monitoring officer from Solihull Metropolitan Borough Council, explains his approach.

In undertaking local investigations the keyword is preparation! Don't wait until that letter arrives from the Standards Board asking you to undertake a local investigation.

Appointing an investigating officer

One issue which will hold up an investigation is the appointment of the investigating officer. I believe that as far as possible the monitoring officer should always use the power of delegation to appoint an investigator rather than take on an investigation personally. This keeps the monitoring officer free to keep an overview, and of course to advise the standards committee.

So where can you find an investigating officer? Here you have a choice. You can of course go to a professional firm specialising in investigations, particularly one which already has expertise in Code of Conduct issues. There are also experienced individuals offering their services in this area.

It is advisable to know about all the options, but thought should also be given to using an in-house investigator. From my experience to date, my recommended approach would be to build up in-house expertise, so that when an investigator is appointed, a sensible choice can be made between in-house talent and external providers. A look around your organisation may well reveal individuals with experience of investigations.

I have found that internal auditors will certainly have this experience and a good sense of ethical issues, as well as being seen as an independent investigator within the authority. Officers who have experience of disciplinary investigations should also be considered, and you may well find some officers with police experience. Trading standards officers and planning enforcement officers may be possibilities. So, surprising though this may be, by canvassing within your authority, you may very well find potential investigators who are both well qualified and also keen to practice their investigative skills.

Training your investigator

Having found your investigators the next task is to train them up for the job. You need to ensure your investigator can start within a reasonable timescale — the complainant and the member who is the subject of the complaint will expect something to happen quickly. Don't disappoint them. I have found that notifying the member of the local referral and the name of the investigator in the initial letter, followed by early contact by the investigator, is effective. If there is going to be a short delay before the investigation starts you must let them know and explain it.

If instructing an investigator externally, my approach (with benefit of hindsight) is to be very clear about fees. Get estimates, ask about fixed fees rather than hourly rates, and find out the time and cost of the various stages of investigation. I ask internal investigators to record the time taken so that we have some idea about costs.

Starting the investigation

Using standard documentation as a base will help get the investigation underway. I have all my precedent documents in electronic format so that they can easily be printed, emailed or supplied on a CD-ROM, and I have a very detailed instructions letter containing all the information about the complaint and contact details. I then hold a meeting with the investigator to go through this. It is important to make sure the investigator is comfortable with his task and is committed to the investigation, giving it priority within his own workload. Always give a target date for completion and require the investigator to report progress on achieving the agreed date.

So, having commissioned the investigation, can the monitoring officer sit back and wait for the report? Unlikely! The monitoring officer now needs to be prepared to go into a communicating role. Any investigation is going to bring questions from both members, officers and maybe the public. It is important to ensure that everyone, including the standards committee, understands the process and

what is happening. However, at the same time you must be careful not to give out confidential information or to prejudice the standards committee's consideration. The monitoring officer should also check that the member under investigation is supported and understands what will probably be an unfamiliar and stressful process.

The investigator may need some support but the monitoring officer needs to be careful not to get too involved in case he compromises his role as adviser to the standards committee. As I develop in-house skills in investigations, I am going to try and implement some peer group mentoring so that the investigator does have somewhere to turn for support.

The monitoring officer at this stage is planning ahead and looking at when the standards committee can meet, and what further training it needs. Don't wait until the investigator has reported before starting to make arrangements for a hearing.

Part of the preparation process is thinking through to the end product, the investigators report. It is important to give some guidance to the investigator on its format, as its quality of presentation may speak volumes about how you have commissioned the investigation.

Michael Blamire-Brown

Monitoring Officer, Solihull Metropolitan Borough Council

Standards committees: a national snapshot

The shift towards local ownership of the ethical agenda has focused greater attention on standards committees and monitoring officers. In the light of this, the Standards Board, in partnership with the Association of Council Secretaries and Solicitors (ACSeS), commissioned BMG Research to investigate their roles and activities. This research, entitled "*A study into the implementation, operation and role of standards committees*" was originally reported in the July 2006 *Bulletin*, and has now been completed and will be published shortly. This article summarises some of the key findings from this report. When published it will be available on our website at www.standardsboard.co.uk

The primary aim of this research was to provide information on the needs and levels of activity of standards committees and monitoring officers. It incorporated several strands, focusing on a number of key areas which included profile, training, the roles of monitoring officers, and experiences of recruiting independent members.

The full research findings have been invaluable in enhancing our understanding of the changing role of standards committees and monitoring officers, and providing insights into the way they operate. This is important as we prepare for further devolution of powers to local standards committees. The research found that, on the whole, monitoring officers report a positive working relationship with their standards committee (97%), feel supported by their chief executive (89%) and perceive providing advice to members as one of the positive aspects of their role (89%). Other findings indicate that monitoring officers feel their future workload will be impacted upon by the anticipated legislative changes, with 90% of respondents anticipating an increase in workload and only 45% stating that they feel prepared for the increase.

When interpreting the findings, it was useful to draw on previous research. Professor Gerry Stoker and his team from the University of Manchester have previously identified three types of standards committee: the lapdog, the watchdog and the guide dog. A lapdog committee is ineffective due to resource problems; the watchdog focuses on member conduct, operation of the Code of Conduct, and preparing members for hearings. The guide dog committee fulfils the statutory role yet sees itself as supportive as well as regulatory.

From the BMG Research it seems that many standards committees undertake activities which could be regarded as watchdog activities: monitoring the effectiveness of the Code of Conduct (98%), training/arranging seminars on the code of Conduct (97%), hearings (87%) and providing advice to members on the Code/ethics (81%). Given that these functions are statutory requirements, this finding shows there may be some uncertainty and/or a lack of understanding over the exact nature of their role and their responsibilities.

Encouragingly, there are some standards committees taking on activities which might be

regarded as those of a guide dog: 29% of respondents indicated that their standards committees had been involved in an overview of the whistle blowing Code, and 11% had been involved in responding to Ombudsmen investigations. These standards committees are not just concerned with the mechanics of the Code but on embedding an ethical culture within the organisation.

We would like to thank those of you who took part in this research. The Standards Board is now in the process of carrying out a new project, which will examine satisfaction with the advice and guidance we provide, and identify future needs. You may receive a questionnaire asking for your help with this research — if you do, please fill it in and return it to us. Thank you.

Summary reports of past and future research are available on our website at:

www.standardsboard.co.uk/research

Change to referrals criteria

The Standards Board for England has recently added to the criteria which are used to decide what complaints are referred for investigation. We now take into account the time that has passed since the conduct allegedly occurred. This is in addition to our general criteria — that a matter should be investigated when we believe it is:

- serious enough, if proven, to justify the range of sanctions available to the Adjudication Panel for England or local standards committees
- part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority, and there is no other avenue left to deal with it, short of investigation

The Standards Board decided to make this change because many complaints about matters that occurred a long time ago were seemingly resulting from political considerations or personal disputes. We wished to address this situation, whilst still retaining the ability to investigate serious complaints. This approach is consistent with that of many other regulatory bodies, which take into account the time that has passed when considering new complaints.

This change does not prevent us from investigating serious matters that have only just come to light.

We recognise that serious misconduct can be uncovered through an audit, review or change in administration and we would not wish to limit our ability to look into these matters. As always, we continue to assess each case on its merits, with serious cases being referred for investigation regardless of the length of time that has passed.

Sharing good practice

The eight local authority monitoring officers in Suffolk meet regularly with their association of local councils, carry out investigations for each other, and arrange for their standards committees to meet each other.

This group believes it is important for standards committees to know the national picture, not least because any decisions they take may be subject to appeal to a case tribunal. Last year, having considered how they could work more effectively in keeping their committees up-to-date with the national standards picture, they agreed to take it in turns to produce a bi-monthly standards update. This was to cover issues such as changes to the Code, important case tribunal decisions and even high court cases on the law of bias.

A standard template, without any branding, was created so that it could be used by all monitoring officers. Producing an issue does not take long — it is about a morning's work (which can be claimed as CPD) — and the result is circulated around all authorities in Suffolk. Each monitoring officer only has to produce an update every one and a half years which means the task is manageable.

Different councils use the update in different ways. Some circulate it to their councillors, some just to the standards committee. Others use it as source material for training officers and councillors or report it to their committee so it can be used as a basis for an updating session. It also helps monitoring officers ensure that the advice they give to councillors reflects the latest thinking of the Adjudication Panel. Councils can also consider whether their own practice should be changed as a result of case tribunal decisions.

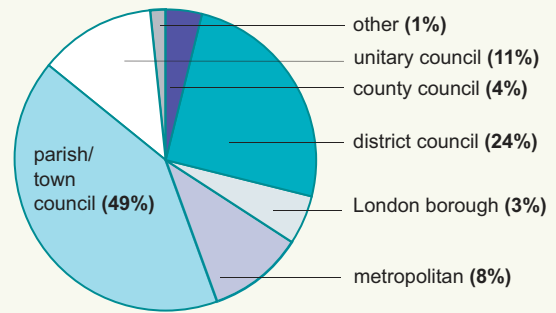
Thank you to Paul Turner of Ipswich Borough Council for providing the information for this article. If you would like a sample issue of the update, please contact him at paul.turner@ipswich.gov.uk

Referral and investigation statistics

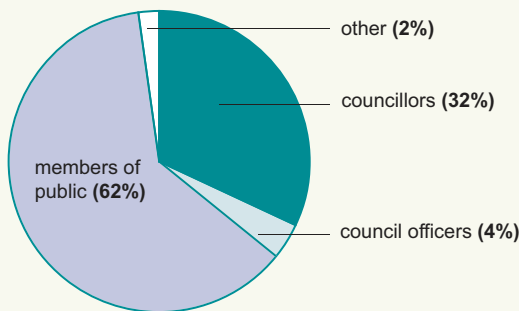
The Standards Board for England received 1996 allegations between 1 April and 31 October 2006, compared to 2427 during the same period in 2005.

The following charts show referral and investigation statistics during the above dates in 2006.

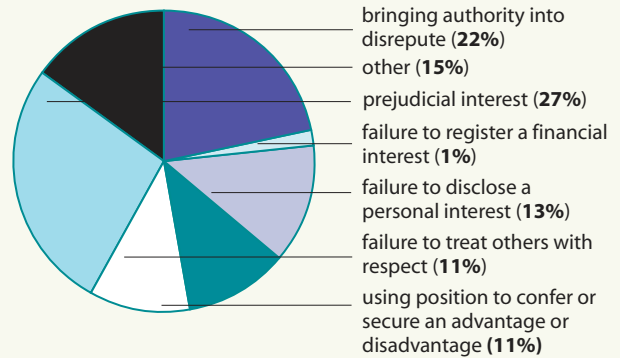
Authority of subject member in allegations referred for investigation



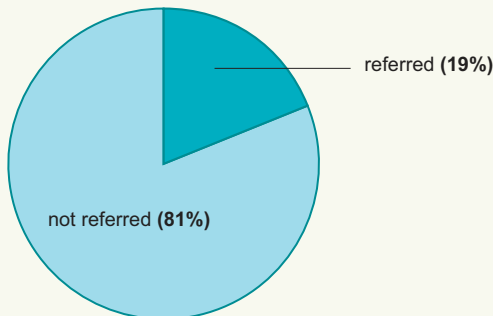
Source of allegations received



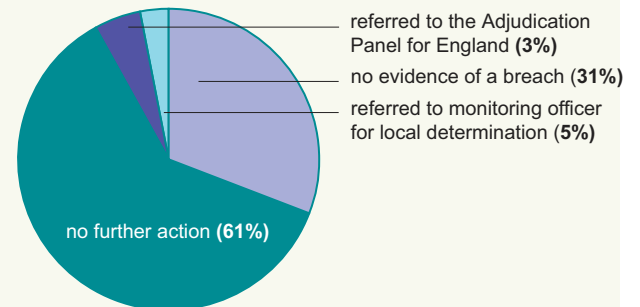
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Registering land interests

Under the Code of Conduct, members have to register a range of financial and other interests including any land in the area of the authority in which they have a beneficial interest. The address or other description (sufficient to identify the location) of the land must be provided.

When the information to be recorded relates to a house or flat, this does not present any difficulty in providing an address. However, the registration of other land interests such as farm land, or other land with no address, is not as easy. In these circumstances members should be advised to include enough information with

the notice so that all landholdings can be identified. This could be done by providing map grid references or by attaching a copy of a map identifying the land holding(s), which can then be included with the member's register of interests.

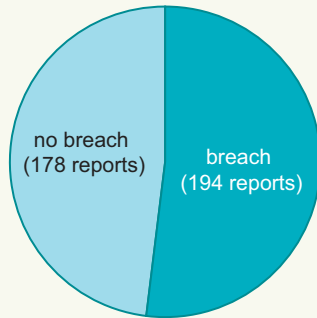
The requirements of the Code are precise. If a person wishes to inspect the register of interests to establish whether a member has a conflict of interest in a matter, they cannot do so if the information in the register is vague or general. Therefore, failure to record information in enough detail can be a breach of the Code.

Local investigation statistics

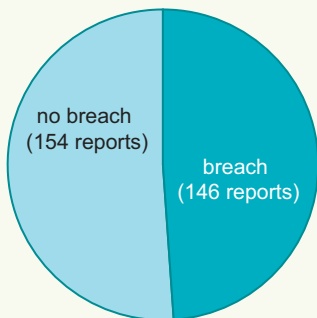
Of all cases referred since November 2004 for local investigation we have received a total of 372 reports — please see below for a statistical breakdown of these cases.

(NB: for the period 1 April — 31 October 2006, ethical standards officers referred 217 cases for local investigation — equivalent to 57% of all cases referred for investigation. Since 1 April 2006 there have been 11 appeals to the Adjudication Panel for England following standards committee hearings)

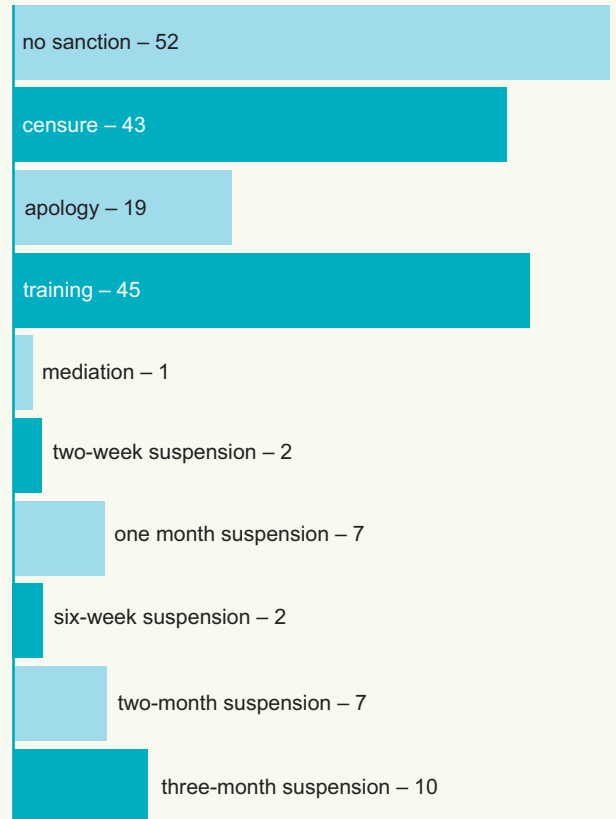
Monitoring officers' recommendations following local investigations



Standards Committee hearings



Standards committee determinations



Prejudicial interests — meetings of other authorities

There have recently been a number of enquiries submitted to the Standards Board about whether members with a prejudicial interest can attend a meeting of another authority of which they are not a member.

The Richardson judgement (which can be found in *Case Review number two*) makes it clear that attending a meeting of another authority is allowed under the Code of Conduct as long as it is in a purely private capacity. The member would not be able to attend a meeting of another authority in an official capacity, for example, to represent the

views of their own council, as they would be required to declare the interest and withdraw from the room.

So, for example, a parish councillor with a prejudicial interest in a planning application would be required to declare an interest and withdraw from the room during consideration of the matter by the parish council. However, they would be able to attend the district council planning committee, as long as this was in a purely private capacity, but would not be able to act as spokesperson for the parish council's views.

Prejudicial interests and discussions about unitary status

Some councils are thinking about local government structures for their areas in the light of the government's recent White Paper, and debates will take place in two-tier areas about unitary status. Members who belong to both a district council and a county council (dual-hatted members) will need to think about whether they have a prejudicial interest in such debates.

Dual-hatted members will have a personal interest in discussions about the future of each of their authorities. This is because they need to register their membership of other public bodies. But will this interest be prejudicial? The Code of Conduct says, "a member may regard himself as not having a prejudicial interest in a matter if that matter relates to ... another relevant authority of which he is a member."

Ultimately it will be a matter for the courts to decide if members have a prejudicial interest in such debates. The Standards Board takes the view that a member would not have a prejudicial interest. We do not believe that a member of the public, with knowledge of the relevant facts, would think a member's judgement of the public interest in such a debate would be prejudiced because they belonged to another authority. Members will therefore not need to declare a prejudicial interest in debates about unitary status.

For example, a councillor who has voted in favour of unitary status for their district council will also be able to take part in their county council's debates about unitary status. The member would, however, still need to declare a personal interest. Similarly a county councillor who has voted for unitary status for the county will be able to take part and vote about the same issue at the district level.

What about councillors who may be affected by the loss of significant allowances as a result of unitary proposals? The Standards Board takes the view that this issue can be covered by the exemption in paragraph 10(2) that relates to "any functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989" so that affected individuals can declare an interest and then take part in any debate.

The relationship between the Code of Conduct and the Licensing Act 2003

The Standards Board has received a number of enquiries about how the provisions of the Code of Conduct impact on members who may be involved in licensing committee activities. The following guidance is given to address the most frequently asked questions.

Are councillors who want to attend local authority licensing hearings/meetings exempt from the effects of the Code because of provisions in the Licensing Act 2003 (Hearings) Regulations 2005?

Paragraph 14 of the hearing regulations says that a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. However, this provision does not override the provisions of your local Code. The Code of Conduct prevents a member with a prejudicial interest from attending any meeting of a committee, sub-committee etc of the council. The meaning of committee is not defined further. There is no reason to believe that it excludes a licensing committee established under the Licensing Act 2003.

Therefore, a member with a prejudicial interest in a licensing application cannot attend the meeting where that application is being discussed. It follows that they cannot act as an effective representative of an applicant or any other interested party. They should ask another councillor to take on this role.

If a member has a prejudicial interest, is he or she nevertheless entitled to attend such a hearing/meeting in a personal capacity as opposed to a representative capacity?

No. The Court of Appeal decision in *R (on the application of Richardson and another) v North Yorkshire County Council and others* [2004] 2 All ER 31 is binding. All members with prejudicial interests are excluded from hearings or meetings of a licensing committee in whatever capacity they purport to be attending.

There is no breach of an excluded member's right to a fair trial under Article 6 of the European Convention on Human Rights. This is because they can still submit written representations, and the committee has a wide discretion to conduct hearings to ensure that no unfairness arises on the facts of a given case.

The Collins judgement

The Standards Board for England has asked the government to clarify rules about the behaviour of 'off-duty' local authority councillors. A recent interpretation of the Code of Conduct means that councillors will generally not be bound by the Code when they are acting in an unofficial capacity.

This follows the decision of Mr Justice Collins during the High Court appeal by Ken Livingstone against a decision of the Adjudication Panel for England. The Panel suspended Mr Livingstone for a month for bringing his office into disrepute during an altercation with an Evening Standard journalist, but this was overturned by Mr Justice Collins.

He said in his judgement "If it is thought appropriate to subject a member of a local authority to a code which extends to his private life, Parliament should spell out what is to be covered". The judge commented on section 52 of the Local Government Act 2000, which imposes a duty on councillors to give an undertaking to observe the Code of Conduct 'in performing his functions'. He took the view that this duty limits the scope of the Code, so that conduct in a member's private capacity can only come within the scope of the Code where it is established that there was a direct link with the member's office. An example of when it could apply would be if a member uses his office for personal gain.

Examples of cases where he did not think that the Code was able to apply included where a member shoplifts, or is guilty of drunken driving. If the offending conduct had nothing specifically to do with the member's position as councillor, such actions will no longer be caught by the Code

This is a narrower interpretation than has previously been applied to the Code of Conduct. For the time being, the Code will need to be interpreted under the terms indicated by this High Court judgement, so that a member's conduct in their private capacity will only fall within the terms of the Code where there is a direct link between the conduct and the member's office.

A member who is convicted of a criminal offence and sentenced to more than three months imprisonment (whether suspended or not) is automatically disqualified from public office for five years. However, after the Collins judgement, it is possible for an individual to be imprisoned for two months for offences such as defrauding the council of housing benefit, or downloading child porn, and to remain as a councillor until removed by the electorate.

The Standards Board has considered the implications of the judgement and is preparing guidance on its interpretation.

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Standards Board for England: Town and Parish Standard 08

Electoral Wards Affected:	Specific Implications For:
	Ethnic minorities <input type="checkbox"/>
	Women <input type="checkbox"/>
	Disabled people <input type="checkbox"/>
	Narrowing the Gap <input type="checkbox"/>

Executive Summary

1. The purpose of this report is to notify Members of the Committee of the latest Town and Parish Standard issued by the Standards Board for England.
2. Highlights from this issue (attached as Appendix A) include:
 - the key changes the Standards Board anticipate coming into effect when the revised Members' Code of Conduct comes into force next year;
 - details of the actions the Standards Board is taking to help support Parish and Town Councils.
3. Members of the Committee are asked to note the contents of this report and the Town and Parish Standard.

1.0 Purpose Of This Report

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

2.0 Background Information

- 2.1 The Town and Parish Standard is a newsletter for Parish and Town Councillors, containing news, features and guidance on the Code of Conduct and the work of The Standards Board for England. It is designed to support Members in performing their duties under the Code of Conduct and keep them informed of ethical issues in the local government sector.
- 2.2 The Town and Parish Standard is distributed three times a year with the Local Council Review, the publication of the National Association of Local Councils (NALC). Past issues are available through the Standards Board website: <http://www.standardsboard.co.uk/Publications/TownandParishStandard/>

3.0 Main Issues

Key changes to the Code of Conduct

- 3.1 Members of the Committee are able to find out more about the proposed key changes to the Code of Conduct from Item 16 of the agenda.

Working with Parish and Town Councils

- 3.3 The Standards Board are currently working with individual parishes and other organisations (such as the NALC, the Society for Local Council Clerks (SLCC), and the Improvement and Development Agency (IDeA)) to improve Parish and Town Councils.

Capacity-building bid

- 3.3.1 As previously mentioned in Standards Board communications, the Standards Board, the NALC, the SLCC and the IDeA have submitted a joint bid to the Department for Communities and Local Government for funding for three projects aimed at Parish and Town Councils. These are:
- Peer-mentoring programme** – this will match existing trained Councillor mentors with other Parish and Town Councils to share knowledge around good practice.
- Ethical Governance Toolkit** – this will provide good practice advice on how to make Parish and Town Councils work more openly and effectively, and to help Councillors in their day to day roles.
- Model compact** – this will encourage greater partnership working between county associations of local councils and standards committees in the area.

Action plans for parishes

- 3.3.2 If the Standards Board have particular concerns about a certain parish because of the amount of complaints it has received, the Standards Board will assess whether there may be other ways of solving the problem rather than simply investigating the complaints. If so, key local people such as the county secretary, the standards committee chair, Society for Local Council Clerks representative and monitoring officer will be contacted to try and develop an action plan. This may include specific training programmes, mediation services or other activities.

4.0 Implications For Council Policy And Governance

- 4.1 The Town and Parish Standard contributes to good governance by raising awareness of the Code of Conduct and ethical issues at a Parish and Town Council level.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 The Town and Parish Standard is a newsletter for Parish and Town Councillors, containing news, features and guidance on the Code of Conduct and the work of The Standards Board for England.

7.0 Recommendations

- 7.1 Members of the Committee are asked to note the contents of this report and the Town and Parish Standard.

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in this issue...

- 1 The new Code of Conduct: key changes**
- 3 Developing good local governance**
The bid for programmes to support town and parish councils.
- 4 The referrals process — what types of complaints don't we refer?**
- 4 Moving forward with town and parish councils**
Standards Board initiatives.

plus...

- 3 Referral and investigation statistics**

Welcome to the eighth issue of the *Town and Parish Standard*.

You may have met Standards Board for England staff recently when we attended this year's National Association of Local Councils (NALC) conference. The conference provided a good opportunity for us to engage openly with a number of you to hear what we are doing well, what we could do better, and how we can help you further in the future. There was considerable discussion around the new Code of Conduct and how distinct this would be from the present one. Overall, many of you welcomed our proposals for the revised Code and felt that it would help clarify a number of areas, most notably around declaring interests.

We were also present at all of the recent party conferences and again were able to have interesting discussions about our work with those of you we met. You may be aware that a group of Conservative MPs, called the Cornerstone Group, recently published a paper on the workings of the Standards Board entitled *A Question of Standards: Prescott's Town Hall Madness*. The paper contained a number of misinterpretations regarding the workings of the standards framework, monitoring officers, and the Standards Board, and we have responded to the paper on our website — to read this response, please visit www.standardsboard.co.uk/pressoffice and click on 'current press releases'.

This issue of the *Town and Parish Standard* should help to clarify some of the key changes in the Code of Conduct that we anticipate coming into effect next year. It looks at what types of complaints we have declined to refer for investigation and discusses what we are doing to support the work of parish and town councils across England. Don't forget you can contact us at any point to find out more about our work and about the Code — see the end of this newsletter for contact details.

The new Code of Conduct: key changes

As this edition of the *Town and Parish Standard* goes to print, the Department for Communities and Local Government is preparing to release a revised Model Code of Conduct for public consultation. As reported previously in this newsletter, the government agreed to implement all of our recommendations for the new Code, and we have been working with them towards its introduction in time for the elections in May 2007.

The headline recommendation to ministers last year was to make the Code of Conduct clearer, simpler and more positive. Although we don't yet have the exact wording of the new Code, we would like to take this opportunity to explain the key changes that we anticipate coming into effect, and to help town and parish councils participate in the public consultation.

Public service interests

Our major concern has always been that the interests regime, whether in reality or perception, was over-restrictive and prevented councillors from

properly representing their communities. To help address this issue, a new category of public service interest is proposed. Under the proposals, members who serve on another public body (known as dual-hatted members) would normally simply need to register this interest on the member's register of interests. Only if they want to speak in connection with the matter would they need to declare an interest. This proposal aims to cut down the number of declarations that need to be made at the start of meetings.

Also, members would not have to declare a prejudicial interest unless there is a genuine conflict of interests between the parish council and outside body, and the matter under discussion relates directly to the public body on which the member serves, for example, a grant application or regulatory decision which has an immediate effect on the body.

"Our major concern has always been that the interests regime, whether in reality or perception, was over-restrictive and prevented councillors from properly representing their communities. To help address this issue, a new category of public service interest is proposed."

Under the existing Code, members with prejudicial interests arising from their service on another public body must leave the meeting when the relevant item begins to be discussed.

Under the revised Code, even where it is a prejudicial interest, dual-hatted members would be allowed to address the meeting and answer questions before withdrawing prior to the main discussion.

In addition to those members who have a public service interest, members of charitable bodies and lobby groups would also benefit from the same rules and would only be prevented from voting when a matter directly affects the organisation they represent.

Disclosure of confidential information

We have proposed that, under the revised Code, 'confidential' information can, in certain circumstances, be disclosed in the public interest.

We are preparing guidance to be published when the revised Code comes into force, which will explain the public interest disclosure provisions more fully.

This will help in determining whether a disclosure is in the public interest (including how to determine the reasonableness of a disclosure of confidential information) and when it is not, for example if it is related to specific details of ongoing contract negotiations.

Bullying

Bullying, although rare, is a serious issue for local authorities. It is extremely unpleasant for the people on the receiving end, and it can also have a corrosive effect on the organisation and ultimately affect the authority's performance — especially as there may not appear to be a straightforward way to resolve the situation.

As a result of general concern in local government about instances of bullying, and the need to prevent and deal with it, a specific reference to bullying will be featured in the revised Code.

We will be producing guidance after the new Code comes into force which will set out what conduct might constitute bullying, how to prevent bullying, and how to provide evidence of bullying.

Disrepute

The Standards Board recognises the view expressed by some that only misconduct which relates to official duties should be regarded as capable of bringing the authority into disrepute.

However, in line with the majority of views received during consultation, we believe that the Code of Conduct should continue to cover certain behaviour outside of official duties, but that this should be limited to unlawful conduct.

The Standards Board therefore proposes that the provision relating to disrepute in the original Code is clarified, so that only unlawful activities such as criminal or cautionable offences committed outside of a member's official duties are subject to the Code. Civil matters or merely objectionable conduct in private will not be covered.

Next steps

We anticipate that the government will announce a timeframe shortly for the introduction of the revised Code. We are keen to see the changes implemented as soon as possible, but have also stressed the importance of getting the details right.

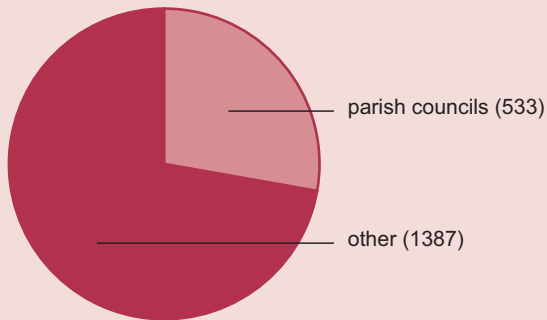
When the new Code comes into force, the Standards Board will produce guidance to help you navigate it, including a new DVD to examine the Code in greater detail, as well as the specific guidance mentioned above.

Parish and town council referral and investigation statistics

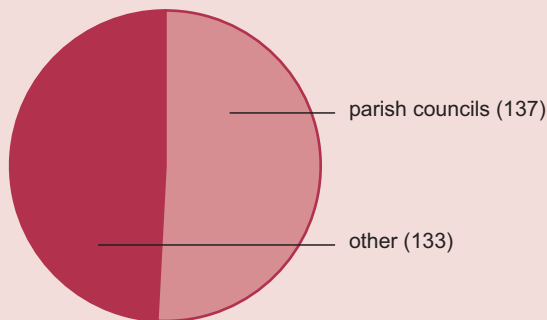
The following charts compare the parish experience with that of other local authorities, for the period 1 April 2006 to 31 August 2006.

Key parish councils other

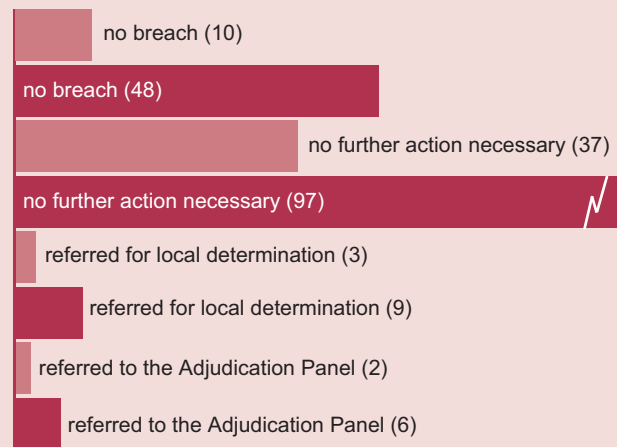
Number of allegations received (total: 1920)



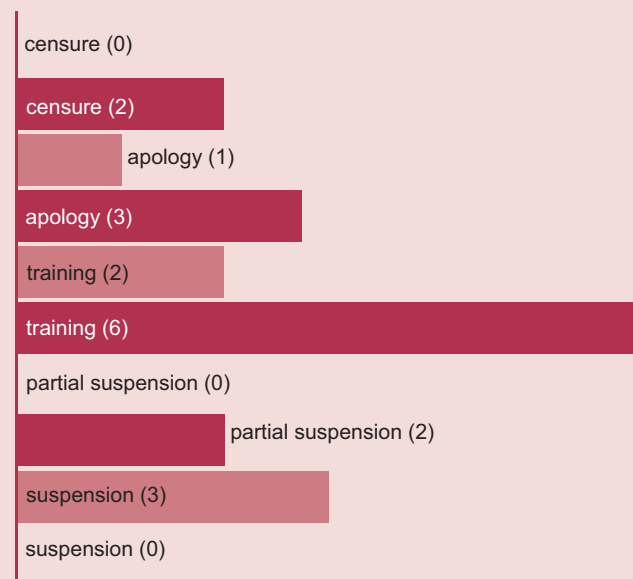
Number of allegations referred for investigation (total: 270)



Ethical standards officers' final findings



Standards committee determinations in cases that have been heard



In some of these cases, the member concerned had been given a sanction of more than one description. None of these hearings resulted in a finding of no breach or no sanction.

Developing good local governance

The Standards Board, the NALC, the Society for Local Council Clerks (SLCC) and the Improvement and Development Agency (IDeA), are submitting a joint bid to the Department for Communities and Local Government (DCLG) for funding for three projects aimed at supporting the work of parish and town councils and encouraging high standards.

The first is a peer-mentoring programme, which will match existing trained councillor mentors with other parish and town councils to share knowledge around good practice.

Secondly, an ethical governance toolkit will be developed to give good practice advice on how to make parish councils work more openly and effectively, and to help parish councillors in their day-to-day roles. The third programme will develop a model compact to encourage greater partnership working between county associations of local councils and the standards committees of principal local authorities in their areas.

Look out for the next edition of this newsletter for an update on this bid and details of how you could get involved if it is successful.

The referrals process — what types of complaints don't we refer?

The Standards Board is obliged to consider every complaint made to us in writing and decide whether to refer it for formal investigation. One purpose of the referral process is to filter out those that do not merit investigation.

With plans for authorities to receive and filter complaints from 2008, we thought it would be useful to look at some types of complaint that we have recently declined to refer for investigation.

Complaints about the council or council officers

We frequently receive complaints that councillors have breached the Code of Conduct when in actual fact the substance of the complaint is about dissatisfaction with a decision taken by the authority as a whole. This can be seen in a recent complaint about play parks.

The complainant related his various concerns over a parish council's actions in respect of the play parks and stated that that his complaint was against the chair of the parish council because, as chair, "he is responsible for all decisions and actions taken by the council". We did not refer this matter for investigation, as we do not have jurisdiction to investigate the merits of decisions taken by an authority and cannot hold individual councillors responsible for collective decisions.

Complaints about correspondence

Another common complaint that we generally do not investigate concerns members failing to provide a substantive response to correspondence. For example, a member of a London borough was alleged to have failed to give a meaningful response to the complainant's many emails, and to have decided to deal with future correspondence from the complainant under the council's vexatious correspondence procedure.

In deciding not to investigate this, we noted that councillors are entitled to invoke their authority's vexatious correspondence procedure if they feel it is appropriate, and it is not for the Standards Board to comment on the appropriateness of this decision. We also noted that the Code does not require members to respond to every item of correspondence.

Complaints about pre-Code incidents

We often get complaints about actions that occurred before the Code of Conduct was adopted or before the individual in question was elected. One case of this nature concerned recent publicity in the local

press over a district councillor's conviction, 20 years ago, for the theft of a small sum of money. The complainant alleged that by being a convicted thief the councillor in question had brought his authority into disrepute. We noted that the Standards Board does not have jurisdiction over matters that occurred before the adoption of the Code of Conduct.

Moving forward with town and parish councils

In addition to the capacity-building bid discussed above, other Standards Board initiatives are taking place specifically in relation to individual parishes.

Where we have concerns about the number of allegations we have received about a particular parish, we will assess whether there may be ways, other than simply investigation of individual members, of solving the problems. If so, we will get in touch with key local people such as the county secretary, standards committee chair, Society for Local Council Clerks representative and monitoring officer to see if we can develop an action plan.

The action plan may involve specific training programmes, mediation services or other activities. It has already helped to develop local solutions in a number of areas to address deep-seated problems and we hope to be able to expand our capacity to support local solutions in the coming years.

Contacts and more information

We would like your ideas and suggestions for future newsletters, along with any questions or feedback. Please send comments to:

- tpstandard@standardsboard.co.uk
- The Standards Board for England
First floor, Cottons Centre
Cottons Lane
London SE1 2QG

More information

You can get more information on the Standards Board for England and the Code of Conduct, including case summaries, frequently asked questions and guidance for members, from our website at:

www.standardsboard.co.uk



Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Fifth Annual Assembly of Standards Committees: Bridging the Gap

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to inform Members of the Committee of the Fifth Annual Assembly of Standards Committees held on 16th & 17th October 2006 at the International Conference Centre (ICC) in Birmingham.
2. The main points of interest were the Local Government White Paper, the results of the BMG research into standards committees, and the inaugural meeting of the new Association of Independent Members of Standards Committees in England (AIMScE).
3. Members of the Committee are asked to note the contents of this report, the conference newsletters, and the attached research document.

1.0 Purpose Of This Report

- 1.1 To inform Members of the Committee of the Fifth Annual Assembly of Standards Committees held on 16th & 17th October 2006 at the International Conference Centre (ICC) in Birmingham.

2.0 Background Information

- 2.1 The theme of this year's conference was the challenge for local government to become the champion of high standards across public life. The aim as outlined by Anthony Holland, the Chair of the Standards Board for England, is to have a system which has 'bridged the gap' which is both locally owned and driven, and in which the public have confidence.
- 2.2 Three editions of 'The Connection', have been published since the conference took place, and are attached for information. Members will note the range of speakers included; the Chair and Deputy Chair of the Standards Board (SBE); the local government minister Phil Woolas MP; Dawn Hands, research director at BMG research, who presented the study's recent findings during the conference; a number of Ethical Standards Officers and investigators from the Standards Board; and various Monitoring Officers and Standards Committee Chairs.
- 2.3 The Assembly was attended by Mike Wilkinson on behalf of the Committee and by Nicole Jackson, Monitoring Officer and Director of Legal and Democratic Services, and Stuart Turnock, Chief Legal Services Officer.

3.0 Main Issues

- 3.1 The main points of interest were the Local Government White Paper, the results of the BMG research into standards committees, and the inaugural meeting of the new Association of Independent Members of Standards Committees in England (AIMScE).

Local Government White Paper

- 3.2 The Local Government Minister, Phil Woolas, gave a speech at the Annual Assembly regarding the release of the new Local Government White Paper, "Strong and Prosperous Communities" which can be downloaded from the Department for Communities and Local Government website at <http://www.communities.gov.uk/index.asp?id=1503999>. The Minister described the paper as devolutionary and empowering of local government, Councillors and local people – and that the standards regime must follow suit.
- 3.3 The Code of Conduct is part of the local based ethical framework and the Minister outlined that the consultation document on the revised draft Code of Conduct will be issued very shortly. It is anticipated that the consultation period will be completed by Christmas and that the new Code will be in place in time for the local elections in May 2007. The Minister said that:
- "The Code will be user-friendly, fair and proportionate – in fact, a reflection of the conduct regime itself as it should be."*
- 3.4 In order to prepare for the new system outlined in the White Paper, the capacity and capability of both Monitoring Officers and standards committees will have to

improve. This will mean new training materials, development and guidance in place for officers and Members, and this will continue to be delivered by the Standards Board for England.

- 3.5 In order to retain public confidence the Minister outlined that all standards committee should have independent Chairs, but that they should not be required to have a majority of independent members on the committee as maintaining a balance of Members will help to ensure local democratic ownership.
- 3.6 The Minister acknowledged that there were concerns regarding the resource implications of the new regime and the need for Monitoring Officers to resist political pressure and to remain robust and consistent, and asked local authorities to work together to meet the challenges ahead.

BMG Research – national snapshot of standards committees

- 3.7 This research project was commissioned by the Standards Board with the Association of Council Secretaries and Solicitors (ACSeS) in response to the shift towards local ownership of the ethical agenda.
- 3.8 The aims of the research were to gain information about the following areas:
- a national profile of standards committees;
 - recruitment of independent members;
 - training, activities and experience of standards committee members;
 - the impact of hearings, both positive and negative;
 - role, profile and qualifications of monitoring officers; and
 - support needs of standards committee members.
- 3.9 The results as presented at the Annual Assembly are available as an appendix to this report (Appendix D), but some of the most significant results are listed here:
- Most standards committee members serve on the standards committee for between one and five years with just under 25% serving for five years or more.
 - The majority of monitoring officers surveyed said they attended standards committee meetings.
 - Advertisements in newspapers are the most common method for recruiting independent members and are also seen to be the most effective.
 - Four out of five monitoring officers reported having problems during local investigations, and 33% said that they can have a negative impact on their relationship with Members.
 - Most standards committees and monitoring officers have had training on local investigations, but almost 66% feel they need further training.
 - Standards committee members view their role positively, having good working relationships with their monitoring officer and receiving sufficient support from them.
 - Monitoring officers are positive regarding: their working relationships, their role in the authority, resourcing, training, and support from their chief executive and the chief finance officer.
- 3.10 Several Members of the Leeds City Council Standards Committee were asked to take part in the survey, and were amongst the 60% of authorities who responded to the survey. The results will be used to help inform debate and target future support.

A full report on the results and their implications will be available on the Standards Board's website in due course (<http://www.standardsboard.co.uk/Aboutus/Research/>).

Inaugural meeting of AIMScE

- 3.11 One of the fringe events at this year's Annual Assembly hosted the inaugural meeting of AIMScE. Some 70 independent members attended the meeting and the constitution of the association was adopted.
- 3.12 The Association of Independent Members of Standards Committees in England is a new organisation to provide peer group support to members, to champion their interest, to empower them in their role and function and to represent their interests.
- 3.13 The aims of the association are:
- To attract and maintain a membership of at least one from every relevant authority every independent chair.
 - To have the ability for members to find other members through a membership register.
 - To hold three events per year: a fringe meeting at the Annual Assembly of Standards Committees; the Annual General Meeting, with a key note speaker, and a conference or training event.
 - To facilitate training.
 - To carry out surveys on issues of importance to their members.
 - To develop a register of members who are able and available to provide Peer Support to other Standards Committees.
 - Through contact with stakeholder bodies to prove themselves to have a valid and additional voice to add to the debate in government, the Standards Board for England, universities and all appropriate places in the local government scene and arena.
 - To encourage and support regional forums (or branches) and to assist members or other Independent Members to set up forums (or branches) in geographical areas where none currently exist.
- 3.14 The Chair of the Committee is invited to feedback to the Committee on the Annual Assembly.

4.0 Implications For Council Policy And Governance

- 4.1 The Annual Assembly provides an opportunity for Members of standards committees to discuss their experiences and exchange examples of good practice. The Assembly also provides training on a range of conduct issues.
- 4.2 According to Sir Anthony Holland (Chair of the Standards Board for England), a major theme in this year's Annual Assembly was the importance of high standards of conduct and behaviour in underpinning good governance, especially for leaders and chief executives living out and exemplifying the values of good governance.

5.0 Legal And Resource Implications

- 5.1 There are resource implications to the new ethical framework as outlined in the White Paper, such as the resources required for an increasing number of local

determinations and training on the new Code of Conduct. However these can be met from within existing budgets.

- 5.2 Some of the changes proposed to the conduct regime will also require changes in legislation.

6.0 Conclusions

- 6.1 The main points of interest were the Local Government White Paper, the results of the BMG research into standards committees, and the inaugural meeting of the new Association of Independent Members of Standards Committees in England (AIMScE).

- 6.2 The Chair of the Committee is invited to feedback to the Committee on the Annual Assembly.

7.0 Recommendations

- 7.1 Members of the Committee are asked to note the contents of this report, the conference newsletters, and the attached research document.

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National snapshot of standards committees revealed

The findings of the first ever national study of standards committees and their work are to be revealed today in *Standards committees: a national snapshot* taking place at 2.15pm in Hall 1.

This thought-provoking research was commissioned by the Standards Board for England in partnership with ACSeS (Association of Council Secretaries and Solicitors) in response to the shift towards local ownership of the ethical agenda. This shift will focus greater attention on the role of standards committees and monitoring officers, making this research both important and timely.



Dawn Hands, Research Director at BMG Research, will be presenting the study's findings at 2.15pm today.

The study was carried out by BMG Research, whose research director Dawn Hands will be discussing the results later today and

answering any questions.

The aims of the research were to discover views, experiences and activities; to both gather information on current practices and inform future direction. All standards committees and monitoring officers in England were invited to take part through a postal survey, and just over 3,000 questionnaires were mailed out. The overall response rate was excellent with over 60% of individual authorities responding.

The findings to be presented this afternoon will include information about: the number of local investigations undertaken; perceptions of workloads;

the extent to which members feel supported and valued; the impact of local investigations; and a profile of standards committee members.

The Standards Board believes that this work provides invaluable information with which to move forward towards the new ethical framework, adding greatly to the existing body of knowledge, and helping to inform debate and target future support. The Standards Board is currently considering the full implications of the findings — in the meantime a full report will be available from www.standardsboard.co.uk by the end of November.

Key areas targeted by the research:

- a national profile of standards committees
- recruitment of independent members
- training, activities and experience of standards committee members
- the impact of hearings, both positive and negative
- role, profile and qualifications of monitoring officers
- support needs of standards committee members

Welcome to Bridging the Gap

We are delighted to welcome you to the Fifth Annual Assembly of Standards Committees, one of the most important events of the year for all those who work with the Code of Conduct.

The focus of this year's conference is on the challenge for local government to become the champion of high standards across public life, standards that the public rightly expects.

Leaders, elected mayors

and chief executives will need to be leading this challenge, actively supporting standards committees, their independent chairs and members.

Monitoring officers will need the resources and capacity to give consistent and robust advice, and to handle cases locally.

The prize, and the test, is a system that has bridged the gap — one that is both locally owned and driven, and that commands public confidence.

I hope that our speakers, sessions and your own contributions at this year's conference will help everyone move forward towards this goal. I hope too that you have an enjoyable couple of days here in Birmingham and benefit from the networking that this event provides.

Sir Anthony Holland, Chair, The Standards Board for England

Meet your fellow delegates

This year's conference presents more networking opportunities than ever before. In particular, the facilitated exchange sessions, in which the discussion is largely delegate-led, give you the opportunity to meet your fellow delegates and share views and experiences. These are marked as sessions 1 and 2 on the agenda (right).

Outside of the sessions, you can use the designated networking area, open from 1pm today. Keep in touch via the message board and meeting point, and ask Standards Board staff any questions you may have at the special information desk.

Get to know other delegates over sit down lunches, and of course at tonight's dinner,

which will provide a relaxed networking opportunity. The evening begins with a drinks reception at 7.30pm, followed by a four-course dinner with wine and coffee at 8.00pm. There will be a cash bar available and the evening will be accompanied by live jazz music from the Al Gurr Quartet, featuring Sarah Coleman on vocals.

Agenda

08.30 – 10.15	Registration
09.15 – 10.00	Getting up to speed
10.15 – 10.25	Welcome
10.25 – 10.40	Setting the standard
10.40 – 10.55	Bridging the gap: towards strategic regulation
10.55 – 11.25	What will an effective ethical environment look like?
11.25 – 11.45	Question time
11.45 – 12.00	Comfort break
12.00 – 13.00	SESSION 1 Implications of the revised Code and the future ethical environment
13.00 – 14.15	Lunch
14.15 – 15.15	Standards committees: a national snapshot
15.15 – 15.45	Comfort break
15.45 – 16.45	SESSION 2 How do you measure up?
16.45 – 17.00	Comfort break
17.00 – 18.15	SESSION 3 Bridging the gap: knowledge, techniques and skills
18.15	Close of day one
18.30 – 19.30	Fringe events (see <i>The Fringe</i> overleaf)
19.30 – 20.00	Drinks reception
20.00 – 23.00	Conference dinner



THE BIG DEBATE

WHEN POLITICS BECOMES PERSONAL: IS LOCAL LEVEL GOVERNANCE THE PANACEA?
17 OCTOBER 2006, 10.45, HALL 1

CPD accreditation for solicitors and barristers

Last year's conference was the first at which solicitors could earn credits towards the Law Society's continuing professional development (CPD) scheme.

The Standards Board for England applied for accreditation to improve the learning opportunities at the conference for law professionals, and in response to feedback from previous delegates.

Now, at this year's assembly, barristers can also claim accreditation towards the General Council of the Bar's CPD scheme. This year the amount of credit available at the conference totals 11 hours.

To claim credits, delegates who are barristers need to register their attendance at the enquiries desk. We would also remind all delegates who are solicitors or barristers to update their personal training records.

Any questions?

If so, please drop by the Standards Board for England information desk in the registration area. Here, members of staff will be ready to answer any questions you may have about the Code of Conduct or the work of the Standards Board, and to respond to any of your feedback.

You will also find a question sheet in your conference delegate pack that you received this morning at registration.

Drop your completed question sheet into one of the many question postboxes situated around the conference centre, at any time during the next two days. Your questions will be responded to after the conference.

THE FRINGE

Don't miss this year's extended programme of fringe events, taking place today at 6.30pm, following the close of the main conference sessions and before the evening drinks reception begins. Covering a range of topics of key interest to delegates, these optional sessions are organised and run independently of the main conference programme by a range of bodies from the local government family. This year's sessions are as follows:

- *Achieving excellence in local filtering: monitoring officers' perspectives* is an interactive session hosted by the Association of Council Secretaries and Solicitors (ACSeS).
- *Independent members gaining a voice* is the inaugural meeting of the Association of Independent Members of Standards Committees in England (AIMSce).
- *The ethical governance toolkit — how does your authority measure up?* Hosted by the Improvement and Development Agency (IDeA), this session discusses issues such as how the toolkit works and future developments.
- *The future of local community governance and standards*, hosted by the National Association of Local Councils (NALC), will be a discussion around the ethical framework of different models of community governance.
- *Leadership and governance and the Lyons Inquiry proposals* A discussion forum based on the key role for effective leadership and governance at all levels, especially at local level, as proposed by the Lyons Inquiry. Hosted by the Society of Local Authority Chief Executives and Senior Managers (SOLACE).

the Case Review

In your delegate bags you'll find a free, newly-published copy of the most recent *Case Review*. It focuses on the way that local issues have been dealt with at the local level and the Standards Board's role in supporting and regulating the overall framework, and includes

many more examples of local cases than in previous volumes. If you'd like to receive a regular in-depth analysis of significant cases by email, sign up to the *Case Alert* by visiting the Standards Board's website www.standardsboard.co.uk

STEERING COMMITTEE 2006

Thank you to all members of the 2006 Annual Assembly's steering committee for the commitment they have given to making this event a success. The committee plays an invaluable role in developing the format and content of the conference you are attending today.

If you would like to volunteer to be one of our committee members for the Sixth Annual Assembly in 2007, please complete the application form enclosed in your delegate pack and submit it at the conference enquiries desk.

Dennis Ball
Independent Member,
Standards Committee,
Blackpool Borough Council

Lal Banerjee
Chair, Standards Committee,
Royal Borough of Kingston
upon Thames

Christopher Borland
Independent Chair,
Standards Committee,
South Somerset District Council

Councillor Geraldine Carter
Calderdale Metropolitan
Borough Council

Councillor Ian Evans
Vice Chair,
Standards Committee,
Broadland District Council

Melanie Gibbs
Independent Member,
Standards Committee,
Gloucestershire County
Council, and
Independent Member,
Standards Committee,
Gloucestershire Police Authority

Sara Goodwin
Former Monitoring Officer,
Bassetlaw District Council

Councillor Mandy Griffiths
Vale Royal Borough Council

Michelle Grove
Monitoring Officer,
Peterborough City Council

Mark Heath
Monitoring Officer,
Southampton City Council

Eddy Marchant
Independent Chair,
Standards Committee,
Durham County Council

Patrick O'Connor
Independent Chair,
Standards Committee,
London Borough of Tower
Hamlets

Jonathan Reed
Monitoring Officer, Mid Suffolk
District Council

Caroline Roberts
Independent Chair, Standards
Committee, Leicester City
Council and Leicestershire
Police Authority, and
Independent Member,
Standards Committee,
Leicestershire and Rutland
Combined Fire Authority

Peter Taverner
Vice Chair and Independent
Member, Standards Committee,
Teignbridge District Council

KEY TO LANYARD COLOURS

The colour of delegates' lanyards (neck cords) can be used to identify their position or profession. Please wear your badge at all times.

WHITE

Monitoring officers

DARK GREEN

Standards committee members

YELLOW

Independent members

ORANGE

Chief executives

BLACK

Council leaders

RED

Speakers

PURPLE

Conference steering committee members

JADE GREEN

The Standards Board for England members

BLUE

Others (delegates who don't fit in to any of the categories above)

Recycle recycle recycle!

Recycling bins are situated around the conference centre for any of your unwanted papers, and you can hand back unwanted delegate bags to any member of conference staff in the registration area.

Contacts



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London SE1 2QG
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Email:
enquiries@standardsboard.co.uk

Website:
www.standardsboard.co.uk



CONFERENCE DINNER

TONIGHT IN HALL 3

DRINKS RECEPTION 19.30 / DINNER COMMENCES 20.00

White paper weeks away says Woolas

The Local Government White Paper is now a matter of weeks away, according to local government minister Phil Woolas MP in his plenary session yesterday. He says the paper will be devolutionary and look to empower local government, councillors and local people — and that the standards regime must follow.

The Code of Conduct is a vital element of the more locally-based framework, and the minister says that the consultation on a revised draft Code will be issued very shortly. The new Code, which resulted from a review by the Standards Board, will be in place for the local elections on 3 May 2007.

For the new system to work effectively, the capacity and capability of monitoring officers and standards committees to carry out their new roles must develop.

“The [new] Code will be user-friendly, fair and proportionate — in fact, a reflection of the conduct regime itself as it should be.”

This means having the right training, development and guidance in place for both officers and members, and this important role will continue to be delivered by the Standards Board.

To help retain public confidence, the minister says standards committees

should have an independent chair, but should not be required to have a majority of independent members. Maintaining a balance of members, including those with a representative role, helps to ensure local democratic ownership.

The minister recognises concerns about resource implications of the new regime and the need for monitoring officers to be robust and consistent, resisting political pressure. He added that he wants to see authorities cooperate and work together. His speech ended by asking delegates to step up and meet the challenges facing them in the months ahead.



Phil Woolas MP (top) and Patricia Hughes, Deputy Chair of the Standards Board for England, during their plenary sessions yesterday.

The new strategic outlook

Patricia Hughes, the deputy chair of the Standards Board for England, yesterday gave an overview of the future of the Board and the revised Code of Conduct.

Patricia pointed out the consistency of the volume of complaints and the high threshold for referring cases. Experience of locally handled cases so far showed smooth handling of the majority of cases, though there were a few teething problems to watch out for. The focus of the Standards Board is already adjusting in anticipation of the new framework: away from the volume of cases investigated and towards the provision of a stronger framework of support and guidance.

“The proposed changes are far-reaching, they are radical; they give us an opportunity to get the Code we want and to get it right.” Patricia Hughes

The Standards Board is working closely with the Department for Communities and Local Government to make sure the new system is designed to be as effective and flexible as possible.

This raises a number of issues, for example ensuring equal treatment of members from one authority to another, and resource implications for some district councils.

Patricia urged delegates carefully to consider the proposed revisions to the Code of Conduct, and stressed the need for authorities to adopt the revised Code as early as possible. She finished by summarising how the Standards Board sees its future role — increasingly strategic in outlook, making sure the system is running well, issuing formal and informal guidance, and giving individual advice and support.

Up to speed

Yesterday's *Getting up to speed* session provided an introductory welcome for delegates new to the Code of Conduct or conference from David Prince, the chief executive of the Standards Board for England.

David helped delegates understand more about the intentions behind the Code, and get to grips with some of the jargon and common misunderstandings associated with the ethical framework. He then looked at the future of the Code and at topics that would be covered in the rest of the conference.

There was a high turnout for this optional event, which included the opportunity to meet Standards Board representatives and other delegates in a similar position. If you would like to find out more about the work of the Standards Board, come to our information desk in the registration area today.

Help us to recycle

Please hand back your badge and lanyard for recycling when you leave the conference today and place any unwanted papers in the recycling bins. If you no longer require your delegate bag, please hand it in at the registration area. Thank you.

Agenda

08.00 – 09.00	Refreshments
09.00 – 10.15	SESSION 4 Bridging the gap: knowledge, techniques and skills
10.15 – 10.45	Comfort break
10.45 – 11.45	When politics becomes personal: is local level governance the panacea?
11.45 – 12.00	Comfort break
12.00 – 13.15	SESSION 5 Bridging the gap: awareness, development, wider debate
13.15 – 14.30	Lunch
14.30 – 15.45	SESSION 6 Bridging the gap: awareness, development, wider debate
15.45 – 16.00	Comfort break
16.00 – 16.20	Time to reflect
16.20 – 16.30	Moving forward
16.30	Close



Win a £20 book token

Fill in and return your delegate feedback form before you leave the venue this afternoon and you could be the lucky winner of a £20 book token. Five delegates will be picked at random to receive the tokens and notified in the next few weeks.

Your feedback on the conference is vital to ensure that future events continue to improve and meet your requirements, and the Standards Board encourages all delegates to share their thoughts and ideas. This year we would particularly like to hear your views about our dedicated conference website.

You will find a feedback form in your delegate pack. Please complete it and hand it in to a representative of the Standards Board as you leave the conference today

A new home for the Standards Board

The Standards Board for England is moving to Manchester. From next April, the organisation will be based in its new headquarters in Lever Street, Manchester.

The move is in response to the government's desire to relocate both civil servants and agencies outside of London. As well as having financial benefits, it is believed that moving organisations such as ours out of London will have a real benefit in terms of regeneration and development of the regions. We have always been committed to getting out and about to be close to local authorities we work with and this commitment will remain the same. Our regular roadshows will continue to feature destinations across the country.

Moving cities

The Standards Board has chosen Manchester as our new home for a number of reasons. As well as being a city with a proud history of robust local government, it has excellent transport links and a good labour market from which we have already been able to recruit new colleagues with valuable local government experience.

We will publicise our new contact details towards the beginning of next year. The Standards Board is looking forward to the move as one more change on our way to becoming a strategic regulator with a focus on guidance, support and an overview of an effective locally based system.

Keep in touch

Please register your email address at the enquiries desk to receive an electronic copy of the third conference newsletter later this month. It will provide an overview of the conference's main themes and of the key concerns put forward by delegates during the sessions, as well as articles and further photos of delegates and speakers.

To remind yourself of the detail of this year's sessions, visit www.annualassembly.co.uk where all of the session handouts and many

other items of conference literature will be available to download in the next few days.

Already looking forward to next year?

All of the delegates attending this year's conference will automatically receive booking information for next year's conference as soon as it becomes available. The Sixth Annual Assembly of Standards Committees will be back at the ICC in Birmingham from 15–16 October 2007. We look forward to seeing you again.

KEY TO LANYARD COLOURS

The colour of delegates' lanyards (neck cords) can be used to identify their position or profession. Please wear your badge at all times.

WHITE

Monitoring officers

DARK GREEN

Standards committee members

YELLOW

Independent members

ORANGE

Chief executives

BLACK

Council leaders

RED

Speakers

PURPLE

Conference steering committee members

JADE GREEN

The Standards Board for England members

BLUE

Others (delegates who don't fit in to any of the categories above)

Any questions?

Please come along to the Standards Board information desk to pose any questions you may have. Alternatively, use the question sheet in your conference delegate pack and drop it into one of the many question postboxes situated around the conference centre.

CONFERENCE PICTURES

Bridging the gap: these pictures capture some moments from the first day of the conference. There will be plenty more shots of both speakers and delegates in the third issue — see *Keep in Touch* above for more details.



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ANNUAL ASSEMBLY 2007

15–16 OCTOBER 2007
ICC, BIRMINGHAM

Towards effective local regulation



Many delegates I spoke to at this year's Annual Assembly of Standards Committees commented on how far and how fast the standards agenda has moved over the last year. Half of all standards committees have now handled a local case, and there are increasingly proactive approaches to championing and upholding high standards locally.

Most importantly, awareness of the Code of Conduct is increasing and there is evidence of improved standards of behaviour. I would like to congratulate all of you for what you have achieved so far.

Much is now in place to support the increasingly locally owned and driven standards framework outlined by Phil Woolas MP in his document *Standards of Conduct in English Local Government: the Future*,

and reinforced in his keynote speech that opened our Fifth Annual Assembly.

Of course there is still much to do. Above all we need to work together to embed the revised Code of Conduct, which the Minister promised would soon be published for consultation. The Standards Board for England will produce guidance and training materials, and we urge monitoring officers and standards committees to ensure that councils adopt the revised Code quickly.

This means ensuring that training is put in place ready for the elections in May 2007. We will work with you on pilots to make local filtering a success in 2008.

A major theme of the Assembly was the importance of high standards of conduct and

behaviour in underpinning good governance, especially for leaders and chief executives living out and exemplifying the values of good governance. That includes ensuring that standards committees have the necessary capacity and support, and that monitoring officers are equipped to give clear and robust advice, recognising members' legitimate community advocacy roles.

I hope you enjoy this final newsletter which includes a look at some of the discussion that went on amongst delegates at this year's sessions, news from the Standards Board for England, a summary of plans for the revised Code of Conduct, and further pictures from this year's event.

Initial feedback on the Assembly has been very positive. Soon we shall be planning next year's event, and we are delighted by the large number of new volunteers wanting to join the 2007 steering committee. This group will be considering what went well at this year's event and what could be improved, and will help make next year's event just as useful and successful.

I look forward to seeing you there.

Sir Anthony Holland

Chair, the Standards Board for England

CONFERENCE ROUND-UP

This year's Annual Assembly featured a range of sessions, from facilitated exchange sessions to workshops and debates. These summaries give you a flavour of some of the delegate discussions that took place.

Implications of the revised Code and the future ethical environment

In these sessions, delegates discussed and debated the implications of the revised Code of Conduct, the local filter for complaints and the future ethical environment.

One theme that came up in the sessions was the need for members, both prospective and returning, to understand the Code of Conduct before taking office, with many delegates also stressing the need for guidance on the revised Code as soon as possible.

Monitoring officers were concerned about whether they would have the resources to help authorities handle changes, and the need for powers other than investigation – such as mediation – to resolve issues.

The need for guidance and resources to assist with the local filter was also emphasised.

Other issues raised were: recruiting enough independent members; collaboration between councils in regards to training; placing time limits on investigations so that delays do not occur; and the need for standards committees to lead on training and ethical standards, not just on dealing with breaches of the Code.

The Standards Board for England will be producing guidance and training materials on the revised Code when it comes into force, including a new DVD, and on other areas such as the local filter. We have called on the Department for Communities and Local Government (DCLG) to look into the resources issue and will continue to lobby on this, and encourage authorities to do the same.

How do you measure up?

Delegates looked at their authorities in the context of the BMG research during these sessions.

Issues that arose included the need for a proactive standards committee chair. The lack of independent member candidates, and the lack of diversity of independents was discussed, demonstrating the need for proactive recruitment. The need for public awareness of standards committees, and the role of the chair in raising this profile, was highlighted.

The issue of training was key, with delegates emphasising the need for training to be ongoing, suggesting that experienced members mentor new members. Collaboration on training between neighbouring authorities was also recommended. Opinion was divided in one session over whether monitoring officers should be legally trained. Some delegates called for training for members to be mandatory.

Tensions between independent and elected members were discussed. A formal support network for monitoring officers was suggested for sharing best ideas and practice.

Bridging the gap: knowledge, techniques and skills

Sessions on a variety of topics addressed the challenges of a revised Code and more locally focused system. Below is a snapshot of some delegates' discussions.

In the session *Investigations – in-house or out-house?* topics discussed included the need to consider carefully the reasons why an investigation should be outsourced. If it is outsourced, key points were to be prepared, choose your investigator with care, and make sure that the monitoring officer, or

someone appropriate, sees a draft report. There was discussion around the pros and cons of joint-working more generally, and the level of involvement of the standards committee chair in investigations.

Holding an effective hearing emphasised that preparation is key, and that the composition of standards committees is important. Delegates raised worries about time resources, the number of panel members, and the fact that members could be susceptible to persuasion.

Bridging the gap: awareness, development, wider debate

These sessions focused on bridging the gap between simply fulfilling statutory obligations and integrating ethical standards into the corporate governance framework. Below is a snapshot of a couple of these sessions.

In *An inclusive approach to towns and parishes*, discussion covered the need for members, particularly clerks, to be properly trained. Whether principal authority members should be able to help parish members was debated. The *Town and Parish Standard* newsletter was mentioned as a useful information tool.

Working proactively – the role of standards committees covered the need for standards committees to have terms of reference beyond their statutory obligations, the fact that the capability of standards committees varies widely, and how standards committees can measure the ethical temperature in their authority. Also discussed was raising the profile of standards committees within their council, visiting and monitoring parish and town councils, and the need for work programmes and for the regular updating of protocols and registers.

CONFERENCE PICTURES



What you thought

Thank you for all of your comments and feedback about this year's conference. Here's a selection of what you had to say about the Fifth Annual Assembly of Standards Committees:

- “ Overall a useful and positive contribution to the future of local government. ”
- “ Good conference as usual. Thank you. ”
- “ Very nicely paced and timetabled with stimulating mix of plenary/workshop/breaks etc. ”
- “ Slick, professional and generally very thought provoking. ”
- “ The particular strength of the Assembly is arranging a programme which can appeal to and benefit the wide spectrum of people involved in the standards process and enable them to meet each other and discuss matters of mutual interest. ”
- “ The conference is a 'master class' in organisation! The venue is ideal, staff and officers excellent. A very worthwhile event. ”
- “ Thank you! It was my first Assembly and it has been very informative, interesting and insightful. ”
- “ An excellent conference, a very diverse choice of topics. This will help me in my role as monitoring officer and my standards committee. ”
- “ The present conference is still a very good training experience, even for delegates that have been before. ”

Conference materials online now

Presentations, handouts and speeches from the conference are available now from our dedicated Annual Assembly website. They are all under 'Session materials' in the Programme section of www.annualassembly.co.uk

New appointments to the Standards Board for England

Four new Board members have been appointed to the Standards Board by the Minister for Local Government, Phil Woolas. These new appointments will help to maintain the balanced proportionate representation of interests and experience central to the work of the Standards Board.

They include the first appointment of a politically independent, elected member, Councillor Shirley Flint. The other new members are Councillor Beatrice Fraenkel (Liberal Democrat), Councillor Mehboob Khan (Labour) and Councillor Sir Ron Watson CBE (Conservative).

Phil Woolas said: "I am very pleased that Shirley Flint, Beatrice Fraenkel, Mehboob Khan, and Sir Ron Watson are joining the Standards Board to represent local government interests. They will bring valuable experience and expertise to help the Board

develop a more locally-based conduct regime and to maintain high standards of conduct in local government."

The terms of the new Board members began on 23 October 2006 and will run for three years. Their biographies will be published shortly on the Standards Board's website, www.standardsboard.co.uk

There are seven other Standards Board members, including the chair, Sir Anthony Holland.

The Minister announced at this year's Annual Assembly that Sir Anthony had agreed to continue as chair of the Board until June 2008, saying that his knowledge and experience would be vital in guiding the Standards Board for England through both its relocation and the introduction of a new standards regime.

The Board consists of eleven members:

- Sir Anthony Holland (Chair)
- Patricia Hughes (Deputy chair)
- Cllr Shirley Flint
- Cllr Beatrice Fraenkel
- Paul Gott
- Elizabeth Hall
- Cllr Mehboob Khan
- Paul Sabapathy
- Prof Judy Simons
- Roger Taylor
- Cllr Sir Ron Watson

And the winner is...

Congratulations to the winners of our feedback prize draw, picked at random, who each receive a £20 book token. Thanks to all who completed their forms – your feedback is vital in planning future events.

Anne Dickens, Independent Member of Standards Committee, London Fire and Emergency Planning Authority

John Tradewell, Council Solicitor, Halton Borough Council

Dave Crowe, Independent Chair of Standards Committee, Dartford Borough Council

Councillor Ian Sams, Surrey Heath Borough Council

Doreen Porter, Head of Legal and Democratic Services, Worcester City Council

At the Fringe

This year's optional fringe events were run by a range of bodies from the local government family, covering topics of key interest to delegates.

Several delegates said that they had found the event by SOLACE (Society of Local Authority Chief Executives and Senior Managers) on *Leadership and governance and the Lyons Inquiry proposals* a really useful and interesting session. Discussion focused on a number of different areas, but was based around the key role of effective leadership and governance at all levels, particularly at local level as proposed by the Lyons Inquiry.

Issues highlighted at the event included the need for standards committees to provide local context and an understanding of the real issues in its particular area. Also discussed was the importance of participation – in particular the danger of stopping people with knowledge and understanding of the issues under debate from participating.

Many delegates who attended *Independent members gaining a voice*, the inaugural meeting of the Association of Independent Members of Standards Committees (AIMSce), said they saw it as an excellent way forward for the future.

THE SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

15–16 OCTOBER 2007, ICC, BIRMINGHAM

The revised Code: in summary

We thought it would be helpful to summarise the key points raised during the conference regarding the revised Code of Conduct.

The timescale for the introduction of the revised Code is decided upon by DCLG, however our best understanding of timings is:

1. **Next few weeks:** the Standards Board anticipates that the Code will be issued for consultation by the Department for Communities and Local Government in the next few weeks.
2. **End of December:** consultation should end.
3. **Late January/early February:** parliamentary approval is expected.
4. **May 2007:** revised Code of Conduct should come into effect. The intention is to allow for training to take place before this time, and the Standards Board is encouraging authorities to adopt the revised Code as soon as is practical, preferably at their annual meetings in May 2007.

Whilst the final content of the revised Code is the remit of DCLG, we anticipate that the main areas of change will be:

- a) the definition of personal interest
- b) the creation of a new category of interest called public service interest
- c) disclosure of confidential information in the public interest
- d) disrepute
- e) bullying
- f) abolition of the duty to report breaches of the Code by other members

The Standards Board will be providing guidance and training materials to help you navigate the revised Code when it comes into force.

In the meantime, please call the Standards Board enquiries line on 0845 078 8181 with any general queries about the Code of Conduct.

Roadshow events

The Standards Board is already preparing for our next events following the close of this year's Annual Assembly. We are planning to host a series of roadshows across the country in June 2007 to coincide with the proposed launch of the revised Code of Conduct and local elections results. The current proposals are to visit 12 cities across the country.

The focus of the roadshows will be on the revised Code as well as preparations for the proposed introduction of the local filter system for complaints in 2008. As in previous years the sessions will take the format of presentations and discussions, and delegates will be encouraged to contribute. Board members and the chief executive will also be on hand to answer any questions.

These roadshows will be aimed at members from local standards committees and monitoring officers. Details will be sent out nearer the time.

Previous roadshows have offered an excellent opportunity to engage with delegates, answer queries and offer guidance and support. They also offer delegates the chance to informally network with fellow members from the local area.

the Case Review number four

An analysis of local investigations and local decision appeals are just two of the topics explored in the fourth *Case Review*, a copy of which you will have received in your delegate bags at the Annual Assembly. Other topics include bullying, ethical standards officers' directions and some significant cases involving council leaders.

The publication provides a round-up of some of the most significant cases and decisions, emerging national trends and important lessons learnt so far.

If you would like an additional copy of

the *Case Review*, it is available for purchase at a cost of £15 per copy.

We also have a limited number of copies of the second and third *Case Reviews*, which examine: the role of members' private lives and disrepute; prejudicial interests and democracy; and confidentiality and the public interest. These publications, which are normally priced at £15 each, can be purchased together for £20.

To place an order call 0845 078 8181 or email publications@standardsboard.co.uk

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Standards committees: a national snapshot

Key findings to be presented at the Fifth Annual Assembly of Standards Committees

**Monday 16 October 2006
ICC, Birmingham**

This document includes key findings of research into standards committees and monitoring officers within local authorities, further details of which will be presented at the conference session *Standards committees: a national snapshot*. It should be noted that these are initial findings and analysis is ongoing.

This research has been undertaken against a background of the shift in local ownership of the ethical agenda, and will provide valuable information on current activities of standards committees and future support needs.

Two surveys were administered: one targeted at monitoring officers within local authorities and the other at members of standards committees. The focus of the research incorporates several strands, including:

- profile of standards committee members and monitoring officers;
- training received and future training requirements;
- role of monitoring officers and members of standards committees;
- experiences of recruiting independent members;
- experiences of local investigations and hearings, and the level of confidence with which they are approached by authorities.

Key findings

- Most standards committee members serve on the committee for between one and five years, with just under a quarter serving for five years or more.
- When standards committees meet, (nearly all had met at least once since January 2005) the majority of monitoring officers surveyed said they attend these meetings.
- Key functions of standards committees include monitoring the effectiveness of the Code of Conduct, arranging training or seminars on the Code and being involved in local hearings.
- Recruitment of independent members is generally seen as neither easy nor difficult. Advertisements in newspapers are the most common method for recruiting independent members and are also seen to be the most effective.
- Half of all authorities surveyed have undertaken a local investigation in the past, most of who feel it was undertaken to an acceptable standard. However, four in five monitoring officers report experiencing problems in the investigation process.
- Raising awareness of standards committees within the authority is seen to be the key benefit of investigations. However, one third of monitoring officers who responded said that investigations can have a negative impact on the relationship between them and members.
- Most monitoring officers and standards committee members have received training in how to undertake a local investigation. However, almost two-thirds would like more training. Monitoring officers who responded to the survey reported that training on ethics and the Code of Conduct has been delivered in their authority, and that attendance by standards committee members has been fairly or very good.
- Most standards committee members have received training on how to undertake a local hearing, and training in relation to other aspects of their role. Whilst three-quarters of standards committee members say they feel well prepared for their involvement in local hearings, two-thirds would like additional training relevant to their role.

- Standards committee members view their role positively, having good working relationships with their monitoring officer and receiving sufficient support from them.
- Three quarters of standards committee members expect their workload to increase in the future and over two thirds believe they will be able to cope with the changes.
- Monitoring officers are positive regarding: their working relationships, their role in the authority, resourcing, training, and support from their chief executive and the chief finance officer.
- Expectations are that workloads will increase following the proposed changes set out in the local government white paper *Standards of Conduct in English Local Government*. Less than half of monitoring officers surveyed feel confident they are fully prepared for these changes.
- Most monitoring officers are aware of the Ethical Governance Toolkit. Over a quarter have used some of the materials and over half plan to use the toolkit in the future.

Please note: this document summarises only some of the key findings of this piece of research. The Standards Board for England is currently considering the full implications of the findings, its response and any possible future courses of action.

A full report will be available on the Standards Board for England's website – www.standardsboard.co.uk – by the end of November 2006.

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Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Adjudication Panel for England: Decisions of Case Tribunals

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

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. The case tribunal decisions 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 Three 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, those involving Borough, City or District Councils, and those which are appeals against local standards committee decisions, for ease of reference.

3.0 Main Issues

Parish and Town Councils

- 3.1 There are no cases to report involving Parish and Town Councils in this period.

Borough, City or District Councils

Hull City Council

- 3.2 It was alleged that a Councillor had repeatedly failed to comply with the Code of Conduct by:
- failing to treat others with respect;
 - failing to have regard to the advice given by the Council's Monitoring Officer;
 - compromising the impartiality of those who work for the authority; and
 - bringing the office or authority into disrepute.
- 3.3 It was alleged that the Councillor had acted in an aggressive, vindictive and abusive manner on four separate occasions.
- 3.4 Firstly, following a meeting between a senior officer and cabinet members in which the officer raised some concerns regarding the extension of the CCTV coverage in the City, resulting in the Councillor walking out of the meeting, the Councillor wrote to the officer accusing him of seeking to undermine cabinet decisions and cabinet members in the presence of junior officers. He wrote "It think that it is appropriate that you do the 'Full Monty' and make all the decisions first hand thus saving me and the Cabinet hours of unnecessary debate etc. I shall of course be available to rubber stamp and take the flak as appropriate". The Councillor also sent all his correspondence to the officer relating to his role as cabinet member, and wrote to all

Liberal Democrat and Independent Members stating that they should direct all housing matters to the officer who would deal with these matters as a cabinet member. The officer tried to meet with the Councillor to resolve the situation, but he was unavailable. Despite leaving a message to contact him, the Councillor did not do so and continued to forward his correspondence to the officer. The officer felt that this behaviour was disrespectful.

- 3.5 Secondly, during a meeting of the cabinet when housing policy was discussed, the Councillor interrupted a presentation by the officer to ask about a Council tenant who he claimed had not been provided with adequate heating whilst hers was being repaired. The officer stated that it was not sensible for policy decisions to be based on anecdotal evidence especially as the facts of the case as presented by the Councillor were inaccurate. Following a short argument, the Councillor left the meeting causing an adjournment. Some members of the public were present at the meeting and the incident was reported in two local newspapers.
- 3.6 Thirdly, during a special cabinet meeting the Council's monitoring officer presented a report which recommended that a previous decision of the cabinet be rescinded. The report was brought to the cabinet in accordance with her duty under section 5 of the Local Government and Housing Act 1989. The Councillor interrupted her presentation of the report and made a comment to the effect that it was not important.
- 3.7 Following this incident and another article in the local press regarding the Councillor's behaviour, the Liberal Democrat Group resolved to write to the Councillor asking him to refrain from any further bad publicity and to ask him to use the proper channels when dealing with officers. The letter also reminded the Councillor that his actions were covered under the Code of Conduct. The Cabinet also held a meeting regarding the incidents and resolved to remove the Councillor from the cabinet.
- 3.8 Finally, the Councillor went to see the monitoring officer in her office. When he was advised that she was out on lunch, he said he needed to speak to her urgently and referred to the monitoring officer as an "evil witch". The monitoring officer's PA stated that she was intimidated by his behaviour.
- 3.9 Given that all the above incidents took place in the Councillor's official capacity, the case tribunal decided that he had breached the Code of Conduct as alleged. The case tribunal found that the Councillor had conducted himself in an unacceptable and confrontational manner by disrupting council meetings and engaging in public arguments with council officers. Especially as other Members had previously warned the Councillor about his behaviour.
- 3.10 The case tribunal further found that the Councillor's behaviour had damaged the reputation of the council and diminished the public's confidence in the authority, and decided a period of disqualification was appropriate. The Councillor was therefore disqualified from office for 12 months.
- 3.11 **In Leeds, the need for Members and officers to treat one another with respect is highlighted in the Protocol on Member/officer relations as well as the Code of Conduct. Members are also made aware of their duties regarding the Monitoring Officer through the Monitoring Officer Protocol.**

Bradford City Council

- 3.12 It was alleged that a Councillor had failed to comply with the Code of Conduct in that during the break in a council meeting he interrupted an interview between another Councillor (Councillor G) and a local reporter by physically steering the reporter out of the room. It is further alleged that the Councillor then proceeded to harangue and threaten Councillor G while using extreme profanities. In doing so he failed to treat Councillor G with respect and brought his office or authority into disrepute, contrary to paragraphs 1.4.2 and 1.6 of the Code.
- 3.13 The incident occurred following a discussion in the Council meeting regarding the 'Asset Management Project'. The Councillor was offended by some comments made about the issue by Councillor G and told members that his speech was the "most dishonest, dishonourable and disreputable speech" he had ever heard in the council chamber.
- 3.14 After the discussion Members left the chamber for a tea break. During the break Councillor G was going to be interviewed by a local reporter. When the interview had been terminated, Councillor G alleges that the Councillor in question approached him, no more than a few inches away and with a raised finger proceeded to harangue and threaten him regarding the earlier debate on the asset management project. He alleged that the Councillor made a series of offensive comments and allegations towards him. Many Councillors and officers witnessed the incident and some made contemporaneous notes.
- 3.15 The argument continued until an officer intervened and led the Councillor away. When the council meeting resumed, the Councillor made the following statement to Members: "One of the things about this game is that sometimes the passion of the moment gets on top of us. At the end of the last debate I was somewhat put out and went charging through and spoke to Councillor G in a wholly un-gentlemanly and inappropriate manner. I have apologised to Councillor G directly, and I just want to share that apology with Members".
- 3.16 The case tribunal concluded that the incident took place immediately adjacent to the council chamber in an interval in a council meeting and arose out of a debate in which the Councillor became irate with a fellow Councillor he subsequently confronted. The incident alarmed a number of individuals and required the intervention of a Council officer to bring the incident to a conclusion. The case tribunal were satisfied that the Councillor was conducting the business of the authority and acting in his official capacity, thereby bringing his office into disrepute. The case tribunal concluded that by this conduct in his official capacity as a Councillor in his confrontation with Councillor H the Councillor also failed to treat Councillor G with respect.
- 3.17 When deciding on an appropriate sanction, the case tribunal took into account the immediate and continuing apology, the fact that this was an isolated incident, the Councillor's determination not to conduct himself in this way again, that he had lost his executive position and has suffered from the damage to his reputation. In the circumstances the tribunal considered it appropriate not to impose a suspension but to admonish the Councillor and warn him to comply with the provision of the Code more closely.

- 3.18 The case tribunal also recommended that Bradford Metropolitan Borough Council ensure that all Members receive appropriate training as to their obligation under the provisions of the Code of Conduct, as this Councillor had not attended any.
- 3.19 **In Leeds, all Members are provided with training on the Code of Conduct when they are elected. After this they are able to access training through the rolling induction programme, through the e-learning module on the Code of Conduct, and through obtaining advice on any conduct matter through the Monitoring Officer. Members that are unable to attend the group training sessions during the induction week, are required to attend one to one training with the Monitoring Officer. All Members will also be trained on the new Code of Conduct once it comes into force in May 2007.**

West Wiltshire District Council

- 3.20 It was alleged that a Councillor had failed to comply with West Wiltshire District Council's Code of Conduct by:
- Failing to declare an interest, failing to withdraw from the room and seeking improperly to influence decisions at Council meetings on various occasions when the Westbury Town Policy Limit (TPL) at Redland Lane Playing Field (Redland Lane) and Penleigh Park Recreation Ground (Penleigh Park) was discussed. This was alleged to be contrary to paragraphs 9, 12(1)(a) and 12(1)(c) of the Code as The Councillor had an interest in his involvement with Westbury Open Spaces Protection Group (WOSPG).
 - Using his position as Chair of the Policy Project Group (PPG) improperly to influence a decision regarding the proposed Westbury TPL by not subjecting Westbury Town Council's submission to the same scrutiny as other submissions contrary to paragraph 5(a) of the Code.
 - Failing to declare an interest at Council meetings on two occasions when changes to exclude Leighton Sports Ground from the proposed Westbury TPL were discussed and, at the meeting on 22 October 2003 by failing to withdraw from the room contrary to paragraph 9 and 12(1)(a) of the Code.
 - Failing to declare an interest, failing to withdraw from the room and seeking improperly to influence decisions at Council meetings on various occasions when the change to the proposed Westbury TPL at Redland Lane and Penleigh Park was discussed. This was alleged to be contrary to paragraphs 9(1), 12(1)(a) and 12(1)(c) of the Code as The Councillor had an interest as a result of bringing legal proceedings against WWDC in relation to the partial sale of land known as Penleigh Park and acting as a McKenzie Friend to an applicant in relation to their application to have a part of Penleigh Park declared a town green.
 - Failing to declare an interest, failing to withdraw from the room and seeking improperly to influence decisions at Council meetings on various occasions when the proposed route of the Westbury Bypass Eastern Route was discussed. This was alleged to be contrary to paragraphs 9(1), 12(1)(a) and 12(1)(c) of the Code as the Councillor had an interest as a result of the location of his residence.
 - Failing to declare and interest, failing to withdraw from the room and seeking improperly to influence the decision at a Council meeting on 7 April 2004 when supplementary planning guidance regarding the provision of open space in new housing developments' open spaces policies was discussed. This was alleged to be contrary to paragraphs 9(1), 12(1)(a) and 12(1)(c) of the Code the Councillor

had an interest as a result of membership of WOSPG, by having brought legal proceedings against WWDC in relation to the partial sale of land known as Penleigh Park and by acting as a McKenzie Friend to an applicant in relation to their application to have Penleigh Park declared a town green.

- Bringing his office or authority into disrepute as a result of the above actions contrary to paragraph 4 of the Code.

3.21 Ethical Standards Officer alleged that three matters justify a finding of the existence of a personal interest in the TPL in relation to Penleigh Park and Redland Lane. Firstly, the Councillors' formation and Chairmanship of the WOSPG and his involvement in its activities. Secondly, the fact that he had brought judicial review proceedings challenging the sale of part of Penleigh Park. Thirdly he acted as a McKenzie Friend in the judicial review proceedings brought by a member of the public challenging the refusal of Wiltshire County Council to determine her town green application. However, the case tribunal was not satisfied on the balance of probabilities that these three matters when looked at objectively support a finding that the Councillor had a personal interest in the definition of the TPL at the relevant meetings.

3.22 Not of the matters were registrable interests under paragraphs 14 and 15 of the Code of Conduct, and so the matter could only be an interest if it might be reasonably regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being of the Councillor. The case tribunal concluded that the three facts outlined as evidence by the ESO were consistent with the actions of a community leader and nothing more. Also his involvement with WOSPG did not affect his well-being in the sense meant by the Code. The group was not committed to any particular policy regarding the area, and had actually folded 18 months prior to the Council meetings in question.

3.23 With regard to the allegation that the Councillor had an interest in the Westbury TPL due to the location of his home, the case tribunal found that the Councillor's well-being would have been unaffected. His home was sufficiently screened and secluded so as not to have been affected.

3.24 As the allegation that the Councillor had breached paragraph 4 of the Code stemmed from the allegation that he had repeatedly failed to declare personal and prejudicial interests, the case tribunal also found that there was no breach of paragraph 4.

Wigan Metropolitan Borough Council

3.25 It was alleged that a Councillor had failed to comply with Wigan Metropolitan Borough Council's Code of Conduct by:

- Failing to treat others with respect, contrary to paragraph 2(b) of the Code;
- Bringing his officer or authority into disrepute contrary to paragraph 4 of the Code; and
- 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 of the Code.

3.26 The case tribunal found that the Councillor did breach paragraph 2(b) of the Code of Conduct by:

- Making unfounded and personal allegations against an officer which failed to treat her with respect;
- The tone and manner of the Councillor's dealings with staff was unreasonably overbearing and threatening, contravening the member/employee protocol and treating the staff with disrespect;
- Actions which amounted to a sustained and unwarranted attack on the integrity of those concerned, particularly one officer. Although the Councillor did not appear to have personally written a most offensive letter to the officer, he foolishly allowed it to be sent on his behalf and under his signature;
- Requesting to see an officer's calendar and subsequently taking the matter up with the Council's Chief Executive in an unreasonable manner amounted to a failure to treat both officers with respect; and
- Making unjustified allegations against a member of staff and taking on the role of investigator. The Councillor treated the member of staff's son without respect in circumstances which an objective observer would consider brought both his office and authority into disrepute.

- 3.27 The case tribunal also found that the Councillor had breached paragraph 5(a) by;
- Advertising his business in the Town Hall canteen, a place to which he only had access as a Councillor. However they considered this breach largely irrelevant to the case as a whole; and
 - Requesting commercially sensitive information which could have been required by the Councillor for no other purpose than to use in connection with his own business. The purpose of the request was therefore to seek a personal gain or advantage for the Councillor.
- 3.28 Finally, the case tribunal found that the Councillor had breached paragraph 4 of the Code of Conduct by:
- Seeking to gain a personal advantage by requesting commercially sensitive information; and
 - The tone of the disrespect and the unreasonable nature of his attacks on officers.
- 3.29 Having regard to several mitigating factors, including the Councillor's dyslexia, his relative inexperience as a Councillor, and the possibility of future training and support, the case tribunal decided to suspend the Councillor for 6 months, and make a series of recommendations to the authority concerned.
- 3.30 In terms of support for the Councillor, the case tribunal recommended that the authority consider addressing the Councillor's needs as a dyslexic by the provision of one to one help from a person qualified to work with people with learning difficulties and by the provision of a tape recorder. As to the Councillor's future role in the authority, the case tribunal recommended that he be required to make all contact with the Council through a designated officer and that he is accompanied in the course of any dealings by another Councillor. These arrangements could be kept under review and strengthened or relaxed as necessary. The Councillor should also limit any direct access to matters of a personal nature connected with his business.

3.31 In Leeds, Councillors with special needs or requirements are provided with support in terms of training and development. Councillors are asked about any special requirements they have when they are invited to any training event run by Leeds City Council (each time, in case their needs change over the course of the year). Reasonable adjustments can be made, such as presenters being asked to wear hearing loops if necessary. Assessments can also be funded by the Council to ascertain a Councillor's needs. After the assessment support can be offered in terms of providing equipment (dictaphones), large print documents, secretarial support etc. Members may also need support in other areas, such as Committee meetings and ward surgeries, and a policy on these issues is currently being drafted within Democratic Services to ensure a consistent approach across the Council. However, Members may wish to note that the onus is on them to make the Council aware of any special needs or requirements in the first instance.

Appeals against local standards committee decisions

Test Valley Borough Council

- 3.32 The Councillor appealed against Test Valley Borough Council's standards committee decision that he had breached North Baddesley Parish Council's Code of Conduct by:
- Failing to treat the editor of the "Valley Park Voice" with respect at the Park Valley Community Association AGM by accusing him of editorial bias; and
 - Bringing his office or authority into disrepute by publishing the allegation of bias in a Liberal Democrat pamphlet and also in repeating that allegation at the Community Association AGM.
- 3.33 The Councillor accused the editor of bias because he had decided not to publish a letter written by the Councillor on the subject of a new proposed Valley Park Parish Council.
- 3.34 The standards committee decided to censure the Councillor and to require him to send a letter of apology to the editor. However, the Councillor appealed on the grounds that the panel of the standards committee hearing were biased.
- 3.35 The Councillor claimed that the panel was biased because it was not properly politically balanced. He drew to the Appeals Tribunal's attention the guidance issued by the Standards Board for England which although acknowledging that standards committees were not required to be politically balanced does recommend this as good practice. As three out of the five Members of the panel were Conservative and the Councillor was Liberal Democrat, he felt they were biased against him. Two of the Members of the panel also declared personal interests as they knew the editor of the "Valley Park Voice", however they did not explain the nature of their relationships and since the hearing the Councillor had become aware that one of these relationships may have been 'substantial'.
- 3.36 The standards committee informed the appeals tribunal that they had complied with the rules for selecting panels and such hearings approved by the Council. Because these rules do not allow for substitute Members to be on the panel, there was no choice but to go ahead with only Conservative Councillors, as the only Liberal Democrat Councillor was ineligible under the rules as she was a Member for the same ward as the Councillor in question. The Council's Deputy Monitoring Officer

also informed the tribunal that he had already investigated the possibility of one of the Councillor's having a prejudicial interest but had found that this was not the case.

- 3.37 The appeals tribunal decided that the standards committee were not biased, either due to the political composition of the panel or the fact that two of the Members had declared personal interests. The tribunal agreed that there was no requirement for standards committees to be politically balanced and it was their understanding that Councillors were expected to rise above party politics and to judge each case on its merits. However the appeals tribunal were of the opinion that the Council may wish to revise the rules surrounding substitutes, as having a politically balanced panel may be necessary in the case of a politically motivated complaint. The appeals tribunal also felt that it was not the Monitoring Officer's responsibility to investigate the background of the Members' interests, as the responsibility for declaring personal or prejudicial interest lies with the Member concerned and may not be devolved to any officer, although the Deputy Monitoring Officer had acted properly in questioning the Councillor about the nature of his interest.
- 3.38 The standards committee had concluded that the Councillor had "made such an allegation which was not justified, and in an inappropriate and unacceptable manner". It was the committee's opinion that his conduct would have lowered his reputation in the estimation of the public, and therefore he had brought his office and authority into disrepute. The appeals tribunal disagreed with the standards committee and considered that the Councillor had not breached the Code of Conduct. The matters before the committee were part of the normal rough and tumble of local parish life and the level of political debate one might find in a small community. Further the appeals tribunal felt that the Councillor was justified in thinking he was being treated unfairly as two other letters on the same subject were published and the reply to his query as to why had been less than helpful. The appeals tribunal also took into account the fact that the editor was a Conservative who had stood for election against the Councillor, and so they were political opponents. The Councillor had not used offensive or abusive words when describing the editor and had not acted aggressively.
- 3.39 The appeals tribunal did not therefore uphold the decision of the standards committee, whose decision ceased to have effect.
- 3.40 In Leeds the Standards Committee is also unable to have substitutes. The reason for this being that membership of the Standards Committee is a specialised role, highlighted by the fact that membership of the standards committee has now been identified as such in the Member Development Strategy 2006-2008. The reserve parish member and the reserve independent member are able to substitute for other members if there are quorum problems, but City Councillors are not allowed substitute members should they have to withdraw due to an interest.**

Wear Valley District Council

- 3.41 A Councillor appealed against the local standards committee's finding that he had failed to following paragraphs 4 and 5(a) of the Code of Conduct through his actions in using his position to improperly confer a disadvantage upon the Clerk of Stanhope Parish Council and in doing so bringing his office into disrepute.

- 3.42 The standards committee censured the Councillor, required him to undertake training in the Code of Conduct, write and send a letter of apology to the Clerk of the Parish Council, and decided that the Councillor should be suspended for a period of three months.
- 3.43 The Councillor appealed their decision on the grounds that the standards committee had failed to comply with statutory deadlines when organising the hearing. The appeals tribunal agreed that Wear Valley District Council failed to ensure substantial compliance with its legal obligations to hold the standards committee within three months of receipt of the Ethical Standards Officer's report. The failure to comply was not because of reasons outside their control or what could reasonably be anticipated. In the tribunal's opinion, the Council's decision at a very late stage (after the expiry of the time limit) to increase the pool of standards committee members from whom panels might be selected bears their opinion out. There were also some delays during the process that were not properly explained in the papers before the appeals tribunal.
- 3.44 This failure to comply with the time limits deprived the Councillor of the opportunity to put his case forward. It was therefore the finding of the appeals tribunal that the standards committee hearing was unlawful, and the decision of the standards committee ceased to have effect. However the appeals tribunal did state that the allegations concerning the Councillor were serious ones and should the tribunal have been asked to consider the case itself they may have reached the same conclusions as the standards committee.
- 3.45 In Leeds, the Standards Committee Procedure Rules have been drafted in such a way as to provide clear deadlines for each stage of the pre-hearing process. By allowing the reserve members of the committee to act as substitutes, quorum difficulties should not prevent a delay in the hearing being carried out. However the above case does reinforce the importance of Members of the Committee communicating any possible interests to the Monitoring Officer at an early stage in the process, and remaining as flexible with their availability as possible.**

Wear Valley District Council

- 3.46 A Councillor appealed against the decision of the standards committee that he had failed to follow paragraphs 4 and 5(a) of the Code of Conduct through his actions in using his position to improperly confer a disadvantage upon the Clerk of Stanhope Parish Council and in so doing brought his office into disrepute.
- 3.47 The standards committee censured the Councillor, required him to undertake training in the Code of Conduct, write and send a letter of apology to the Clerk of the Parish Council, and decided that the Councillor should be suspended for a period of three months.
- 3.48 In his reasons for appeal the Councillor stated that the date of the hearing was changed, he was "messed about", and not given the proper opportunity to state his case.
- 3.49 The tribunal noted that it was the standards committee's intention to consider both the above cases in one hearing as the witnesses and evidence were substantially the same and it was considered unreasonable to hear the two cases on separate

dates. However although the second Councillor was willing for his case to be heard separately, it was postponed due to the first Councillor's availability.

- 3.50 In the appeals tribunal's opinion the failure of the standards committee to hold a substantive hearing within the timetable laid down and to have given proper consideration to the second Councillor's interests, which were distinct from the first, they deprived the Councillor of the opportunity to put his case. It was therefore the finding of the appeals tribunal that the standards committee hearing was unlawful, and the decision of the standards committee ceased to have effect. However the appeals tribunal did state that the allegations concerning the Councillor were serious ones and should the tribunal have been asked to consider the case itself they may have reached the same conclusions as the standards committee.

North Kesteven District Council

- 3.51 A Councillor appealed against a determination by the standards sub-panel of North Kesteven District Council to censure him for a failure to comply with paragraph 7 of the Code of Conduct. It was alleged that the Councillor had taken part in a decision to provide a grant to the Gala Committee (of which he was a Member) without declaring a personal, or personal and prejudicial interest. It was the appellant's opinion that despite declaring a prejudicial interest on other occasions when the matter was considered, there was no need to do so at this particular meeting as the matter was not being 'considered'.

- 3.52 There were three bases to the appeal. These were:
- There could have been no consideration of the grant to the Gala Committee on the date in question as such consideration would breach the Council's standing orders.
 - The standards sub-panel treated the appellant unfairly at the hearing.
 - The appellant did not have a personal interest in the agenda item which gave rise to the complaint.

- 3.53 The Appeals Tribunal found that it was reasonable for the appellant to decide that there would be no discussion in relation to the Gala Committee grant at the meeting in question. Although that would not relieve him of the need to declare a personal interest if one had arisen. However the uncertainty surrounding whether there was any consideration of the matter, in the Appeals Tribunal's decision, was the fault of the poor financial processes of the Parish Council. The matter appeared under the agenda item "Accounts for Approval", however in the minute nothing was "approved".

- 3.54 The Appeals Tribunal rejected the Appellant's submission that the matter was not considered, as the item was on the agenda for deliberation and was the subject of the vote. The fact that this consisted on no more than the Chairman asking "All in favour?" followed by a general assent, does not make a difference. The absence of discussion does not equate to the absence of consideration.

- 3.55 The Appellant also claimed that they had been treated unfairly by the standards sub-panel, but in the Appeals Tribunal's opinion there was no sustainable evidence to support this. There did appear to be an amount of procedural unfairness in that the documentation was delivered to the Appellant late and additional documents were presented to him at the hearing itself, but the Appeals Tribunal found no evidence of any sinister purpose or that the Appellant was actually disadvantaged

by this situation. Neither the Appellant or his representative sought an adjournment and there is no reason to suppose that one would not have been granted in an application had been made.

- 3.56 During the meeting in question several Members of the Committee were also members of other bodies receiving payments, but no one declared an interest in the agenda item. In the Appeals Tribunal's opinion this exposes either a misunderstanding of the Code of Conduct or a wholesale disregard for it. If it shows the latter, there should have been some consideration of why the Appellant was singled out for a complaint to the Standards Board. They suggest that this should have been a cause for concern before embarking on a investigation and hearing at the public's cost.
- 3.57 The Appeals Tribunal decided that although they could not say that there had been no breach of the Code of Conduct, they were not satisfied that there had been a breach. The Tribunal therefore allowed the appeal, and the decision of the standards sub-panel ceased to have effect.
- 3.58 The Appeals Tribunal also recognised that many difficulties in this case arose from poor financial procedures at the Parish Council and recommended that these be reviewed.

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 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.



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Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Adjudication Panel for England Annual Report

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to advise Members of the Committee of the contents of the Adjudication Panel's Annual Report for the year ending 31st March 2006.
2. This is the second Annual Report from the Adjudication Panel. The first report was published in March 2005 and concentrated on the early years of the Panel's work.
3. The second Adjudication Panel Annual Report concentrates on several aspects of the Panel's work:
 - Casework
 - Appeals against local standards committee determinations
 - Work with external parties
 - Complaints against the Adjudication Panel
 - High Court appeals
4. Members of the Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 To advise Members of the Committee of the contents of the Adjudication Panel's Annual Report for the year ending 31st March 2006.

2.0 Background Information

- 2.1 This report is the second Annual Report from the Adjudication Panel. The first report was published in March 2005 and concentrated on the early years of the Panel's work. The Annual Report can be downloaded from the Adjudication Panel's website http://www.adjudicationpanel.co.uk/documents/pdf_annual_report_2006_for_website2.pdf or alternatively a hard copy is available from the author of this report.
- 2.2 The second Adjudication Panel Annual Report concentrates on several aspects of the Panel's work:
- Casework
 - Appeals against local standards committee determinations
 - Work with external parties
 - Complaints against the Adjudication Panel
 - High Court appeals
- 2.3 The report also has a series of appendices which provide advice as to sanctions, casework statistics and the Adjudication Panel's recommendations regarding amendments to the Code of Conduct.

3.0 Main Issues

Casework

- 3.1 The bulk of the Adjudication Panel's workload for the past year has arisen from references from Ethical Standards Officers. But the year has also involved case tribunals dealing with appeals against decisions by local standards committees. It is anticipated that matters of this kind will assume an increasing proportion of the Adjudication Panel's workload in future years.
- 3.2 During the year March 2005 – March 2006 66 references were received from Ethical Standards Officers compared with 82 in the previous year.
- 3.3 Whilst there has been no significant change in the amount of cases which resulted in a finding that there was a breach of the Code of Conduct, there has been an increase in the proportion of cases which have resulted in a decision not to impose any sanction. This change in turn has led to less Members being subject to a period of disqualification or suspension.
- 3.4 The reasons for this change are partly that the case tribunals were satisfied that the Member was unlikely to repeat the failure to follow the Code and had shown genuine remorse for their actions. A second reason is that case tribunals have heeded decisions from the High Court which have tended to discourage the use of the sanction of disqualification.
- 3.5 A breakdown of the types of cases considered show that there has been a decrease in the number of cases alleging disclosure of confidential information and an increase in the number involving allegations that the conduct of the Member has

brought his or her office into disrepute. According to the Adjudication Panel this supports the argument for amending paragraph 4 of the Code so as to limit its operation to actions taken in a Members' official capacity but subject to making some specific provision to allow consideration of whether criminal conduct by a Member should result in suspension or disqualification.

- 3.6 The casework statistics (Appendix D of the Annual Report) show that the majority of cases considered by the Adjudication Panel this year concerned Parish or Town Councils (62%), followed by District, Borough and City Councils (26%). The majority of complaints considered were made by Monitoring Officers (32%), followed by fellow Councillors (30%). Finally the largest proportion of complaints came from the South East of the country (21%) which has the largest population of the regions, followed by the South West (17%) which has the largest geographical area. Yorkshire and Humberside only accounted for 6% of the cases considered.

Appeals against local standards committee determinations

- 3.7 18 applications for appeals were received by the Adjudication Panel this year compared with 8 previously. As a percentage of total standards committee determinations, the applications for appeal have increased from 11% to 32%. Only 11 of these were allowed to proceed, and the Appeals Tribunal determined 6 of these. Of those 6, half were upheld.
- 3.8 However it is also of note that these cases have represented the first decisions taken by the standards committees concerned, some of whom seem to be having difficulty coming to terms with procedural issues and how to produce a reasoned decision. Some 38% of appeals have cited alleged procedural irregularity by the standards committee as a ground for appeal.
- 3.9 According to the President of the Adjudication Panel the early evidence suggests that there should be a requirement for the hearings by standards committees to be chaired by a lawyer who is familiar with the Competency Framework for Chairmen and Members of Tribunals. Regarding the make up of the committees, the President suggests that there is unlikely to be public confidence in the procedures unless the number of independent members on the committee is at least equal to the number of Councillors. Although he also acknowledges that due to the local nature of standards committees it may be impossible to avoid the impression of apparent bias even though it may not exist.

Work with external parties

- 3.10 In the last year the President of the Adjudication Panel for England has met regularly with the Chief Executive of the Standards Board for England, has liaised with his counterpart in Wales and Scotland and taken part in joint training sessions, and attended some training for members of local standards committees as well as speaking directly to some Councillors.
- 3.11 The Adjudication Panel has also responded to the consultation on the amendments to the Code of Conduct. A copy of their response is Appendix C to the Annual Report.

Complaints against the Adjudication Panel

- 3.12 The Adjudication Panel for England received 12 complaints in total in the last year. 9 of these were dismissed as having no substance as the complaints were made by Councillors who were unhappy with either the sanction that had been applied to them, or the outcome of their High Court appeal.
- 3.13 Other complaints were largely related to the choice of location for the case tribunal and the facilities available in the hearing room.

High Court appeals

- 3.14 Members who have been found in breach of the Code of Conduct by a case tribunal are able to appeal to the High Court. 6 appeals have been lodged in the last year. Two of these were dismissed by the High Court, one was struck out, and two had the sanctions amended.
- 3.15 A full list of every appeal which has been lodged, the outcome and a brief summary is available in the Annual Report.

Guidance on decisions to be made by a case tribunal where a Member has been found to have failed to comply with the Code of Conduct

- 3.16 Appendix A of the Annual Report provides updated guidance from the President of the Adjudication Panel on sanctions to be imposed by case tribunals.
- 3.17 When considering the sanction to be applied, case tribunals are asked to consider if there are any mitigating or aggravating factors. The guidance provides a list of such factors, which can be seen below:

Mitigating factors:

- An honestly held (although mistaken) view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.
- A Member's previous record of good service.
- Substantiated evidence that the Member's actions have been affected by ill-health.
- Recognition that there has been a failure to follow the Code; cooperation in rectifying the effects of that failure; an apology to affected persons where that is appropriate; self-reporting of the breach by the Member.
- Compliance with the Code since the events giving rise to the determination.
- Some actions, which may have involved a breach of the Code, may nevertheless have had some beneficial effect for the public.

Aggravating factors:

- Dishonesty.
- Continuing to deny the facts despite clear contrary evidence.
- Seeking unfairly to blame other people.
- Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.
- Persisting with a pattern of behaviour which involved repeatedly failing to abide by the provisions of the Code.

- 3.18 The case tribunals are also asked to bear in mind their aim of upholding and improving the standard of conduct expected of Members, as part of the process of fostering public confidence in local democracy. The sanction should be such as to discourage the Member from any further breaches of the Code and to prevent similar breaches in others. The sanction should also take into account the consequences of the breach and the possible consequences if there were none.
- 3.19 Suspension is recommended where the circumstances are sufficiently serious to give rise to the need to impress upon the Member the severity of the matter and the need to avoid repetition. Partial suspension is judged to be more appropriate in circumstances where the Member is judged to have difficulty in understanding the limitations that the Code places on them in relation to certain areas, but that this difficulty does not prevent them from acting properly in other areas.
- 3.20 Factors which may lead a case tribunal to impose a lesser sanction than those above, or no sanction at all, include:
- An inadvertent failure to abide by the Code of Conduct.
 - An acceptance that despite that lack of suspension or partial suspension, there is not likely to be any further failure to comply on the part of the Member.
 - The absence of any harm having been caused or the potential for such harm as a result of the breach of the Code.

4.0 Implications For Council Policy And Governance

- 4.1 The Adjudication Panel's advice with regard to sanctions provides useful guidance for future local determinations, and promotes good governance by introducing a level on transparency and consistency in the sanctions applied nationally.
- 4.2 The President of the Adjudication Panel's recommendation that standards committees should be chaired by a lawyer when conducting hearings is contrary to the Council's current arrangements. In order to comply with this advice amendments would have to be made to the make up of the Standards Committee and the Parish and Town Council hearings sub-committee.

5.0 Legal And Resource Implications

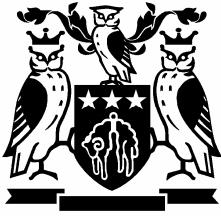
- 5.1 The various High Court appeals which are summarised in this Annual Report provide useful case law for interpreting the Code of Conduct.
- 5.2 There are no resource implications to this report.

6.0 Conclusions

- 6.1 The Adjudication Panel have published their Annual Report for the year ending March 2006. The report provides details on useful case law and guidance on the Code of Conduct and how to apply sanctions.
- 6.2 The President of the Adjudication Panel's has recommended that standards committees should be chaired by a lawyer when conducting hearings, which is contrary to the Council's current arrangements. In order to comply with this advice amendments would have to be made to the make up of the Standards Committee and the Parish and Town Council hearings sub-committee.

7.0 Recommendations

7.1 Members of the Committee are asked to note the contents of this report.



Originator: Kate Sadler

Tel: 0113 24 78408

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Decision of High Court in the Ken Livingstone Case

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. This report advises Members of the Committee of the decision of the High Court in the recent appeal by Ken Livingstone against the finding of the Adjudication Panel for England that he had failed to follow the Code of Conduct, and also against the sanction applied by them.
2. Members of the Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 This report advises Members about the recent decision of the High Court in relation to the appeal by Ken Livingstone against the finding of the Adjudication Panel for England.

2.0 Background Information

- 2.1 Members will recall that the case was originally heard by the Adjudication Panel for England, in February 2006. The Tribunal determined that Mayor Livingstone had failed to follow the Code of Conduct and that he should be suspended from office for a period of four weeks. The suspension itself was suspended pending the determination of the appeal.
- 2.2 Mayor Livingstone did indeed appeal the decision and the case was heard in October of this year. This report details the findings of the Judge in the case.

3.0 Main Issues

The Facts of the Case

- 3.1 The case revolves around events which took place on the evening of 8th February 2005. The episode that resulted in the complaint to the Standards Board for England was the subject of widespread news coverage at the time and therefore needs only brief rehearsal.
- 3.2 Mayor Livingstone had, that evening, attended a function in his capacity as Mayor. At the end of the evening, when he was leaving the function, he was approached by a reporter seeking his views as to how the evening had gone. In the exchange which followed, Mayor Livingstone made a number of comments. Amongst these, he said firstly "Were you a German war criminal?" and secondly "you are just like a concentration camp guard." These comments were considered particularly offensive by the Jewish reporter to whom he was speaking and the wider London Jewish community.
- 3.3 Although requested to do so by representatives of the London Jewish Community and by the Greater London Authority, Mayor Livingstone refused to apologise for his comments, giving as a reason the detailed poor relationship between himself and the newspaper group for whom the reporter worked, and his own deep mistrust of that newspaper group.
- 3.4 Ultimately a complaint was made to the Standards Board for England by the Board of Deputies of British Jews. This complaint was distilled into allegations that Mayor Livingstone had failed to follow two paragraphs of the Code:-
- Paragraph 2b which states "A Member must...treat others with respect."
 - Paragraph 4 which states "A Member must not in his official capacity, **or in any other circumstance**, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute." (Members should note that Paragraph 4 is one of the two paragraphs in the Code which is stated to apply in both the Member's public and private life.)

The Decision of the Adjudication Panel for England in the Case

- 3.5 The Tribunal decided that in making the comments Mayor Livingstone was not acting in his official capacity. It was therefore determined that he had not failed to follow Paragraph 2b of the Code which applies only when a Member is acting in his official capacity.
- 3.6 The Tribunal went on to consider Paragraph 4 of the Code. In this regard it was determined that Mayor Livingstone had failed to follow the Code of Conduct, as the paragraph applies to activities undertaken by the Member in their official capacity or 'any other circumstance'.
- 3.7 The Tribunal decision records that:-
- “Although finding that the Mayor was not at that time fulfilling his official duties (they having ceased for the day) the Case Tribunal has no difficulty in saying that the events were sufficiently proximate in time, in place and, so far as the journalist’s question was concerned in content, to mean that it is proper to regard Paragraph 4 of the Code of Conduct as being applicable to the situation. “
- 3.8 The Tribunal also decided that any interference that the decision may impose upon the Members private life or freedom of expression could be seen as necessary and permitted by law (in the form of the promulgation of the Code), for the protection of the public order and morals or for the protection of the rights and freedoms of others.

The Decision of the High Court in the Case

- 3.9 The Judgement sets out the facts of the case as outlined above and the issues to be determined.
- 3.10 As with the Adjudication Panel the Judge was of the view that Mayor Livingstone could not have failed to follow paragraph 2 b of the Code which applies only when a Member is acting in his official capacity.
- 3.11 However, the Judge came to a different conclusion with respect to the application of the Code in a Member’s private life.
- 3.12 Section 50 of the Local Government Act 2000 enables the Secretary of State to issue a model code. Section 51 of the Act requires authorities to adopt a code (including any mandatory provisions in the model code). Section 52 of the Act then requires Members to give ‘a written undertaking that ***in performing his functions*** he will observe the authority’s code of conduct...’
- 3.13 The Judge stated that in his view that the words in heavy type must have been intended to have some effect. He did not agree that the intention was to limit the effect of the Code to the time during which the Member was in office. However, he considered that a literal interpretation of ‘in performing his functions’ would mean that a Councillor who was purporting to perform his functions, but was in fact misusing his position would not be caught by the Code. Instead the Judge decided that the words should be interpreted “so as to promote the purpose of the statutory provisions, namely the setting of standards for and the regulation of conduct of those who choose to enter local government.” So these words include activities

which are apparently within the performance of the Member's functions. In this way the Code will apply to a Member who is using his position to do or say something which amounts to misconduct. The Judge states:-

"Thus, where a member is not acting in his official capacity (and official capacity will include anything done in dealing with staff, when representing Council, in dealing with constituents' problems and so on)), he will be covered by the Code if he misuses his position as a member."

- 3.14 Following on from this the Judge indicated that unlawful conduct is not necessarily covered by the Code. He reasoned that parliament had previously legislated to provide that certain offences and sentences would result in disqualification for election¹. This indicated that parliament could have made specific provision again in relation to certain offences, sentences or types of criminal procedure, with regard to action which should be taken or sanctions which should be applied under the Code of Conduct. Parliament did not choose to make such specific legislative provision, and the Judge therefore reasoned that Parliament can not have intended the Code to apply in this way.
- 3.15 In justifying his position the Judge relied upon the ability of the electorate to exercise its judgement in order to bring membership to an end in due course.
- 3.16 With regard to the potential restriction on Freedom of Expression, the Judge reasoned that whilst it would be lawful to impose restraints upon freedom of speech in order to uphold standards in public life, those restraints should be no more than is necessary to maintain those standards. It is the Judges view that the Code goes further than is necessary.
- 3.17 In addition the Judge went on to support the argument that there is a distinction to be drawn between damage to the personal reputation of the Member and damage to the office or authority which the Member represents. The Judge considered this distinction to be both real and important. He stated that "Misuse of the office can obviously bring disrepute on the office, but personal misconduct will be unlikely to do so.
- 3.18 Having regard to all these points the Judge determined that Mayor Livingstone had not failed to follow the Code of Conduct and quashed the suspension.
- 3.19 The Judge also stated that even had he considered that Mayor Livingstone had been in breach of the Code, the sanction of suspension imposed by the Panel was 'clearly wrong'.

The Reaction of the Standards Board

- 3.20 Through discussion with the Standards Board the Director of Legal and Democratic Services is advised that the Standards Board do not intend to appeal the decision of the Court in this case, as they do not feel it would be in the public interest to do so.
- 3.21 The Standards Board have requested the Government to legislate to clarify the position with regard to whether Members are caught by the Code when acting outside of the performance of their functions.

¹ See Section 80 of the Local Government Act 1972

- 3.22 The Standards Board is seeking ongoing advice from Queens Counsel in respect of the judgement and will issue guidance in due course. This guidance, which is likely to appear first in the Bulletin, will attempt to give further clarification in relation to what may or may not fall within the phrase “performing his functions”.
- 3.23 In the meantime the Standards Board is considering each of the cases it has under investigation and waiting to be heard by the Adjudication Panel. Appropriate steps will be taken to ensure that cases which do not fall within the new understanding of the remit of the Code will be reviewed to ensure that they are either withdrawn or presented appropriately if necessary.
- 3.24 In issue 31 of the Bulletin, the Standards Board have included an article entitled “The Collins Judgement”. This article highlights that the new ‘narrower interpretation’ of the Code and gives some examples of how it will apply. The article also promises further advice and guidance on the interpretation of the Code in due course.

Action to be taken in Leeds

- 3.25 The Director of Legal and Democratic Services, as monitoring officer, will ensure that any cases subject to current investigation within Leeds, are reviewed to ensure that they fall within the new understanding of the Code.
- 3.26 A copy of the Standards Board Bulletin has been forwarded to every Member of the Council and has been included in the agenda for this Committee. All Members should therefore be aware of the outcome of this case.
- 3.27 In addition the Director of Legal and Democratic Services will ensure that all training packages are updated so that future training accurately reflects the current law.

4.0 Implications For Council Policy And Governance

- 4.1 The law as set down in this case will be applied to future investigations and hearings which take place within Leeds City Council.
- 4.2 The advice and guidance gleaned from this case will be included in training provided on conduct matters to Members and Officers of Leeds City Council.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 The decision of the High Court in relation to this appeal has radically altered the accepted interpretation of the provisions of the Code of Conduct.
- 6.2 It is now understood that the Code does not apply generally in relation to Members’ private lives. Rather it applies in circumstances where a Member performs or purports to perform his functions.

6.3 It is understood that there will be further legislation intended to clarify the point but in the interim the law as interpreted in the judgement will apply. This being the case steps will be taken to review any ongoing investigations within Leeds. In addition training packages will be amended in order to ensure that appropriate advice and guidance is given.

7.0 Recommendations

7.1 Members of the Committee are asked to note the contents of this report.



Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Standards Committee half year progress report

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of the report is to seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2006/7 Municipal Year.
2. It is proposed that this report constitute the second of the 6 monthly updates to be presented to the Corporate Governance and Audit Committee at their next meeting 31st January 2007.
3. The Standards Committee Terms of Reference¹ outlines the functions that the Committee is authorised to discharge. Paragraph 3 sets out the work the Committee has done since May 2006 to fulfil each of these functions.
4. Members of the Committee are asked to:
 - approve the draft report;
 - make any suggestions for additional content; and
 - agree to refer this report to the Corporate Governance and Audit Committee for further consideration.

¹ See Part 3 Section 2B of the Council's Constitution.

1.0 Purpose Of This Report

- 1.1 To seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2006/7 Municipal Year.

2.0 Background Information

- 2.1 The terms of reference of the Corporate Governance and Audit Committee include the function to “review the adequacy of Council’s Corporate Governance arrangements”, which includes the arrangements to ensure the appropriate conduct of Members and officers.
- 2.2 In order to support this function Corporate Governance and Audit Committee, at its meeting on the 19th April 2006², requested that the Standards Committee produce a report on their work to be presented to this committee every 6 months.
- 2.3 At the Standards Committee meeting of the 25th April 2006³ it was agreed that the annual report would be presented to Corporate Governance and Audit Committee at its meeting on the 19th June 2006, to constitute the first of these 6 monthly updates.
- 2.4 It is proposed that this report constitute the second of these 6 monthly updates to be presented to the Corporate Governance and Audit Committee at their next meeting 31st January 2007.

3.0 Main Issues

- 3.1 The Standards Committee Terms of Reference⁴ outlines the functions that the Committee is authorised to discharge. The paragraphs below set out the work the Committee has done since May 2006 to fulfil each of these functions.

To consider and determine one of more codes of conduct for Members or protocol for Member/officer relations and to promote, monitor, review and amend such codes of conduct or protocols.

- 3.2 The Standards Committee has responsibility for several codes and protocols in the Constitution. To ensure that these are operating effectively, are being complied with, and are fit for purpose the Standards Committee has added regular reports regarding these codes and protocols to the work programme for the municipal year.
- 3.3 To date the Standards Committee has reviewed its own Procedure Rules following the first local hearing, the Protocol on Member/officer Relations, and the Protocol on Member/Education Leeds Relations.
- 3.4 The Standards Committee sent the Protocol on Member/officer Relations out for review with several officer forums and the Group Whips, and made a series of amendments following the comments received.

² See Minute 60 of the meeting of the 19th April 2006.

³ See Minute 91 of the meeting of the 25th April 2006.

⁴ See Part 3 Section 2B of the Council’s Constitution.

- 3.5 At the next meeting on 14th February 2007 the Committee is due to consider the Monitoring Officer Protocol and a new draft code of practice for determining regulatory matters.
- 3.6 In order to promote these local codes and protocols and to ensure that Members are aware and comply with them, the Standards Committee is seeking to produce a plain English guide to the local codes. A report on this subject is due to be received by the Committee on 14th February 2007, along with a draft copy of the leaflet.
- 3.7 In order to monitor compliance with the Members' Code of Conduct the Standards Committee receives 6 monthly reports on the number and types of complaints that have been referred to the Standards Board regarding Leeds City Council Members and Parish and Town Councillors in the Leeds area. The report also identifies any trends in the information so that the Committee can seek to address these matters through guidance and training. The last report on this subject was received by the Committee on 4th October 2006.
- 3.8 The Standards Committee also seeks to reassure itself that the Members' register of interests is being reviewed and updated by Members on a regular basis and that the register of gifts and hospitality is being used appropriately. The Committee receives annual reports to this effect, the last report on this subject having been considered on 4th October 2006.
- 3.9 The Standards Committee has also been involved in launching and championing an ethical audit carried out by the Audit Commission testing the level of ethical awareness in the authority amongst Members and officers. It is anticipated that the Committee will be involved in formulating the action plan arising from the results of the survey and providing future training and guidance to address any shortfalls identified, and promoting awareness of the Code of Conduct.
- 3.10 A letter was also sent to Parish Clerks in August to remind them of the need to review their register of interests and register of gifts and hospitality. The letter included guidance that Parish Clerks should aim to carry out this exercise quarterly, and the majority of Clerks replied to say that they would endeavour to do so. This letter is sent out annually to ensure that the Parish registers are also kept up to date.
- 3.11 The Standards Committee have also tried to ensure that the public are aware of the Code of Conduct by asking Parish and Town Councils to ensure that they have information available for people who wish to make complaints about the conduct of Parish Councillors, either through their websites or through the Standards Board leaflet on the subject. The Committee have also sought to encourage Parish and Town Councils to create their own websites if they have not already done so.

To consider and determine any allegations of misconduct made against Members and to determine any sanction to be imposed on a finding of misconduct.

- 3.12 The Standards Committee carried out its first local hearing into an allegation of misconduct on 27th May 2006. The hearing was a result of a local investigation into an allegation that a Member had failed to treat the complainant with respect contrary to paragraph 2(b) of the Code of Conduct; conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute, contrary to paragraph 4 of the Code of Conduct; and sought to use his position as a

Member improperly to secure for himself an advantage, contrary to paragraph 5(a) of the Code of Conduct.

3.13 The Standards Committee determined that the Member had breached the Code of Conduct as alleged, and sanctioned him by censuring him and requiring him to attend one to one training with the Monitoring Officer regarding the relevant sections of the Code of Conduct within one month of the hearing, and to attend, for at least 3 hours, a night shift at the Care Ring with a relevant senior officer.

3.14 The Standards Committee also sought to make improvements to the process of preparing for a local hearing as a result of the feedback received from the Member concerned and Members of the Committee, during an additional informal meeting. To this end, the Procedure Rules of the Committee were amended in order to clarify the deadlines in the pre-hearing process and to offer a wider choice of dates for the Member. The pre-hearing forms which have to be completed by the Member are also being reviewed to make them clearer and more user friendly. The new draft forms will be considered by the Committee at their meeting on 14th February 2007.

To consider and determine applications for dispensations.

3.15 The Standards Committee has not received any applications for dispensations in this municipal year.

To make representations to and to liaise with external agencies about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council.

3.16 The Standards Committee has taken part in research projects during this municipal year, both locally and nationally. Several Standards Committee Members were approached by BMG to take part in a research project commissioned by the Standards Board for England on the size and make up of Standards Committees.

3.17 The Standards Committee has also been involved in launching and championing a local survey carried out by the Audit Commission testing the level of ethical awareness in the authority amongst Members and officers. It is anticipated that the Committee will be involved in formulating the action plan arising from the results of the survey and providing future training and guidance to address any shortfalls identified.

3.18 The Chair of the Standards Committee has also attended the Sixth Annual Assembly of Standards Committees held by the Standards Board for England on 15th and 16th October 2006, which provided opportunity for training and guidance and also feedback to the Standards Board on their work.

3.19 One of the various fringe sessions at the Annual Assembly hosted the launch of the new Association for Independent Members of Standards Committees in England (AIMSce), of which the Chair of the Standards Committee is now a member. The Chair was also a member of the steering committee for this new association.

3.20 The Independent Members of the Committee have also maintained their involvement with the Standards Committee Independent Members Forum for the Yorkshire and Humberside Region this year, with the Chair of the Standards Committee acting as Chair of the Forum at the last meeting in Hull on 24th October

2006. The Forum enables the sharing of good practice between local authorities and consultation and discussion on the various codes and protocols.

- 3.21 The Standards Committee is kept up to date on national conduct issues by receiving regular Standards Board Bulletins through the agenda and issues of the Town and Parish Standard. Finally the Standards Committee is able to monitor the way in which the Code of Conduct is being interpreted and how sanctions are applied at a national level through the regular reports it receives on Adjudication Panel for England cases.

To provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols.

- 3.22 The Standards Committee received a report on the Member Induction period on 26th July 2006, which outlined the contents of the induction training offered to new Members, the new Member Development Strategy for 2006-2008 and what comments Members had made on the training they had received. The Committee also ensured that all new Members had received the required training on the Code of Conduct and had completed their Acceptance of the Code of Conduct and Register of Interests forms.

- 3.23 The Standards Committee have also sought to make training on the Code of Conduct and local codes and protocols more accessible and convenient for Members by supporting the creation of the new e-learning module called "Cracking the Code". Part 1 covers the requirement for Members to make declarations of interest during meetings and to complete their register of interests, and was released in September 2006. The e-learning module has been published on the IDeA's Learning Pool site, has been well received by other local authorities and the Standards Board for England, and is due to feature in an article in the National Association of Local Councils newsletter soon as an example of good practice. The second part of the module will cover the general obligations of the Code and the requirement to declare acceptance of gifts and hospitality, and is due for release soon.

- 3.24 The Standards Committee have also sought to improve the training offered to Parish and Town Councils in the Leeds area. The Standards Committee keeps the training available and received by Parishes under review through 6 monthly reports, the first of which was received on 21st December 2006. In response to requests by Parish Clerks that training could be carried out in group sessions, a central training session was offered in August 2006, and this was followed by the offer of locally based sessions. So far one training session has been carried out in Shadwell which was attended by representatives from Thorner, East Keswick, Scarcroft and Bardsey. Another session has been organised to take place in Kippax on 13th December 2006 to which Councils in the surrounding area will also be invited.

- 3.25 By receiving reports on high profile standards cases and judicial reviews, the Standards Committee is able to monitor the development of case law. Through a report received on 4th October 2006 regarding bias and predetermination, the Standards Committee was able to provide more thorough guidance to Members, particularly through a briefing note issued on planning issues. Through a report on recent Adjudication Panel cases, the Standards Committee also became aware that the guidance regarding bankruptcy and elections had altered, and were able to

contact the Department for Constitutional Affairs and require them to update their national guidance to local authorities.

- 3.26 The Standards Committee have also been considering the issue of insurance arrangements for Members throughout this municipal year. The Standards Committee were concerned that Members may be unaware of the provisions in place to assist them during an investigation or hearing, and have sought to address this by providing additional guidance in the form of a briefing note to all Members on insurance arrangements at the Council.
- 3.27 The Standards Committee have also championed and launched an ethical audit this year with the Audit Commission. The feedback from the audit will be used when considering future communication, training provision and guidance on standards issues for both Members and officers. It is also anticipated that the Standards Committee also will be involved with compiling and implementing an action plan arising from the results.
- 3.28 The Standards Committee also features heavily in the regular bulletin 'Governance Matters' which is distributed to all Members of the Council and selected officers. This bulletin contains a spotlight on section which provides advice on specific standards or governance issues, front page news and feedback from the Council's governance committees.

To consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for officers and to promote, monitor and review the Code of Conduct.

- 3.29 The Standards Committee has monitored compliance with the officer code of conduct, particularly the requirement to register interests and offers of gifts and hospitality, through reports from the Head of Human Resources Strategy. The last report on 26th July 2006 contained the results of a piece of internal audit work regarding whether these requirements were being complied with throughout the various departments.
- 3.30 The Committee has requested a further report in April 2007 which will outline the steps that have been taken so far to embed the existing arrangements for officers to make declarations of interests and declarations of offers of gifts and hospitality. The Committee have also made suggestions as to how this can be achieved, for example by making the register of interests for certain senior officers a public document.
- 3.31 Finally, the Standards Committee is anticipating the release of the new national code of conduct for officers from the Department for Communities and Local Government and has a report on this subject on the future work programme.

4.0 Implications For Council Policy And Governance

- 4.1 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.
- 4.2 Through 6 monthly reports to the Corporate Governance and Audit Committee Members and officers can be informed of the Standards 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 have been resource implications to some of the work described above, for example, the e-learning module, the training provided to Parish and Town Councils and the ethical audit. However these costs have been met through existing resources.

5.2 Through monitoring case decisions the Committee is able to keep abreast of any changes in legislation and development of case law.

6.0 Conclusions

6.1 The Corporate Governance and Audit Committee have requested that the Standards Committee produce a 6 monthly report to them on their work throughout the municipal year. The first of these reports was the Standards Committee Annual Report, presented to the Corporate Governance and Audit Committee on 19th June 2006.

6.2 It is proposed that the above report be presented to the Corporate Governance and Audit Committee at their meeting on 31st January 2006 as the second of these reports.

6.3 Paragraph 3 outlines the Standards Committee Terms of Reference and how the work undertaken by the Committee since May 2006 corresponds with each of the objectives.

7.0 Recommendations

7.1 Members of the Committee are asked to:

- approve the draft report;
- make any suggestions for additional content; and
- agree to refer this report to the Corporate Governance and Audit Committee for further consideration.

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Originator: Kate Sadler

Tel: 0113 24 78408

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: The New Model Code of Conduct for Members

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. This report advises Members of the current position in relation to the implementation of a new model Code of Conduct for Members.
2. Members are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 This report advises Members of the current position in relation to the implementation of a new model Code of Conduct for Members.

2.0 Background Information

- 2.1 The Local Government Act 2000 makes provision for the Secretary of State to issue a model Code of Conduct for Members. The Code must be adopted by Local Authorities and Members must give a written undertaking that they will abide by the Code.
- 2.2 The current Code was approved by parliament in November 2001 and adopted by the Council on 27th March 2002.
- 2.3 Over the period of its operation a number of problems have been identified with Code and it is the Secretary of State's intention to issue a new model Code. This report sets out the proposed timetable for implementation of the new code, together with brief details of the proposed changes.

3.0 Main Issues

Timescale

- 3.1 It was originally intended by the Standards Board for England that the proposed new model code would be available for consultation by now, with an intention that the consultation period should end by the end of December 2006.
- 3.2 Unfortunately the New Model Code has not yet been released as a consultation document. It is not known whether the end date for consultation responses will be amended in light of the late release of the new model Code, but it will be circulated to Members by email as soon as it becomes available.
- 3.3 Following on from consultation it is intended that Parliament would approve the Code in late January/early February, to come into effect in May 2007. This is intended to allow adoption of the Code by local authorities at their annual meetings in May (although again each authority will have up to six months to adopt the Code).
- 3.4 It is possible that the delay in releasing the model Code is in part because of the Court's recent decision in the Ken Livingstone Case. It is anticipated that the Government may legislate to clarify the position in relation to whether the Code is binding upon Members in their private lives as well as their official capacity.

Areas of Change

- 3.5 In a number of fora, including the Annual Assembly and in their publication Town and Parish Standard, The Standards Board have indicated a number of areas in which they expect that there will be change in the new Model Code.

3.6 In particular the Town and Parish Standard gives the following details:-

Public service interests

- 3.6.1 There has been a concern that the interests regime was over restrictive and prevented Councillors from properly representing their constituents. To address this problem, a new category of interest is proposed called a “public service interest”.
- 3.6.2 Members who serve on another public body (dual-hatted Members) would need to declare their membership of the body within the register of interests as normal. However in meetings they would only need to declare an interest if they wanted to speak about the matter. It is anticipated that this will reduce the amount of declarations which need to be made at the start of Council meetings.
- 3.6.3 Also dual-hatted Members would only need to declare a prejudicial interest in the matter if there was a genuine conflict of interest between the Council and the outside body, and the matter relates directly to the public body on which the Member serves, for example a grant application or regulatory decisions which has an immediate effect on the body. However even where the Member does have to declare a prejudicial interest they will be allowed to address the meeting and answer any questions about the matter before withdrawing prior to the main discussion and voting.
- 3.6.4 In addition to those Members who have a public service interest, Members of charitable bodies and lobby groups would also benefit from the above rules, and would only be prevented from voting when a matter directly affects the organisation they represent.

Disclosure of confidential information

- 3.6.5 The Standards Board have proposed that under the new Code of Conduct, that ‘confidential’ information can be disclosed in the public interest. The Standards Board are preparing guidance to be published by May 2007 which will explain the public interest disclosures more fully, including how Members can ascertain what is in the public interest and what is not (for example specific details of ongoing contract negotiations).

Bullying

- 3.6.6 The Standards Board considers that bullying is a serious issue which has a corrosive effect on the organisation as a whole and its performance. Because of this a specific reference to bullying will be included in the new Code of Conduct. The Standards Board will also be releasing guidance on the issue, which will set out what conduct may constitute bullying, how to prevent bullying, and how to provide evidence of bullying.

Disrepute

- 3.6.7 The Standards Board acknowledge the view that only misconduct which relates to official duties should be regarded as capable of bringing the authority into disrepute. However the new Code of Conduct will continue to cover certain behaviour outside of official duties, but this will be limited to unlawful conduct.

- 3.6.8 The Standards Board further define unlawful conduct as criminal or cautionable offences. Civil matters or merely objectionable conduct in private will not be covered by the Code.
- 3.7 In summary the amendments anticipated fall into two groups:-
- 3.7.1 The first group of anticipated changes relate to interests and the need to create greater support for Councillors with regard to their community advocacy role. In this respect the following three changes are anticipated:-
- There are likely to be a reduced number of interests which fall within the definition of personal interest.
 - The creation of a new category of interest called public service interest.
 - There will be greater powers for Standards Committees to award dispensations to members.
- 3.7.2 In addition a number of changes are anticipated in relation to the general requirements set out in the Code. Of particular interest the Standards Board expect changes in relation to the following:-
- The disclosure of confidential information in the public interest
 - Disrepute
 - Bullying
 - Abolition of the duty to report breaches of the Code by other Members.

Terms of Reference

- 3.10 The Standards Committee statutory functions are laid out in the Local Government Act 2000 Part 3 Section 54(2). which states that the Standards Committee **must** carry out the following functions:
- advising the authority on the adoption or revision of a code of conduct; and
 - advising, training, or arranging to train Members and Co-opted Members of the authority on matters relating to the authority's code of conduct.

Implementation

- 3.11 It will be necessary to act quickly following parliament's approval of the new Code in order for the new Code to be in place for the Annual Meeting in May 2007.
- 3.12 As previously, the Council will be required to adopt those provisions in the model Code which are mandatory, they may also choose to adopt any provision in the model Code which are not mandatory and to adopt any further conditions which they wish to apply in Leeds.
- 3.13 It may assist Members to know the process which was used in 2002 in order to adopt the current Code of Conduct. Parliament approved the model Code in November 2001. That model Code was presented to Standards Committee in February 2002, at which time Standards Committee resolved to recommend that the Council adopt the Code of Conduct in the same form as the model Code. Full Council adopted the Code of Conduct at its meeting on 27th March 2002. Following this there was a consultation exercise with all Members to identify whether any amendments should be made to the Code. No further amendments were made to the Code as a result of this consultation exercise.

- 3.14 In order to ensure a smooth implementation of the new Code it would be preferable if the consultation exercise could take place prior to its adoption. It is therefore proposed that (assuming Parliament approves the new Model Code in late January/early February as planned), a report detailing the provisions of the new model Code of Conduct, together with recommendations as to the adoption of any discretionary clauses or additional clauses to be applicable in Leeds, be presented to Standards Committee at its meeting on 14th February 2007. Following consideration by Standards Committee the proposed new Code of Conduct for Leeds would then be the subject of a consultation exercise with all Members, the results of which would be reported to Standards Committee at its meeting on 11th April 2007. That meeting could then recommend a version of the Code for adoption by Full Council at its meeting on 18th April 2007, in time for the Annual Meeting on 24th May 2007.
- 3.15 However, if Parliament is delayed in approving the new Model Code, it would not be possible to report to Standards Committee on 14th February. In this event it is proposed that a similar process be used for adoption of the new Code of Conduct as was used in 2002. A report detailing the provisions of the new model Code of Conduct, together with recommendations as to the adoption of any discretionary clauses or additional clauses to be applicable in Leeds will be presented to Standards Committee at its meeting on 11th April 2007. Standards Committee will be invited to recommend this Code of Conduct to Full Council to adopt at its meeting on 18th April, with the intention that a consultation exercise takes place with all Members thereafter.
- 3.16 Clearly if parliament's approval of the new model Code is further delayed it will be necessary to consider further an appropriate timescale in which it can be implemented.

Parish Councils

- 3.17 Each Parish Council is required to adopt the new Model Code for Parish Councils. As with Leeds City Council, they will be required to adopt any mandatory provisions but will have the discretion as to any additional provisions they wish to adopt.
- 3.18 In order to support Parish Councils through this process it is proposed that a similar approach is adopted to that used in 2002. All Parish and Town Councils were contacted through the Clerk to ensure that they had a copy of the model code and were asked to complete a form stating when the code was adopted, whether all Councillors had agreed to abide by the code, and whether they had added any additional provisions to the model code. These forms were returned to Governance Services and retained in the records.
- 3.19 Parish and Town Councils were also sent copies of any new guidance issued by the Standards Board for England to assist them with complying with the new code.

Training

- 3.20 It will be necessary to provide appropriate training to Members in advance of the new Code of Conduct coming into force in Leeds. Members are asked to request that the Director of Legal and Democratic Services implement a series of training events for all Members of the Council prior to the Annual Meeting. It is proposed that a series of

2 or 3 briefing sessions is organised at Civic Hall for Members at various times of day.

- 3.21 In addition Members are advised that the e-learning package, entitled 'Cracking the Code' will be revised and re-issued to Members as soon as possible following adoption of the Code in Leeds.
- 3.22 Members are asked to request that the Director of Legal and Democratic Services liaise with the Parish Councils in the Leeds area in order to arrange appropriate and timely training in relation to the new Code, having regard to the timescales for adoption of that Code in each of those authorities. It is proposed that a series of local evening briefing sessions is organised to reflect the geographical spread of the Parish Councils in Leeds, in addition to a central session to be held at Civic Hall.

4.0 Implications For Council Policy And Governance

- 4.1 The Council will be obliged to adopt, and Members obliged to abide by, the new model Code within six months of the statutory instrument which brings it into force. The Code is intended to uphold standards of Conduct in public life, whilst supporting members fully in their roles as community advocates.
- 4.2 Steps will be taken to ensure that the new Code is adopted and implemented in line with recommended timescales, and that Members receive appropriate training to enable them to abide by the new Code of Conduct when implemented.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 There will be clear resource implications to the training of District and Parish Council Members in preparation for implementation of the new Codes of Conduct. However, it is considered that these can be met from existing resources.

6.0 Conclusions

- 6.1 Information available indicates that consultation on and implementation of a new Code of Conduct for Members is imminent. Whilst there has been some delay in the timetable Members should note that it may be necessary to act quickly in order to adopt the new Code in accordance with recommended timescales.
- 6.2 This report sets out the proposed route by which the new Code will be adopted in Leeds and the proposals for training to support implementation of that Code.

7.0 Recommendations

- 7.1 Members are requested to:
- note the contents of this report;
 - request the Director of Legal and Democratic Services to implement a series of training events for all Members of the Council prior to the Annual Meeting; and
 - request that Director of Legal and Democratic Services liaise with the Parish Councils in the Leeds area in order to arrange appropriate and timely training in relation to the new Code.



Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Parish and Town Council training

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to advise the Committee of the training provision offered to Parish and Town Councils since May 2006 and the amount of Parish and Town Councils who have been trained so far.
2. At the Committee meeting on 4th October 2006 it was requested that the Committee receive a six monthly report to establish what progress has been made so far and the date that Parish and Town Councils last received training.
3. To date 5 out of 30 Parish and Town Councils have received training on the Code of Conduct within this municipal year, and 2 in the previous municipal year. A training session being held in Kippax on 13th December 2006 will also hopefully incorporate up to 6 neighbouring parishes, meaning that a total of 11 Parish and Town Councils will have been trained by January 2007.
4. The City Council has made a significant commitment in this municipal year to improve the training available to Parish and Town Councils. Training on the Code of Conduct has been made more flexible, through offering central and localised sessions and offering training in other formats (e-learning).
5. More generally the Council has formally outlined its commitment to such training in the Parish and Town Council Charter, and has extended the training sessions available to City Councillors to include Parish and Town Councillors.
6. Members of the Committee are asked for suggestions as to what can be done to improve the take up of training on offer amongst Parish and Town Councils, and in particular whether as a Committee they should send a letter to the Parish and Town Councils outlining the importance of the training available.

1.0 Purpose Of This Report

- 1.1 To advise the Committee of the training provision offered to Parish and Town Councils since May 2006 and the amount of Parish and Town Councils who have been trained so far.

2.0 Background Information

- 2.1 On 16th March 2006 (minute 79) the Standards Committee received a report on the training available to Parish and Town Councils in Leeds on conduct and other issues. It was established that there was national training courses available to Parish and Town Councils as well as those provided by Leeds City Council.
- 2.2 This report also established that the new Member Development Strategy for 2006-2008 would open certain sessions to Parish and Town Councils, in particular training on issues such as planning.
- 2.3 The Committee resolved the following:
- 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.
- 2.4 At the Committee meeting on 4th October 2006 it was requested that the Committee receive a six monthly report to establish what progress has been made so far and the date that Parish and Town Councils last received training.

3.0 Main Issues

Code of Conduct training delivered by Corporate Governance Team

- 3.1 Following the resolution made by the Committee on 16th March 2006, two central training sessions on the Code of Conduct were organised to take place on 8th and 9th August, one session in the morning and the other in the evening.
- 3.2 Only three bookings were received for the training sessions and as a result of these bookings also occurring after the deadline provided, both sessions had to be cancelled.
- 3.3 Following the cancellation of these sessions, the Clerk to Thorner Parish Council expressed an interest in organising a local session for the Thorner Parish Councillors and for Councillors from surrounding areas. A local session was therefore held on 11th October 2006 during the evening. 15 Councillors and Clerks attended the training session representing Thorner, Shadwell, East Keswick, Scarcroft and Bardsey.
- 3.4 As can be seen in Appendix 1, to date 5 out of 30 Parish and Town Councils have received training on the Code of Conduct within this municipal year, and 2 in the previous municipal year. A training session being held in Kippax on 13th December 2006 will also hopefully incorporate up to 6 neighbouring parishes, meaning that a total of 11 Parish and Town Councils will have been trained by January 2007.

- 3.5 The feedback from the training session held in Shadwell was very positive on the whole, with most participants giving the training session a score of 3 or 4 (4 being 'excellent').
- 3.6 Appendix B shows how the Parish and Town Councils have been organised into five groups in order to conduct local training sessions.

Member Development Strategy 2006-2008

- 3.7 As reported on 16th March 2006, in the Member Development Strategy for 2006-2008 the induction process will be on a rolling programme and will be available to all. The lunchtime seminar programme and personal development training have also been widened to include Parish Councillors from the beginning of 2006. Parish Councillors are asked to pay a fee of £10 per place to cover hospitality and administration costs. Amongst the topics covered are 'Understanding planning procedure and policy', 'Speech-making', 'Equality and Diversity' and IT skills.
- 3.8 To date no Parish and Town Councillors have attended training sessions through the Member Development Strategy, although they have been informed of all relevant seminars and sessions through the Parish Council Liaison Officer.

E-learning module

- 3.9 The e-learning module on the Members' Code of Conduct which has been produced in-house specifically for Leeds City Councillors, has been publicised and offered to those Parish and Town Councils who are interested in using the tool.
- 3.10 The second module which will cover the general obligations of the Code of Conduct is due for release in January 2007 and will also be offered to Parish and Town Councils once it becomes available.

Parish and Town Council Charter

- 3.11 Since the last report in March 2006, the Parish and Town Council Liaison Forum and the Leeds City Council Executive Board have adopted a Charter between Leeds City Council and the Parish and Town Councils within the administrative area of Leeds City Council. The Charter is attached as Appendix 2.
- 3.12 This Charter sets out how the Parish and Town Councils and Leeds City Council aim to work together for the benefit of local people. Through the Charter Leeds City Council, and more specifically, Democratic Services, have committed themselves to providing training and development opportunities for local councillors (subject to an administrative charge).
- 3.13 In return, the Parish and Town Councils have made a commitment to work with the Council's Monitoring Officer and the Standards Committee to promote and maintain high standards of conduct, although no specific detail is provided as to how this is to be achieved.
- 3.14 In line with this commitment, and to encourage a better take-up for Code of Conduct training a letter has been sent to the Parish and Town Council Clerks in the Leeds area with a paragraph from the Monitoring Officer urging them to take part in the training and pointing out the benefits of the training. So far this has not resulted in any more requests for training.

Training and advice from national bodies

- 3.15 To coincide with the adoption of the revised Code of Conduct in May 2007 the Standards Board for England will be releasing new guidance on standards issues. One of these training aids will be a new DVD which will tackle the changes to the Code and will be released when the new Code comes into force. There will also be new guidance issued on how to declare interests.
- 3.16 As referred to in the last report in March 2006, there is a lot of training and guidance available through the County Training Partnerships (CTP) for Parish and Town Clerks and Councillors. These locally-based training partnerships act as a one-stop-shop for Clerks and Councillors wishing to access training opportunities and to register for the AQA Certificate in Local Council Administration. The local CTP in Yorkshire and Humberside provides the following services:
- Registration form for the Certificate in Local Council Administration
 - Training options to help Parishes attain the Certificate in Local Council Administration (access to the SLCC Working with Your Council distance learning pack, face to face courses, mentoring, advice etc)
 - Other training opportunities for councillors and clerks outside the AQA Certificate syllabus
 - Access to the 'What's on the Agenda?' training video and workbook pack. This video introduces viewers to 'meeting procedures' in parish councils.
 - Copies of 'The Good Councillors Guide' booklet
- 3.17 'The Good Councillors Guide' has been revised since the last report, and provides a clear and concise guide to the main provisions of the Code of Conduct, including how and when to declare interests. The guide is available to download from the National Association of Local Councils website (www.nalc.gov.uk) and from the County Training Partnership. The County Training Partnership can be contacted through the Yorkshire Association of Local Councils.
- 3.18 There is also a 'Political Skills Framework' available for Members through the Improvement and Development Agency (IDeA) which can be downloaded from their website (www.idea.gov.uk). Although this skills framework also includes sections for Cabinet Members and Leaders, it does provide examples of good ethical behaviour for elected Members without special positions.

Ethical Audit questionnaire

- 3.19 Parish and Town Councillors and Clerks were also asked to take part in the above survey (agenda item 18 refers). Among the questions asked in the survey, Parish and Town Councillors were asked their opinions on the training provided by Leeds City Council.
- 3.20 Some Councillors expressed an interest in further training, although not related to the Code of Conduct:

"I feel that more should be done to instruct Parish Councillors on items such as planning, procedural issues and as mentioned earlier in this survey the various acts as relevant, the Parish Councillors' handbook does not go far enough."

- 3.21 However, other Councillors and Clerks were more negative towards the idea of training and the Code of Conduct in general:

“The whole “standards” issue has got totally out of hand. Parish Councils should not be involved in this ridiculous red tape – let us do the job we were elected for. We are now spending too much time on government red tape.”

“There is far too much attention given to these issues – Parish Councils are there to look after the grass etc. not get into political minefields.”

“I find it incredible that you have asked Parish Councillors to fill in a 21 page questionnaire so that the latest PC fad (‘ethical standards’ otherwise known as ‘we trust nobody and let us regulate you to death’) can be ingratiated. This is an incredible waste of public funds – money that could have been given to voluntary groups to actually get on with doing something useful. Please do not bother us with such PC babble again.”

“We always were ethical, and didn’t need a paper makers dream to tell us how.”

- 3.22 The above comments illustrate that some Parish Councillors and Clerks will be resistant to further conduct training no matter what time of year the training is offered, or the nature of the training.

Suggestions for improvement

- 3.23 As can be seen from the above information, the City Council has made a significant commitment in this municipal year to improve the training available to Parish and Town Councils. Training on the Code of Conduct has been made more flexible, through offering central and localised sessions and offering training in other formats (e-learning).
- 3.24 More generally the Council has formally outlined its commitment to such training in the Parish and Town Council Charter, and has extended the training sessions available to City Councillors to include Parish and Town Councillors.
- 3.25 Parish and Town Councils have been reminded of their responsibilities through correspondence, through the Parish and Town Council Charter and through the ethical audit questionnaire. However several Parish and Town Councils still seem resistant to such training and the Code of Conduct in general.
- 3.26 Members of the Committee are asked for suggestions as to what can be done to improve the take up of training on offer amongst Parish and Town Councils, and in particular whether as a Committee they should send a letter to the Parish and Town Councils outlining the importance of the training available.

4.0 Implications For Council Policy And Governance

- 4.1 As outlined above, the City Council has a formal commitment to provide training and advice to Parish and Town Councils through the Parish and Town Council Charter.
- 4.2 By ensuring that all Parish and Town Councillors are properly trained in how to comply with the Code of Conduct, the Standards Committee is fulfilling its

responsibilities under its terms of reference and helping to ensure that Parish and Town Councillors in Leeds do not breach the Code of Conduct.

5.0 Legal And Resource Implications

- 5.1 There are resource implications to carrying out additional training sessions and distributing correspondence, however these can be met from within existing budgets.

6.0 Conclusions

- 6.1 As can be seen from the above information, the City Council has made a significant commitment in this municipal year to improve the training available to Parish and Town Councils. Training on the Code of Conduct has been made more flexible, through offering central and localised sessions and offering training in other formats (e-learning).
- 6.2 More generally the Council has formally outlined its commitment to such training in the Parish and Town Council Charter, and has extended the training sessions available to City Councillors to include Parish and Town Councillors.
- 6.3 Parish and Town Councils have been reminded of their responsibilities through correspondence, through the Parish and Town Council Charter and through the ethical audit questionnaire. However some Parish and Town Councils still seem resistant to such training and the Code of Conduct in general.

7.0 Recommendations

- 7.1 Members of the Committee are asked for suggestions as to what can be done to improve the take up of training on offer amongst Parish and Town Councils, and in particular whether as a Committee they should send a letter to the Parish and Town Councils outlining the importance of the training available.

Training delivered to Parish/Town Councils on the Code of Conduct

Parish/Town Council	Number of attendees	Date training delivered
Swillington	Unknown	7 th October 2003
Ledston	Unknown	20 th November 2003
Morley	15 (including Clerk)	15 th March 2006
Thorner	5	11 th October 2006
Shadwell	4 (including Clerk)	(Group Session held in Shadwell)
East Keswick	3 (including Clerk)	
Scarcroft	2 (including Clerk)	
Bardsey	1	
Kippax	Not yet taken place	13 th December 2006

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Training areas for Parish and Town Councils

Area 1 (North West)	Otley Town Council, Bramhope and Carlton Parish Council, Pool-in-Wharfedale Parish Council, Arthington Parish Council, Horsforth Town Council.
Area 2 (North East)	Wetherby Town Council, Walton Parish Council, Thorp Arch Parish Council, Bramham cum Oglethorpe Parish Council, Clifford Parish Council, Boston Spa Town Council, Collingham with Linton Parish Council.
Area 3 (East)	Harewood Town Council, Thorner Parish Council, East Keswick Parish Council, Bardsey Parish Council, Scarcroft Parish Council, Shadwell Parish Council, Barwick & Elmet and Scholes Parish Council, Aberford Parish Council.
Area 4 (South East)	Swillington Parish Council, Kippax Parish Council, Great and Little Preston Parish Council, Allerton Bywater Parish Council, Ledston with Ledston Luck Parish Council, Ledsham Parish Council, Micklefield Town Council.
Area 5 (South West)	Morley Town Council, Gildersome Parish Council, Drighlington Parish Council.

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Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Ethical Audit 2006: Preliminary Results

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to inform Members of the Committee of the response statistics for the survey and some preliminary results from the questionnaires.
2. The response rate to the survey was very good, amounting to 49% overall. Some snapshots of the results can be seen in the report, split into Members, Officers, Members and Officers, and Parish and Town Councillors and Clerks.
3. A full version of the aggregated results is currently being prepared by the Audit Commission, and once this is available and has been analysed, an action plan will be formulated.
4. Members of the Committee are asked to note the contents of the report.

1.0 Purpose Of This Report

- 1.1 To inform Members of the Committee of the number of responses received to the ethical audit questionnaire and some preliminary results from the survey.

2.0 Background Information

- 2.1 At the Committee meeting on 26th July 2006 Members of the Standards Committee received a report regarding the planned ethical audit and how it would be conducted. Following on from this all Members of the Standards Committee were asked to attend the launch event on 26th September 2006 as the 'champions' of the project.
- 2.2 The questionnaire was officially opened on Tuesday 26th September 2006 and remained open until Friday 3rd November 2006. All Members and Co-opted Members of the Council were asked to participate along with a sample of officers from each department above grade S01. In addition, all Parish and Town Councillors and Clerks were asked to take part in the survey, although these results are considered separately from those of Leeds City Councillors and officers.

3.0 Main Issues

Number of responses

- 3.1 Out of the 109 Members of the Council (including 10 Co-opted Members) asked to complete the survey, 44 Members responded. This amounts to a 40% response rate for Members. This is a vast improvement over the last ethical audit conducted in October 2004, which was based on only 7 responses from Members.
- 3.2 1011 officers were asked to take part in the survey, including a sample for Education Leeds. 502 officers responded, amounting to a 50% response rate for officers. This compares favourably to the Leeds City Council Staff Survey which achieved a response rate of 37% in 2005.
- 3.3 Overall, the survey had a 49% response rate, which is 12% higher than that achieved by North Yorkshire County Council. In addition, 8 Parish and Town Council Clerks and 24 Parish and Town Councillors responded to the survey, although these results are being considered separately as the questions had to be amended in order to make the survey useable for these groups.

Members' responses

- 3.4 In the Members only section of the survey, Members were asked about the Code of Conduct, the ethical agenda, the Standards Committee, their opinions of the training provided on standards issues, and the Registers of Interests and Gifts and Hospitality. Their answers to the questions can be seen in the table in Appendix A to this report.
- 3.5 The survey results show a high level of awareness amongst Members of the Members Code of Conduct, although some confusion as to whether the Council has also adopted a Code of Conduct for officers. Approximately a third of Members who responded either did not know or felt sure that the Council did not have a Code of Conduct for officers. This shows a need to publicise the officers' Code of Conduct more widely.

- 3.6 Over three quarters of Members either agreed strongly or tended to agree that the Council's approach to promoting high ethical standards was encouraging good behaviour throughout the Council. Although they were less sure that this approach was also helping to build public confidence in democracy with over a quarter disagreeing.
- 3.7 When asked about the Standards Committee over 90% of Members agreed strongly that it existed, although when asked questions about its role and performance they became less confident, with over 20% disagreeing that the Committee makes a positive difference to the ethical environment of the authority, or adds value to the work of the authority.
- 3.8 Members were generally positive about the training they receive on conduct issues, but with only 22.7% agreeing strongly, there is room for improvement.
- 3.9 Finally, the results show a good awareness of the Register of Interests and Gifts and Hospitality with all Members agreeing that they existed and that they were reminded to complete them regularly. The only question where Members expressed any doubt was the question regarding whether the Register of Gifts and Hospitality was reviewed regularly, but this could be because the report to the Standards Committee is made on an annual basis.

Officers' responses

- 3.10 In the officers only section of the survey, officers were asked questions about the Codes of Conduct, how to report a breach of the Members' Code of Conduct, the ethical agenda, and the Standards Committee. The answers to these questions can be seen in the table in Appendix B to this report.
- 3.11 The results show that 80% of officers are aware that there is a Code of Conduct which applies to them. Although further work may be needed to address the fact that 17% of officers are unable to say whether a Code exists or not.
- 3.12 The response to the survey shows that the majority of officers would know what to do if they became aware of a Member having breached the Code, with 69% saying that they would approach the Monitoring Officer.
- 3.13 Over 65% of officers are clear about their responsibilities under the ethical framework, and over half of officers are confident that the Council's approach to promoting high standards is encouraging appropriate behaviour and building public confidence in democracy.
- 3.14 Compared to Members, officers are far less aware of the Standards Committee and its operations. Over half of officers could not answer questions regarding the role of the Standards Committee and whether its work was making a difference to the Council. However the number of officers expressing a negative opinion about the Committee and its work was very small indeed.

Responses of Members and officers

- 3.15 The majority of the questions in the survey were addressed to both Members and officers. These questions related to issues surrounding Member/officer relations, leadership, bullying, and common goals.

- 3.16 The results in Appendix C show that overall senior officers score more highly than Members in terms of showing respect and setting a good example. Only 29% believe that the Leader of the Council is always a positive role model as oppose to 53% who think that the Chief Executive is. However over half of those surveyed feel that communication between Members and officers is always or usually positive and constructive.
- 3.17 Finally, the majority of those who responded felt that Members worked well with each other, Members and officers worked well together, and that the Council worked well with its various partners in order to achieve the area's common goals.

Parish and Town Councils

- 3.18 The surveys distributed to Parish and Town Councils were amended slightly from the ones distributed to Leeds City Council Members and Officers. This was because not all questions made sense when applied to a Parish or Town Council.
- 3.19 However some useful information can still be taken from these surveys. The results show that 87.5% of Parish and Town Councillors are aware that their Council has adopted a Members' Code of Conduct and that they have agreed to abide by it. There is also good awareness of the existence of the Standards Committee, although almost 30% of those who responded disagreed that the work of the Committee added value to their Council.
- 3.20 The majority of Parish Councillors agreed that the training provided on conduct issues was appropriate, although 25% didn't know. This may be due to the lack of take up amongst the Parishes.

Further analysis

- 3.21 The Audit Commission is currently producing a full aggregated version of the results, which will be used to formulate an action plan. Initially the action plan will be discussed at the Corporate Governance Officer Group whose purpose is to review the adequacy of the Council's corporate governance arrangements. This action plan will address any shortcomings identified in the survey and meet any recommendations from the Audit Commission.
- 3.22 It is proposed that this action plan will be submitted to the Corporate Management Team for discussion and comment prior to its being publicised together with the full outcome of the survey at a meeting of the Standards Committee before the end of this municipal year. The Standards Committee will then monitor progress against the action plan for the remainder of the 2006/07 municipal year, and the 2007/08 municipal year.

4.0 Implications For Council Policy And Governance

- 4.1 The Council Plan for the 2006/07 Municipal Year states:-

"The council has an ethical framework which fosters a culture of behaviour based on shared values, ethical principles and good conduct. The Council does this by establishing and keeping under review separate codes of conduct for councillors and for employees and additional protocols which govern the

relationship between them. The council has also appointed a Standards Committee with responsibilities for promoting and monitoring the framework. In 2006/07 the council will, building on previous work done by the Audit Commission, undertake an in-depth 'ethical audit' so as to enable the council to benchmark itself against other councils and help focus further development of ethical framework."

The completion of the ethical audit is therefore in accordance with the Council Plan.

- 4.2 The completion of the ethical audit also contributes to good governance in the Council by ensuring that all Members and officers are aware of their responsibilities under the ethical framework.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 Overall, the survey had a 49% response rate, which is 12% higher than that achieved by North Yorkshire County Council. In addition, 8 Parish and Town Council Clerks and 24 Parish and Town Councillors responded to the survey.

- 6.2 The Audit Commission is currently working on a full aggregated version of the results, but the report above contains some useful 'headline' results and some preliminary analysis.

- 6.3 The full version of the results will be used to formulate an action plan. Initially the action plan will be discussed at the Corporate Governance Officer Group whose purpose is to review the adequacy of the Council's corporate governance arrangements. This action plan will address any shortcomings identified in the survey and meet any recommendations from the Audit Commission.

- 6.4 It is proposed that this action plan will be submitted to the Corporate Management Team for discussion and comment prior to its being publicised together with the full outcome of the survey at a meeting of the Standards Committee before the end of this municipal year. The Standards Committee will then monitor progress against the action plan for the remainder of the 2006/07 municipal year, and the 2007/08 municipal year.

7.0 Recommendations

- 7.1 Members of the Committee are asked to note the contents of this report and the appendices.

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Members' Responses

Question	Yes	No	Don't know		
Has the Council adopted a Code of Conduct for Members?	97.7%	0.0%	2.3%		
Has the Council adopted a Code of Conduct for officers?	61.4%	9.1%	25.0%		
Question	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
Your Council's approach to promoting high ethical standards is encouraging appropriate behaviour across the Council.	29.5%	47.7%	4.5%	4.5%	11.4%
Your Council's approach to promoting high ethical standards is helping to build the public's confidence in local democracy.	15.9%	47.7%	22.7%	4.5%	9.1%
There is a Standards Committee in the Council.	90.9%	4.5%	0.0%	0.0%	4.5%
I understand the role of the Standards Committee.	52.3%	36.4%	2.3%	0.0%	6.8%
I believe that the Standards Committee operates effectively.	29.5%	36.4%	9.1%	2.3%	18.2%
The Standards Committee is making a positive difference to the ethical environment in the Council.	15.9%	43.2%	13.6%	6.8%	18.2%
The Standards Committee has a forward plan to guide its work.	27.3%	31.8%	2.3%	2.3%	34.1%
The work of the Standards Committee adds value to the Council.	31.8%	29.5%	13.6%	6.8%	15.9%
Appropriate training is given to Members on issues of conduct.	22.7%	61.4%	0.0%	2.3%	2.3%
A register is kept in which Members are required to record any relevant interests.	93.2%	6.8%	0.0%	0.0%	0.0%
Members are reminded of the need to record such interests.	88.6%	11.4%	0.0%	0.0%	0.0%
Members are reminded of the need to record any hospitality or gifts.	81.8%	18.2%	0.0%	0.0%	0.0%
The hospitality or gifts register is reviewed regularly.	61.4%	20.5%	0.0%	0.0%	18.2%

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Officers' Responses

Question		Yes	No	Don't know	
Has the Council adopted a Code of Conduct for Members?		70.7%	0.0%	27.4%	
Has the Council adopted a Code of Conduct for officers?		80.3%	1.6%	16.6%	
Question	Very clear	Fairly clear	Fairly unclear	Very unclear	
How clear are you about your responsibilities under the ethical framework?	22.4%	42.9%	16.8%	14.2%	
Question	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
Your Council's approach to promoting high ethical standards is encouraging appropriate behaviour across the Council.	26%	48%	6%	2%	17%
Your Council's approach to promoting high ethical standards is helping to build the public's confidence in local democracy.	16%	45%	11%	0%	24%
If you become aware of any conduct by a Member which you reasonably believe involves a failure to comply with the Council's Member Code of Conduct what action as an individual must you take?			Yes	No	Don't know
- inform the Monitoring Officer?			69%	1%	27%
- make a written allegation to the Standards Board for England?			7%	27%	49%
- speak to the Member?			12%	46%	27%
- do nothing?			0.6%	71%	11%
Question	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
There is a Standards Committee in the Council.	38%	30%	1.2%	0.2%	27%
I understand the role of the Standards Committee.	14%	33%	15%	7%	29%
I believe that the Standards Committee operates effectively.	6%	27%	6%	1%	59%
The Standards Committee is making a positive difference to the ethical environment in the Council.	5%	27%	6%	2%	58%
The Standards Committee has a forward plan to guide its work.	7%	21%	1%	0.2%	69%
The work of the Standards Committee adds value to the Council.	9%	32%	5%	1.2%	52%

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Member and Officer Responses

Overall, Members...	Always	Usually	Sometimes	Rarely	Never	Don't know
- are a focus for positive change	5%	38%	44%	9%	0.2%	8%
- do not interfere in operational issues	2%	29%	47%	14%	1%	8%
- listen to the advice of officers	3%	48%	39%	4%	0.1%	9%
- do not involve officers inappropriately in party political issues	14%	36%	18%	8%	3%	24%
- show respect to officers	9%	59%	23%	5%	0.1%	7%
- show respect to other Members	6%	49%	22%	1.2%	0.1%	25%
- show respect to people who use Council services	88%	57%	8%	0.1%	0.1%	17%
- treat fairly all users of Council services and do not discriminate unlawfully	21%	51%	9%	1%	0%	22%
- treat fairly all officers and do not discriminate unlawfully	16%	52%	14%	2%	0%	20%
- treat fairly all other Members and do not discriminate unlawfully	13%	48%	11%	0.5%	0%	31%
- perform their duties with honesty, integrity, impartiality and objectivity	8%	57%	18%	3%	0%	18%
- use public funds and Council property and facilities responsibly	13%	55%	13%	1%	0%	22%
Overall, Senior officers...	Always	Usually	Sometimes	Rarely	Never	Don't know
- show respect to Members	45%	50%	4%	0.1%	0%	5%
- treat fairly all users of Council services and do not discriminate unlawfully	42%	42%	3%	1%	0%	7%
- treat fairly all Members and do not discriminate against them unlawfully	48%	43%	3%	0.6%	0%	10%
Do you consider that...	Always	Usually	Sometimes	Rarely	Never	Don't know
- the Leader of the Council is a positive role model in terms of ethical behaviour	29%	41%	7%	20%	0.1%	24%

Appendix C

- the Leader of the Council is proactive in promoting the importance of the ethical agenda	24%	34%	12%	3%	0.4%	31%
- the Chief Executive is a positive role model in terms of ethical behaviour ¹	53%	28%	4%	0.4%	0.2%	18%
- the Chief Executive is proactive in promoting the importance of the ethical agenda ²	41%	31%	7%	1.5%	0.4%	23%
Communication between...	Always	Usually	Sometimes	Rarely	Never	Don't know
- Members and officers is open	5.6%	47%	27%	4.5%	0.8%	20%
- Members and officers is constructive	6%	45%	31%	2%	0.2%	20%
Question	Always	Usually	Sometimes	Rarely	Never	Don't know
Appropriate confidences are kept by Members	9%	37%	11%	1%	0%	45%
Appropriate confidences are kept by senior officers	21%	55%	6%	1%	0%	21%
Members trust each other	3%	38%	34%	5%	0.4%	23%
Members carryout their roles without fear of being bullied or harassed	10%	37%	4%	0.4%	0%	52%
Officers carryout their roles without fear of being bullied or harassed by Members	6%	57%	20%	5%	0.4%	15%
Question	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know	
There is a culture in the Council which allows Members to challenge decisions without fear of reprisal	16%	50%	5%	1%	32%	
There is a culture in the Council which allows officers to challenge Member decisions without fear of reprisal	5%	35%	34%	8%	21%	
Question	Always	Usually	Sometimes	Rarely	Never	Don't know
Members work well together to achieve the Council's common goals	5%	46%	26%	3%	0%	21%

¹ The responses from Education Leeds staff have been removed from these statistics as Education Leeds have their own Chief Executive.

² The responses from Education Leeds staff have been removed from these statistics as Education Leeds have their own Chief Executive.

Appendix C

Members and senior officers work well together to achieve the Council's common goals	8%	57%	23%	1%	0%	11%
The Council works well with voluntary and community groups to achieve the area's common goals	9%	56%	21%	1%	0%	13%
The Council works well with statutory partners to achieve the area's common goals	13%	59%	16%	0.8%	0%	12%
The Council has positive working relationships with these partners and the wider community	15%	56%	16%	2%	0%	12%

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Originator: Kate Sadler

Tel: 0113 24 78408

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Amendment of Protocol on Member/Officer Relations

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report advises Members of the outcome of the consultation which has taken place in relation to the proposed changes to the Protocol on Member/Officer Relations.
2. Members are asked to consider the contents of the report, to approve the amended version of the Protocol on Member/Officer Relations and to ask the Director of Legal and Democratic Services to make the necessary amendments to the Constitution.

1.0 Purpose Of This Report

- 1.1 This report seeks to advise Members of the outcome of the consultation in relation to proposed changes to the Protocol on Member/Officer Relations which were considered by Committee earlier this year.
- 1.2 Members will be asked to consider the comments made by the consulted parties and then resolve whether to adopt the amended Protocol.

2.0 Background Information

- 2.1 Members will recall receiving a report detailing proposed changes to the Protocol on Member Officer Relations on 26th July 2006. At that meeting Members resolved that the proposed amendments should be put out to consultation with Members and Officers in accordance with the consultation process which was agreed in November 2005.

3.0 Main Issues

- 3.1 The Protocol on Member /Officer Relations is contained within part 5 of the Council's Constitution. The Standards Committee has the authority to amend the Protocol.
- 3.2 Consultation has taken place with both officers and Members of Leeds City Council.

Consultation with Officers

- 3.3 Officers have been consulted through the Chief Support Services Officer Group, the HR Strategy Group, and the Corporate Joint Consultative Committee.
- 3.4 The Chief Support Services Officers Group raised a number of issues;
 - 3.4.1 Firstly they requested that the Protocol should contain a reference to the Education Leeds Protocol, so that the relevant Members and Officers are aware of these co-existing protocols. A footnote has therefore been inserted to paragraph 1.1 of the Protocol signposting the existence of the Education Leeds Protocol.
 - 3.4.2 Secondly, members of the Chief Support Services Officers Group questioned whether there should be a similar protocol in relation to the ALMOs. Given that the number of ALMOs is to reduce to three in the near future, having inevitable implications for working and reporting relationships, it would seem sensible to consider this when the position under the new structure is more clear.
 - 3.4.3 Finally the Group requested that the section on correspondence be amended to reflect the importance of continuing the relationship of mutual respect within correspondence. A further paragraph 17.7 has therefore been added to the section which makes this clarification.
- 3.5 The Human Resources Strategy Group supports the changes proposed to the Protocol.
- 3.6 The Corporate Joint Consultative Committee also expressed support for the proposed changes.

Consultation with Members

- 3.7 Consultation with Members has taken place through the Whips, who have been invited to consult with Members in their group, with support from Group Support Managers where necessary.
- 3.8 Comments have been received from only one Member, and relate to the provisions set out at paragraph 18 in the revised Protocol with regard to publicity.
- 3.9 Concerns particularly centred around publicity for individual members, and the potential limitation on ward Member publicity. In this regard the Director of Legal and Democratic Services refers Members to Paragraphs 39 and 40 of the Code of Recommended Practice on Local Authority Publicity which state;

“39. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

40. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.”

It is therefore advised that publicity about what a Member happens to be involved in locally should focus on the particular activity/event and the Council's role, rather than focussing unduly on that Member.

- 3.10 Secondly concerns addressed the use of publicity to encourage adoption of a particular policy. In this regard the Director of Legal and Democratic Services would direct Members' attention to Paragraph 19 of the Code of Recommended Practice on Local Authority Publicity which states:-

“19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.”

This may come down to matters of style and tone (rather than content) in some instances. Clearly the Council is at liberty to promote its policies in the sense that it may choose to publish material explaining what its policies are and the reasons why the Council considers particular courses of action are the best for its area.

3.11 Given that the guidance contained within Paragraph 18 of the amended Protocol reflects the Code of Recommended Practice on Local Authority Publicity it is not proposed to further amend the Protocol in this regard.

4.0 Implications For Council Policy And Governance

4.1 It is in the interests of good governance that the Council's Codes and Protocols are kept up to date with the changing and developing role of Members and Officers within the Council.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 Both Members and officers have been given full opportunity to comment in relation to the revised Protocol.

6.2 Where appropriate further amendments have been made to the Protocol. These are shown on the attached revised version of the Protocol on Member Officer Relations.

6.3 With these amendments it is considered that the Protocol now represents an up to date and accurate reflection of the roles and relationship between officers and Members.

7.0 Recommendations

7.1 Members are asked to adopt the amended Protocol and to ask the Director of Legal and Democratic Services to make the necessary amendments to the Constitution.

A PROTOCOL FOR MEMBER/OFFICER RELATIONS

1.0 INTRODUCTION AND PRINCIPLES

- 1.1 The objectives of this Protocol are to guide Members¹ and officers of the Council² 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.³
- 1.2 The Council has adopted Codes of conduct for both officers and Members. The Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.3 Members and officers must at all times observe this Protocol. This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.4 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.
- 1.5 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from Members.
- 1.6 Given the variety and complexity of relations between members and officers of the Council, this Protocol does not seek to be comprehensive. It is hoped, however, that the framework it provides will serve as a guide to dealing with a range of circumstances.
- 1.7 The provisions of the Protocol are to be interpreted in accordance and in conjunction with the general principles applying to the conduct of Members as set out by Order of the Secretary of State. These are the principles of selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership.

2.0 THE ROLE OF MEMBERS

- 2.1 Members have a number of roles and need to be alert to the potential for

¹ Unless the context indicates otherwise, the terms Member and Members include non-elected i.e. co-opted Members as well as elected councillors.

² Unless the context indicates otherwise, references to the term Council include the executive, overview and scrutiny committees, and other committees and sub-committees

³ A further protocol, entitled Protocol for Elected Member/Education Leeds Relations, makes similar provision with regard to the relationship between the officers of Education Leeds and Members of the Council.

Protocol on Member/Officer Relations

conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

- 2.2 At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
- 2.3 Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 2.4 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 2.5 Every Member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 2.6 Some Members have roles relating to their position as members of the Executive, Scrutiny Boards, Area Committees or other committees and sub-committees of the Council.
- 2.7 Members serving on Scrutiny Boards monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
- 2.8 Members serving on Area Committees work to promote and improve the economic, social and environmental well-being of the Committee's area and exercise Area Functions. In addition they advise the Council in relation to local community interests and proposals affecting the committee's area.
- 2.9 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 2.10 Some Members may be appointed to represent the Council on local, regional or national bodies.
- 2.11 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 2.12 Members are not authorised to instruct officers other than:
 - through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for Members' use⁴.

⁴ See further paragraph 6.4
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- 2.13 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 2.14 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
- 2.15 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

3.0 THE ROLE OF OFFICERS

- 3.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 3.2 Under the direction and control of the Council, officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 3.3 Officers have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 3.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 3.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 3.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on officers' involvement in political activities.
- 3.8 Some officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

4.0 THE RELATIONSHIP: GENERAL POINTS

- 4.1 Members are elected by, and officers are servants of the public and Members and officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the electorate and serve only so long as their

Protocol on Member/Officer Relations

term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction and control of the Council.

- 4.2 The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 4.3 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 and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. 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.
- 4.4 Informal and collaborative two-way contact between Members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to other Members and Officers. To protect both Members and officers, officers should address Members as 'Councillor XX/Lord Mayor, save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one meeting between a Director and their respective Executive Member.
- 4.5 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 4.6 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 4.7 A Member should not raise matters openly or through the media relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol and particularly in relation to any pending or ongoing complaint or disciplinary process involving the officer. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate.
- 4.8 A Member who feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - never make a criticism in public, and
 - take up the concern with the officer privately.

- 4.9 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, s/he should raise the matter with the respective Director. The Director will then look into the facts and report back to the Member. If the Member continues to feel concern, then s/he should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 4.10 Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the Council's strategic objectives, especially during the Scrutiny process. Nothing in paragraph 4.10 is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make and may be required to report to and answer questions from a Scrutiny Board except in relation to Council functions. The Overview and Scrutiny Committee may also call-in Key and Major Decisions before they are implemented. Members may also individually request sight of delegated decision forms and raise queries about a decision with the decision-maker or an appropriate senior officer.
- 4.11 Where an officer feels that s/he has not been properly treated with respect and courtesy by a Member, s/he should raise the matter with his/her Director, Deputy Chief Executive or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Director, Deputy Chief Executive or Chief Executive will after consultation with the complainant take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Director of Legal and Democratic Services in the context of the Standards Committee/Board considering the complaint.

5.0 THE RELATIONSHIP: DECISION MAKING

- 5.1 The executive arrangements adopted by the Council in December 2001 provide for scheme of delegation. The details of this scheme are set out in Part 3 of the Constitution and in separate departmental sub delegation schemes.
- 5.2 Both Members and officers have responsibility for decision making within the scheme of delegation for both Council⁵ and Executive⁶ functions.
- 5.3 Members and officers will comply with the advice and guidance set out in the Guidance Notes on Delegated Decision Making⁷ and the Protocol for the Respective Roles of Members and Officers in Decision Making⁸, in addition to any other relevant code or guidance, whilst involved in the decision making process.

6.0 THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS: GENERAL POINTS

- 6.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and Members should avoid inappropriate involvement in such matters.

⁵ See part 3 Section 2 of the Constitution

⁶ See part 3 Section 3 of the Constitution

⁷ Part 3 Section 5 of the Constitution

⁸ Part 5 of the Constitution

Protocol on Member/Officer Relations

- 6.2 Officers will provide support to both the Executive and all Members in their respective roles.
- 6.3 The respective roles and responsibilities of Members and Officers in relation to employment issues are set out in the Officer Employment Procedure Rules.
- 6.4 If participating in the appointment of officers, Members should:
- remember that the sole criterion is merit⁹;
 - never canvass support for a particular candidate;
 - not take part where one of the candidates is a close friend or relative;
 - not be influenced by personal preferences; and
 - not favour a candidate by giving him/her information not available to the other candidates.
- 6.5 A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the Member has had a working relationship.
- 6.6 Certain statutory officers – the Chief Executive as Head of Paid Service, Director of Legal and Democratic Services as the Monitoring Officer and the Chief Finance Officer as the S151¹⁰ officer – have specific roles. These are addressed in the Constitution. The roles need to be understood and respected by all Members.
- 6.7 The following key principles reflect the way in which the officer corps generally relates to Members:
- all officers are employed by, and accountable to the Council as a whole;
 - they have a duty to implement the properly authorised decisions of the Council;
 - support from officers is needed for all the Council's functions including Full Council, Scrutiny Boards, the Executive, Regulatory Panels, individual Members representing their communities etc;
 - day-to-day managerial and operational decisions remain the responsibility of the Chief Executive and other officers;
 - Officers will be provided with training and development to help them support the various Member roles effectively and to understand the structures.
- 6.8 On occasion, a decision may be reached which authorises named officers to take action following consultation with a Member or Members. The Member or Members may offer his/her views or advice to the officer who must take them into account. The Member or Members must not apply inappropriate pressure on the officer. The decision remains the responsibility of the officer him/herself. It must be recognised that it is the officer, rather than the Member or Members, who takes the action and it is the officer who is accountable for it.
- 6.9 Finally, it must be remembered that Officers within a Department are accountable to their Director and Deputy Chief Executive. That is, officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds

⁹ (other than in the case of political assistants where political consideration may apply)

¹⁰ S151 Local Government Act 1972

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of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a senior officer, at least in the first instance.

- 6.10 Whilst officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. Where appropriate, officers should make a Member aware of the limits of the Officer's authority and explain that the matter would have to be referred to the Director.
- 6.11 Officers will do their best to give timely responses to Members' enquiries. Officers' work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 6.12 Members will endeavour to give timely responses to enquiries from officers¹¹.
- 6.13 An officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward Member.
- 6.14 Members and officers should respect each other's free (i.e. non-Council) time.

7.0 THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS AND PARTY GROUPS

- 7.1 It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.
- 7.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 7.3 The support provided by officers can take many forms. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 7.4 Officers who work within political group offices must only provide support and resources to Members in accordance with the standing instructions issued to them by the Chief Democratic Services Officer.
- 7.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:

¹¹ See further paragraph 14 in respect of correspondence.

Protocol on Member/Officer Relations

- Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
- the presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;
- where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

- 7.6 Special care needs to be exercised whenever officers are requested to provide information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers may not be able to give the same level of advice as they would to a Members only meeting nor give advice to such meetings.
- 7.7 Officers have the right to refuse a request to attend a party group and will normally not attend a meeting of a party group where some of those attending are not Members of the Council. This does not preclude officers working in the political group offices attending to provide support, in so far as this is in accordance with the standing instructions issued by the Chief Democratic Services Officer.
- 7.8 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 7.9 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 7.10 An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 7.11 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 7.12 No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.

- 7.13 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group or to any other Members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 7.14 In relation to budget proposals:
- (a) the controlling political group shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the group or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - (b) the opposition groups shall also be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 7.15 It must not be assumed by any party group or Member that any officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 7.16 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

8.0 OFFICER SUPPORT TO COMMITTEES AND SUB-COMMITTEES

- 8.1 The appropriate senior officers will offer to arrange regular informal meetings with chairs of committees and sub-committees.
- 8.2 Senior officers (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 8.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

9.0 OFFICER SUPPORT TO THE EXECUTIVE¹²

- 9.1 It is clearly important that there should be a close working relationship between Executive Members and the officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other party groups.
- 9.2 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a Director or other senior officer will always be

¹² References to the term *Executive* refers to the Leader and Cabinet

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fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

9.3 The Executive and its Members have wide ranging leadership roles. They will:

- lead the community planning process and the search for Best Value, with input and advice from Scrutiny Boards, area committees and any other persons as appropriate;
- lead the preparation of the Council's policies and budget;
- take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

9.4 Executive members will take decisions in accordance with the Constitution and will not otherwise direct officers. Senior officers will be responsible for instructing officers to implement the Executive's decisions.

9.5 Officers will make arrangements for briefing Members of the Executive about business within their remit. Senior officers and Executive Members shall agree mutually convenient methods of regular contact.

9.6 Where functions which are the responsibility of the Executive are delegated to officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out. The Overview and Scrutiny Committee may call in and review the decisions of the Executive Board and officers acting under delegated authorities and report the outcome of its review to Council, the Executive Board and Officers as appropriate.

9.7 If agreed as part of the executive arrangements, individual Members of the Executive may be allowed to formally take decisions. At present individual Members have not been given authority to take decisions. Where such delegation has been agreed, the Executive and Board Members must satisfy themselves that they are clear what exactly they can and cannot do¹³.

¹³ Where individual Members can formally take decisions, the Council will put in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub-Committees, and the Executive and its Committees) an individual Executive Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional Officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.

Decisions taken by individual Members of the Executive will give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Executive would always need to be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Financial Officer as appropriate) which will arise from their decisions. To ensure effective leadership for the Council and the communities it serves, there would be arrangements to ensure co-ordination of and sharing responsibility for Executive decisions including those made by individuals.

- 9.8 Officers work for and serve the Council as a whole. Nevertheless, as the majority of functions are the responsibility of the Executive, it is likely that in practice many officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of the Officers. Officers must ensure that, even when they are predominantly providing advice and assistance to the Executive, their political neutrality is not compromised.
- 9.9 In organising support for the Executive, there is a potential for tension between Directors and Executive Members with portfolios. All Members and officers need to be constantly aware of the possibility of such tensions arising and both officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.
- 9.10 The administrative and clerical support available to Executive and Lead Members is set out in paragraph 6 of the Protocol “Roles of Members and Officers in Decision Making”.

10.0 THE RELATIONSHIP: OFFICER AND SCRUTINY BOARDS¹⁴

- 10.1 Scrutiny Boards have both a Scrutiny role and a Policy Development and Review role.
- 10.2 In exercising the right to call-in a decision of the Executive, Members of the Overview and Scrutiny Committee must seek officer advice if they consider the decision is contrary to the Council’s approved plans, policies or frameworks, or is unlawful.
- 10.3 Provisions relating to the attendance of officers at a Scrutiny Board are set out in the Scrutiny Board Procedure Rules,
- 10.4 Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 10.5 When making requests for officer attendance, Scrutiny Board Members shall have regard to the workload of officers.
- 10.6 It is recognised that officers required to appear before a Scrutiny Board may often be those who have advised the Executive or another part of the Council on the matter under investigation. Any requirement for external support will be dealt with in accordance with the Scrutiny Board Procedure Rules guidance notes.
- 10.7 Officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
- 10.8 In giving evidence, officers must not be asked to give political views.
- 10.9 Officers should respect Members in the way they respond to Members’

¹⁴ References to Scrutiny Boards also refer to the Overview and Scrutiny Committee and any Scrutiny Commissions appointed by that Committee. **References to the Scrutiny Board Procedure Rules include reference to the Scrutiny Commission Procedure Rules.**

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questions.

- 10.10 Members should not question officers in a way which could be interpreted as harassment.
- 10.11 Scrutiny proceedings must not be used to question the capability or competence of officers. Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of officers.
- 10.12 Officers and Members should be aware of the following government guidance relating to Scrutiny Boards, and specifically their scrutiny role:
- Officers' evidence should so far as possible, be confined to questions of fact and explanation relating to policies and decisions.
 - Officers may explain: what the policies are; the justification and objectives of those policies as the Executive sees them; the extent to which those objectives may have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
 - Officers may, and in many cases should, be asked to explain and justify advice they have given to Members of the Executive prior to a decision being taken and they should also be asked to explain and justify decisions they themselves have taken under delegations from the Executive.
 - As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Executive's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- 10.13 In connection with the Scrutiny Boards Policy Development and Review role, Officers may reasonably be expected to advise on the effects which would arise out of the adoption of alternative policy options. Any advice on the development of policies should be consistent with the requirement for officers to be politically impartial.
- 10.14 It is not a Scrutiny Board's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on behalf of a Scrutiny Board. This is the Chief Executive's function alone in relation to officers and the Monitoring Officer's and the Standards Committee's functions as regards the conduct of Members.
- 10.15 Scrutiny Board's questioning should be directed towards establishing the facts about what occurred in the making of decisions or implementing Council policies, and not towards the allocation of criticism or blame. A Scrutiny Board may recommend (but not require) the Chief Executive to institute a formal enquiry for this purpose.

- 10.16 The Scrutiny Board Procedure Rules set out general principles relating to all Scrutiny Board witnesses, including notification requirements. If questioning should stray substantially outside the matters that the Board had previously indicated, the Chair should consider whether an adjournment may need to be considered to enable officers to provide the required information. Questioning should not stray outside any Terms of Reference agreed for an Inquiry.
- 10.17 The Scrutiny Board Procedure Rules enable Scrutiny Boards to appoint Working Groups. There is a separate guidance note which provides guidance to Members and Officers with regard to the activities of Scrutiny Board Working Groups.
- 10.18 In relation to complaints brought by an individual (Members, officers, or members of the public) about decisions affecting them individually, a Scrutiny Board must not act as an alternative to normal appeals procedures, whether internal, such as the Corporate Complaints procedure, or external, such as the Local Government Ombudsman, or an appeal to a Court. A Scrutiny Board should not normally pass judgements on the merits of such a decision.
- 10.19 In respect of officer support to Scrutiny Boards, Scrutiny Board Chairs are provided with dedicated administrative and clerical support to assist them in carrying out their duties. In addition, to assist Scrutiny Boards in undertaking comprehensive independent inquiries, the Scrutiny Support Unit provides the Scrutiny Boards with professional and administrative help. The Council's Directors remain responsible for providing specialised professional advice and should advise Scrutiny Board of reasons where they would not wish to provide such services.

11.0 THE RELATIONSHIP, OFFICER SUPPORT TO AREA COMMITTEES

- 11.1 Area Committees have both Executive and Council functions¹⁵. These are set out in the Terms of Reference for Area Committees.
- 11.2 The Area Committee Procedure Rules set out how meetings of of Area Committees should be conducted.
- 11.3 Area Committees must make decisions following consideration of a report from the relevant Director or his nominee. The Area Committee is entitled to request a report in relation to any matter within their terms of reference that the Area Committee wish to consider. Such requests should always be made to the relevant Director who may nominate another officer to provide the report if appropriate.
- 11.4 Officers who present reports to Area Committees may copy the report to such of the other Area Committees as he thinks fit if he is of the view that the report would be relevant to those Committees.
- 11.5 Area Committees may request that report authors attend meetings. When doing so they should have regard to the workload of the officer in question.
- 11.6 All questions addressed to officers attending Area Committees shall be addressed through the Chair of the Committee. Officers should not be questioned in such a

¹⁵ The Executive functions are well being functions and other Area functions which are determined by the Executive Board.

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way as could be interpreted as harassment. Neither should questions be asked which seek to address the capability or competence of officers.

- 11.7 The Area Committee Procedure Rules provide for an Open Forum¹⁶ for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee. The Chair of the Committee shall ensure that officers are only asked questions which pertain to their report.
- 11.8 Officers should respect Members in the way they respond to Members questions. If unable to provide a direct response to a question at an Area Committee meeting the officer shall respond in writing to the Committee Chair as soon as he is able.
- 11.9 Where advisory or consultative forums are established by the Area Committee Members and officers shall apply this guidance equally to their involvement in those groups.
- 11.10 From time to time additional meetings are convened by Members in respect of local matters. Whilst these meetings are not always meetings of the Area Committee officers will provide appropriate support to these meetings. Members should therefore ensure that appropriate notice is given of all such meetings.
- 11.11 When convening meetings in relation to local matters care should be taken to distinguish between party group meetings and area meetings.

12.0 THE RELATIONSHIP, OFFICER SUPPORT TO REGULATORY PANELS¹⁷

- 12.1 At the request of a Chair of a Regulatory Panel, a briefing shall be arranged prior to a meeting of the Panel.
- 12.2 The Chief Executive is responsible for determining the agenda for a formally convened meeting of a Regulatory Panel, in consultation with the Chair of the Panel.
- 12.3 Members and officers need to be aware of additional Codes and Protocols which may refer to their specific area, such as the Code of Practice for Councillors responsible for determining Planning applications.

13.0 MAYOR AND OFFICERS

- 13.1 Officers will respect the position of Mayor and provide appropriate support

14.0 MEMBERS AND OFFICERS ON OUTSIDE BODIES

- 14.1 Members and officers serving on outside bodies will treat one another professionally and with respect.

¹⁶ See rules 6.24 and 6.25

¹⁷ For the purposes of this Protocol only, any reference to "Regulatory Panels" includes a reference to the Licensing Committee and its sub-committees

14.2 Members and officers should be aware of their role on any outside body to which they are appointed. In particular they should be aware of whether they are appointed:-

- As a representative of the Council
- As a ward Member, representing the local community
- As a group Member, or
- In their individual capacity

14.3 Where Members and officers are appointed to an outside body as a representative of the Council they should ensure that they are aware of the Council's position in relation to matters within the body's remit.

14.3.1 The appointee should seek to abide by the Council's position in relation to that matter unless their duties and responsibilities to the outside body prevent this.¹⁸

14.3.2 Should a Member and an officer both be appointed to the same body as the Council's representatives they should seek to agree their understanding of the Council's position prior to any meeting of the body.

14.4 If a Member or officer is appointed to an outside body in a capacity other than as the Council's representative they are not obliged to abide by the Council's position in respect of any matter. They should however seek to ensure that any view that they express or action they take can not be perceived as bringing the Council into disrepute.

14.4.1 If a Member and an officer have a disagreement in relation to a matter within the remit of that body, arising out of their respective roles on the body, they will treat that disagreement in a professional manner. In particular both the Member and the Officer will take steps to ensure that the disagreement does not affect the nature of their relationship within their respective roles as Member and officer of the Council.

14.5 The Outside Bodies Procedure Rules¹⁹ make provision for support to Members appointed to external organisations.

15.0 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

15.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

16.0 MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

¹⁸ For example, where the appointment is as a Director or Trustee of the outside body. Briefing notes entitled "Guide for Elected Members and Officer on the responsibilities and duties of directors nominated by the Council" and "Guide for Elected Members and Officer on the responsibilities and duties of trustees nominated by the Council" are available on the Legal and Democratic Services pages of the Council's intranet.

¹⁹ See Part 4 of the Constitution

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16.1 Members have the ability to ask for information pursuant to their legal rights to information. Further details of these rights are set out in the Access to Information Procedure Rules.

17.0 CORRESPONDENCE

17.1 Correspondence²⁰ between an individual Member and an Officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary for an officer to copy the correspondence to another Member, the original Member will be advised before any such correspondence is copied. In other words, a system of 'silent copies' should not be employed. However, it may be appropriate in certain circumstances for Members to copy correspondence to an officer, for example to Ward colleagues.

17.2 Paragraph 17.1 above should not be taken to prevent the copying of correspondence where necessary as part of the background information when briefing an Executive or Lead Member in relation to the history of any matter. In addition it should be noted that the Council may have to release copies of correspondence in accordance with Freedom of Information Legislation²¹.

17.3 Official letters on behalf of the Council (as distinct from letters in response to constituent's queries) should normally be sent in the name of the appropriate officer, rather than the name of a Member. It may be appropriate in certain limited circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of an Executive Member or the Leader, but this should be the exception rather than the norm.

17.4 Letters which create legally enforceable obligations or which give Instructions on behalf of the Council should never be sent in the name of a Member.

17.5 When writing in an individual capacity as a ward Member, a Member must make clear that fact.

17.6 Officers should respond to Members' correspondence in accordance with the Protocol for responding to Member correspondence²².

17.7 When entering into correspondence with one another both Members and officers should ensure that they maintain their recognition of and respect for each other's roles and responsibilities. As with other areas of their relationship Members and officers should conduct correspondence in a positive and constructive way and observe the same level of courtesy and respect.

18.0 PUBLICITY AND PRESS RELEASES

18.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and

²⁰ "Correspondence" in this context means letters, memoranda, reports, advice, briefing notes or any other documentation prepared specifically by an officer for a Member

²¹ For details please see Access to Information Procedure Rules

²² Implemented in accordance with a resolution of the Executive Board taken on 13th November 2002 – minute number 146.

policies to the electors, and non-domestic rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed. The Local Government Act 1986 prohibits political publicity – this is defined as any material which, in whole or in part, appears to be designed to affect public support for a political party. This prohibition also extends to regulated companies such as Education Leeds and the ALMOs.

18.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that the Council's decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as s/he thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity, and such other matters as s/he thinks appropriate. The main principles of the Code are:

- That publicity should not be given to individual Members except in circumstances where they are representing the Council as a whole
- Publicity should be factual and designed to raise public awareness and its primary purpose must not be to persuade members of the public to hold a particular view on a matter of policy
- Particular care should be taken when publicity is issued immediately before an election or by-election to ensure that this could not be perceived as seeking to influence public opinion, or to promote the image of a particular candidate, or group of candidates. The Code provides 'between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members or groups of members'.

The Code also applies to other bodies funded by the Council, where that funding could be used for publicity, for example Education Leeds and the ALMOs.

18.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should initially seek advice from the Director of Legal and Democratic Services. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Director of Legal and Democratic Services as appropriate.

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- 18.4 Contact with the media, including issuing press releases, should be carried out in accordance with any relevant protocols (for example those adopted by the Standards Committee/Executive Board).
- 18.5 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 18.6 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
- 18.7 Likewise, officers will inform the Council's Corporate Communications Team of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 18.8 If a Member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. as ward Member, in a personal capacity, as an Executive Member, on behalf of the Council, or on behalf of a party group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications Team and/or relevant senior officer, except in relation to a statement which is party political in nature²³;
 - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant Members; and
 - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist. Council resources must never be used to affect public support for a political party.

19 INVOLVEMENT OF WARD COUNCILLORS

- 19.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, officers should consider whether other policy or briefing papers, or other topics being discussed with an Executive Member, should be referred to the relevant Area Committee for

²³ Any press releases issued regarding a Groups views which are issued through Group Offices must be issued in accordance with the standing instructions to staff in political group offices.

consideration. Officers should seek the views of the appropriate Executive Member(s) as to with whom and when this might be done.

- 19.2 Whilst support for Members' ward work is legitimate, care should be taken if officers are asked to accompany Members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
- 19.3 Officers must never be asked to attend ward or constituency political party meetings.
- 19.4 It is acknowledged that some officers (e.g. those providing dedicated support to Executive members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 19.5 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested time-scale, and may need to seek instructions from their managers.

20.0 ACCESS TO PREMISES

- 20.1 Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 20.2 Members have a right of access to Council land and premises to fulfil their duties.
- 20.3 When making visits as individual Members, Members should:
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit;
 - if outside his/her own ward, notify the ward Members beforehand; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

21.0 USE OF COUNCIL RESOURCES

- 21.1 The Council provides all Members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. These goods and

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services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

- 21.2 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
- where facilities are provided in Members' homes at the Council's expense;
 - In relation to any locally-agreed arrangements e.g. payment for private use or photocopying; and
 - regarding ICT security.
- 21.3 Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
 - work in connection with a ward or constituency party political meeting; electioneering;
 - work associated with an event attended by a Member in a capacity other than as a Member of the Council;
 - private personal correspondence;
 - work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
 - support to a Member in his/her capacity as a councillor of another local authority.

22.0 CO-OPTED MEMBERS

- 22.1 Officers should provide the same level of support to Co-opted Members of a Scrutiny Board or Committee, as they provide to other (elected) Members, for example by providing them with the same papers, briefings and training opportunities. Officers and elected Members should afford Co-opted Members the same level of respect and opportunity to contribute (so far as their role permits them to do so), as to any other Member of the Board or Committee.

23.0 CONCLUSION

- 23.1 Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and officers.

24.0 BREACHES OF THE PROTOCOL

- 24.1 Allegations of breaches of this Protocol by Members may be referred to Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group. However, in certain circumstances a breach of this protocol might constitute a breach of the Members' Code of Conduct, in which case a written complaint would be referred to the Standards Board for England.
- 24.2 Allegations of breaches by officers are to be referred to the employee's Director for consideration of appropriate action including disciplinary investigation under the Council's Disciplinary Rules.

25.0 MONITORING

The Director of Legal and Democratic Services will report annually 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. In particular the Director of Legal and Democratic Services will monitor the following:

- (a) the number of complaints made about breaches of the Protocol and the outcomes of those complaints.
- (b) whether the Protocol has been considered as part of Member/Officer induction training.
- (c) the level of awareness of the Protocol among Members and Officers, to be established by means of an ethical audit.
- (d) external inspection reports in respect of any relevant issues arising.
- (e) changes to legislation which may affect the provisions of the Protocol.

26.0 IMPLEMENTATION AND INTERPRETATION

- 26.1 This Protocol was drafted by Director of Legal and Democratic Services, and adopted by the Standards Committee as part of the Constitution on 20 February 2003.
- 26.2 The Protocol will be made available, as part of the Council's Constitution, on the Council's internet and intranet sites. Members will be advised that these documents are available²⁴.
- 26.3 Questions of interpretation of this Protocol will be determined by the Director of Legal and Democratic Services.

²⁴ See Articles 2 and 16 of the Constitution.

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Originator: Kate Sadler

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Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Annual Report regarding the Protocol for Elected Member/ Education Leeds Relations

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. This report contains the monitoring officers annual report to the Standards Committee in relation to the Protocol for Elected Member / Education Leeds Relations.
2. In addition the report proposes a number of amendments to the Protocol and seeks the Committee's approval to a consultation process in respect of these amendments.

1.0 Purpose Of This Report

- 1.1 To provide an annual report to the Committee in relation to the monitoring requirements of the Protocol for Elected Member / Education Leeds Relations.
- 1.2 To advise the Committee of a number of proposed amendments to the Protocol for Elected Member / Education Leeds Relations, and to seek the Committees consent to a consultation process in relation to these amendments.

2.0 Background Information

- 2.1 Paragraph 16 of the Protocol for Elected Member / Education Leeds Relations requires that the Monitoring Officer reports annually to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with. The report is required to include any proposals for amendments in the light of any issues that have arisen during the year. The paragraph requires that the Monitoring Officer particularly monitors five matters. These are dealt with in turn in paragraph 3 of the report.

3.0 Main Issues

Complaints About Breaches Of The Protocol

- 3.1 There have been no complaints in relation to the behaviour of Members or officers of Education Leeds under the Protocol for Elected Member / Education Leeds Relations. However, please note that any allegations regarding not treating officers with respect would be dealt with under the Members' Code of Conduct and referred to the Standards Board for England.

Induction Training

- 3.2 The Protocol is considered at the first Member Induction session entitled "Finding Your Feet – Services and Support for Members." The session deals with support arrangements and the protocols which underpin these arrangements. This assists the Members in understanding their role and relationship with officers. Members are given guidance regarding the various protocols contained within Part 5 of the Constitution.
- 3.3 In addition in previous years Education Leeds have been invited to provide a lunchtime briefing in relation to the relationship with Leeds City Council. Members should consider whether they would like this exercise to be repeated.

Awareness of the Protocol

- 3.4 The Protocol for Elected Member / Education Leeds Relations requires that information is presented to Committee in relation to the awareness of the Protocol amongst Members and officers.
- 3.5 Given its inclusion within the induction programme, and previous lunchtime briefings in relation to Education Leeds all Members should be aware of the Protocol.
- 3.6 The Director of Legal and Democratic is advised that following approval the document will be e mailed to Education Leeds' Management Forum who will be

asked to cascade it to colleagues. They will be told that it is important that all staff are aware of the protocol. The protocol will also be posted on Education Leeds' Infobase.

External Inspection Reports

- 3.7 There have been no external inspection reports in relation to the Protocol for Elected Member / Education Leeds Relations.

Changes to Legislation

- 3.8 There have been no changes to legislation which affect the provisions of the Protocol.

Amendments to the Protocol

- 3.9 The Director of Legal and Democratic Services proposes a number of amendments to the Protocol for Elected Member / Education Leeds Relations. These amendments are intended to update the Protocol, in relation to the developing roles of both officers and Members. In addition the amendments take into account the changes made to the model Protocol on Member officer Relations provided by ACSes. Members will recall that these changes have already been incorporated into the Council's Protocol on Member/Officer Relations.

- 3.10 The amended draft of the Protocol for Elected Member / Education Leeds Relations is set out at Appendix A to this report. Given the extent to which the document has been amended it is not possible to meaningfully highlight the amendments in the document. Members are instead requested to consider the document as a whole. In doing so Members may wish to consider the following comments:-

3.10.1 The Protocol as a whole has been reordered so that it mirrors the format of the Protocol on Member/Officer Relations. It is hoped that this will assist Members in navigating the document as they will be familiar with the lay out of the Protocol on Member/Officer relations, and will easily be able to identify any differences which apply to their relationship with officers in the context of Education Leeds.

3.10.2 Paragraph 1, which contains the Introduction and Principles has been reordered and amended in order to clarify the nature of the Protocol. It is intended to show that whilst the Code can not deal with each and every set of circumstances, Members and officers of Education Leeds are required to comply with the code and to apply the principles it contains to issues which do arise.

3.10.3 Paragraphs 2, 3 and 5 have been added to the protocol in order to provide more detailed and helpful guidance on the respective roles of Members and officers. In addition further points have been added to paragraph 4 in order to give further guidance on the nature of the relationship between the two. These additions are all taken from the Protocol on Member/Officer Relations.

3.10.4 Further details have been added to paragraph 6 of the Protocol in order to clarify advice given in relation to officer support to political groups.

3.10.5 Many of the paragraphs within the Protocol have been extended to include further guidance in relation to specific roles undertaken by Members, for example as Members of Scrutiny Boards or Area Committees. Paragraphs 11, 12 13 and 17 have been amended and paragraphs 15 and 20 have been added. These changes reflect the amendments proposed to the Protocol on Member/Officer Relations. .

3.10.6 Paragraph 16 which deals with Access to Information matters has been greatly reduced and now includes a signpost to the Access to Information Procedure Rules. In addition the paragraph includes a direction that information should only be used for the purpose for which it has been given. This is in line with the Paragraph 3 of the Members Code of Conduct.

Consultation

3.16 The revised draft protocol has been shared with the Chief Executive of Education Leeds, who is content with the proposals. However, it will be necessary to consult formally with both Members and Education Leeds in relation to the proposed amendments to the Protocol.

3.17 In accordance with the Committee's resolution of 25th November 2005 it is proposed that consultation with Members will take place through the Group Whips, with support from Group Office Managers where this is requested by the Group Whips.

3.18 Formal consultation with Education Leeds will take place at the discretion of the Chief Executive of Education Leeds. This will include the Board of Education Leeds in addition to appropriate staff consultation.

4.0 Implications For Council Policy And Governance

4.1 It is in the interests of good governance that the Council's Codes and Protocols are kept up to date with the changing and developing role of Members and Officers within the Council. Consultation on the amended Protocol will help to increase awareness.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 This annual report shows that the existing Protocol for Elected Member / Education Leeds Relations is working well.

6.2 The proposed amendments to the Protocol for Elected Member / Education Leeds Relations contained in the report will assist by ensuring that the document remains up to date and therefore continues to work well in the organic environment of the Council.

7.0 Recommendations

7.1 Members are asked to:

- Note the contents of this report;

- Consider whether Education Leeds should be requested to offer further briefings on their relationship with Leeds City Council
- Consent to the consultation process detailed in Paragraph of the report in relation to the amendments detailed in paragraph onwards of the report.

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PROTOCOL FOR ELECTED MEMBER/EDUCATION LEEDS RELATIONS

ARRANGEMENTS APPROVED BY THE STANDARDS COMMITTEE AND THE BOARD DIRECTORS OF EDUCATION LEEDS

1. INTRODUCTION

- 1.1. Education Leeds carry out certain education functions on behalf of the Council. An Agreement made between the Council and Education Leeds sets out which functions Education Leeds will carry out.
- 1.2. The purpose of this protocol is to guide Members¹ and officers of Education Leeds in their relations with one another in such a way as to ensure the smooth running of the Council and Education Leeds and to foster good working relationships.
- 1.3. This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. Given the variety and complexity of relations between Members and officers of Education Leeds this Protocol does not seek to be comprehensive. It is hoped however that the framework it provides will serve as a guide to dealing with a range of circumstances.
- 1.4. The protocol seeks to reflect the principles underlying the respective codes of conduct which apply to Elected Members and those which Education Leeds adopts for its officers. The shared objective of these codes and this protocol is to enhance and maintain the integrity, both real and perceived, of Elected Members and officers of Education Leeds. Therefore, the protocol demands very high standards of personal conduct.
- 1.5. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that officers of Education Leeds are protected from accusations of bias and any undue influence from Members.
- 1.6. Members and officers of Education Leeds must at all times observe this protocol. This Protocol is a local extension of the Member's and Employee's Codes of Conduct. Consequently a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.7. This Protocol should be read in conjunction with those Codes, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer. It should be interpreted in accordance with the general principles applying to the conduct of Members as set out by Order of the Secretary of State. These are the principles of selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership.

¹ Unless the context indicates otherwise, the terms Member and Members include non-elected i.e. co-opted Members as well as elected councillors.

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- 1.8. The City Council already has a detailed protocol for Member/Officer Relations. This document includes the relevant aspects of the City Council's protocol and the specific matters arising as a consequence of the establishment of Education Leeds.
- 1.9. One of the aims of this protocol is to emphasise the important and legitimate role that Elected Members have in regard to the delivery of education support services. It also confirms that Elected Members have the right to be supplied by Education Leeds with such information, explanation and advice, about the education functions provided on behalf of the Council by the Company, as they may reasonably need to assist them in discharging their role as Members of the Council in either their executive, scrutiny or representative roles.

2. THE ROLE OF MEMBERS

- 2.1. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 2.2. At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
- 2.3. Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 2.4. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 2.5. Every Member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 2.6. Some Members have roles relating to their position as members of the Executive, Scrutiny Boards, Area Committees or other committees and sub-committees of the Council.
- 2.7. Members serving on Scrutiny Boards monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
- 2.8. Members serving on Area Committees work to promote and improve the economic, social and environmental well-being of the Committee's area and exercise Area Functions. In addition they advise the Council in relation to local community interests and proposals affecting the committee's area.

- 2.9. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 2.10. Some Members may be appointed to represent the Council on local, regional or national bodies.
- 2.11. As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 2.12. Members are not authorised to instruct officers of Education Leeds other than:
 - 2.12.1. through the formal decision-making process;
 - 2.12.2. to request the provision of consumable resources provided by the Council for Members' use².
- 2.13. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 2.14. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
- 2.15. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

3. THE ROLE OF OFFICERS

- 3.1. Under the direction and control of the Board of Education Leeds, officers manage and provide the Council's services within the framework of responsibilities delegated to them in accordance with the Agreement. This includes the effective management of employees and operational issues.
- 3.2. Officers of Education Leeds have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 3.3. Officers of Education Leeds have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 3.4. From time to time officers of Education Leeds are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.

² See further paragraph 6.4

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- 3.5. Officers of Education Leeds must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 3.6. Officer of Education Leeds have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

4. RESPONSIBILITIES

- 4.1. Elected Members are elected by and accountable to the public, and serve for only as long as their term of office lasts³. Officers of Education Leeds are employed directly by the Company, and not the City Council, and are responsible for delivering a range of educational services in accordance with the Agreement with the City Council. Officers of Education Leeds are responsible to the Board of the Company i.e. there is no direct officer responsibility between officers of Education Leeds and the City Council.
- 4.2. Generally, Education Leeds is required to report certain matters to the Council for consideration. It needs to consult with Elected Members in terms of work associated with policy and strategy development and to report on performance against the Agreement on a regular basis. Education Leeds also has direct contact with Ward Members in their role as community representatives.
- 4.3. The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 4.4. 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 and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. 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.
- 4.5. Informal and collaborative two-way contact between Members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to other Members and Officers. To protect both Members and officers, officers should

³ For a more detailed description of the role of Members see the Protocol on Member/Officer Relations in Part 5 of the Council's Constitution.

address Members as 'Councillor XX/Lord Mayor, save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one meeting between a Director and their respective Executive Member.

- 4.6. Members and officers of Education Leeds should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 4.7. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 4.8. A Member should not raise matters openly or through the media relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol and particularly in relation to any pending or ongoing complaint or disciplinary process involving the officer. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate.
- 4.9. A Member who feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer of Education Leeds should:
 - 4.9.1. avoid personal attacks on, or abuse of, the officer at all times,
 - 4.9.2. ensure that any criticism is well founded and constructive,
 - 4.9.3. never make a criticism in public, and
 - 4.9.4. take up the concern with the officer privately.
- 4.10. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, s/he should raise the matter with the Chief Executive of Education Leeds. The Chief Executive will then look into the facts and report back to the Member. Any action taken against an Officer of Education Leeds in respect of a complaint will be in accordance with the provisions of the Education Leeds' Disciplinary Rules and Procedures.
- 4.11. Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the Council's strategic objectives, especially during the Scrutiny process. Nothing in paragraph 4 is therefore intended to stop Members holding officers of Education Leeds to account for decisions made under delegated powers. Officers of Education Leeds may be required to report to and answer questions from a Scrutiny Board.

- 4.12. Where an officer of Education Leeds feels that s/he has not been properly treated with respect and courtesy by a Member, s/he should raise the matter with the Chief Executive of Education Leeds, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Chief Executive of Education Leeds will after consultation with the complainant take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Director of Legal and Democratic Services in the context of the Standards Committee/Board considering the complaint.

5. THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS: GENERAL POINTS

- 5.1. Officers of Education Leeds are responsible for day-to-day managerial and operational decisions within the Company and Members should avoid inappropriate involvement in such matters.
- 5.2. The following key principles reflect the way in which the officers of Education Leeds generally relate to Members:
- 5.2.1. all officers of Education Leeds are employed by the company, and are accountable to the Board of Education Leeds;
- 5.2.2. they have a duty to implement the properly authorised decisions of the Council as required in accordance with the Agreement;
- 5.2.3. support from officers of Education Leeds may be needed by Members in all the Council's functions including Full Council, Scrutiny Boards, the Executive, Regulatory Panels, individual Members representing their communities etc;
- 5.2.4. day-to-day managerial and operational decisions remain the responsibility of the Chief Executive of Education Leeds and other officers;
- 5.2.5. Officers will be provided with training and development to help them support the various Member roles effectively and to understand the structures.
- 5.3. On occasion, a decision may be reached which authorises named officers of Education Leeds to take action following consultation with a Member or Members. The Member or Members may offer his/her views or advice to the officer who must take them into account. The Member or Members must not apply inappropriate pressure on the officer. The decision remains the responsibility of the officer him/herself. It must be recognised that it is the officer, rather than the Member or Members, who takes the action and it is the officer who is accountable for it.
- 5.4. It must be remembered that Officers of Education Leeds are accountable to their Board, through appropriate line management. That is, officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers.

- 5.5. Whilst officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given. Where appropriate, officers of Education Leeds should make a Member aware of the limits of the Officer's authority and explain that the matter would have to be referred to the Chief Executive of Education Leeds.
- 5.6. Officers of Education Leeds will do their best to give timely responses to Members' enquiries. Officers' work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 5.7. Members will endeavour to give timely responses to enquiries from officers⁴.
- 5.8. An officer of Education Leeds shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward Member.
- 5.9. Members and officers of Education Leeds should respect each other's free (i.e. non-Council) time.

6. THE RELATIONSHIP:- OFFICER SUPPORT TO POLITICAL PARTY GROUPS

- 6.1. It must be recognised by all Members and officers of Education Leeds that in discharging their duties and responsibilities officers of Education Leeds provide services for the Council as a whole and not any political group, combination of groups or any individual member of the Council.
- 6.2. There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers of Education Leeds may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All officers of Education Leeds must in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 6.3. The support provided by officers can take many forms, ranging from a briefing meeting with an Executive Member, Lead Member, Chair, Opposition Leader or spokesperson prior to a committee or Council meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 6.4. Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers of Education Leeds alike. In particular:
 - 6.4.1. Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in

⁴ See further paragraph 14 in respect of correspondence.

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advising on matters of party business. The observance of this distinction will be assisted if officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;

- 6.4.2. party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
- 6.4.3. the presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;
- 6.4.4. where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 6.5. Special care needs to be exercised whenever officers of Education Leeds are requested to provide information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers may not be able to give the same level of advice as they would to a Members only meeting.
- 6.6. Officers of Education Leeds have the right to refuse a request to attend a party group and will normally not attend a meeting of a party group where some of those attending are not Members of the Council.
- 6.7. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 6.8. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 6.9. An officer of Education Leeds who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 6.10. An officer of Education Leeds should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 6.11. No member will refer in public or at meetings of the Council to advice or information given by officers of Education Leeds to a party group meeting.

- 6.12. Officers of Education Leeds must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group or to any other Members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 6.13. It must not be assumed by any party group or Member that any officer of Education Leeds is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 6.14. Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised by the Chief Executive of Education Leeds with the Chief Executive of the Council who will discuss them with the relevant group leader(s).

7. SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 7.1. The only basis on which the Council and, hence, Education Leeds, should provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council related business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 7.2. It will be a matter for the Chief Executive of Education Leeds to determine who shall provide advice/support to such party political groups.

8. THE RELATIONSHIP: OFFICER SUPPORT TO EXECUTIVE BOARD

- 8.1. Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer of Education Leeds will be under a professional duty to submit a report. Similarly, the Chief Executive of Education Leeds or other senior officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a senior officer in this area should be referred to the Chief Executive of Education Leeds for resolution.
- 8.2. Where functions which are the responsibility of the Executive are delegated to officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out. The Overview and Scrutiny Committee may call in and review the decisions of the Executive Board and officers acting under delegated authorities and report the outcome of its review to Council, the Executive Board and Officers as appropriate.

- 8.3. As the majority of the authority's functions are the responsibility of the Executive, it is likely that in practice many officers of Education Leeds will be working on Executive functions for most of their time. The Executive must respect the political neutrality of the Officers of Education Leeds. Officers of Education Leeds must ensure that, even when they are predominantly providing advice and assistance to the Executive, their political neutrality is not compromised.

9. THE RELATIONSHIP:-THE ROLE OF EXECUTIVE MEMBER IN EDUCATION LEEDS

- 9.1. The role of an Executive Member is to promote and co-ordinate the Council's activities which contribute towards achieving the relevant corporate plan objectives. In the case of Education Leeds, an Executive Member will, from time to time, be assigned with responsibility for school-based education functions and, therefore, will be the main point of contact for matters that Education Leeds is required to refer to the Council's Executive Board for consideration.
- 9.2. The Chief Executive of Education Leeds will be the principal officer responsible for briefing the Executive Member on matters being referred by the Company to the Council's Executive Board for consideration.
- 9.3. The Executive Member should be kept informed of key educational issues, such as education policy and strategy developments, and any sensitive or significant matters that should legitimately be communicated to the Executive Member. The Chief Executive of Education Leeds will be responsible for agreeing with the Executive Member an appropriate frequency of meetings to progress and discuss such relevant issues.
- 9.4. There is a potential for tension or conflict arising between the Chief Executive of Education Leeds and the Executive Member. The Chief Executive of Education Leeds and the Executive Member need to be constantly aware of such tensions arising and need to work together to avoid such tensions or conflicts existing or being perceived.
- 9.5. Any officer of Education Leeds specifically requested to brief the Executive Member may do so with the prior approval of the Chief Executive of Education Leeds and, therefore, any requests for ad-hoc briefings will need to be through the Chief Executive of Education Leeds.
- 9.6. It is clearly important that there should be a close working relationship between the Executive Member and the Chief Executive of Education Leeds and other senior officers as appropriate. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other Members and other party groups.
- 9.7. Finally, it must be remembered that officers within Education Leeds are accountable to the Chief Executive of Education Leeds and that whilst officers should always seek to assist an Executive Member (or indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Chief Executive of Education Leeds.

- 9.8. Executive members will take decisions in accordance with the Constitution and will not otherwise direct officers of Education Leeds. Senior officers of Education Leeds will be responsible for instructing more junior officers to implement the Executive's decisions.
- 9.9. Officers of Education Leeds should consider whether policy or briefing papers, or other topics being discussed with an Executive Member, should be referred to the relevant Area Committee for consideration. Officers should seek the views of the Executive Member as to with whom and when this might be done.

10. THE RELATIONSHIP:- THE ROLE OF LEAD MEMBERS IN EDUCATION LEEDS

- 10.1. An Executive Member may be assigned Lead Members to assist with specific aspects of their portfolio by carrying out policy development work. The Executive Member is required to identify time-limited tasks for Lead Members for which the Executive Member will draw up a specific brief.
- 10.2. Any contact with officers of Education Leeds shall be only in accordance with the agreed Lead Member brief and the specific area of policy development work identified. The Chief Executive of Education Leeds shall be the responsible officer for agreeing any briefing requirements that are required, from time to time, for relevant Lead Members.
- 10.3. Any requests from a Lead Member for information or briefings shall be through the Chief Executive of Education Leeds and shall only relate to policy matters which are contained in the agreed Lead Member brief.
- 10.4. It is clearly important that there should be a close working relationship between Lead Members and the Chief Executive of Education Leeds and other senior officers as appropriate. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other Members and other party groups.
- 10.5. Finally, it must be remembered that officers within Education Leeds are accountable to the Chief Executive of Education Leeds and that whilst officers should always seek to assist a Lead Member (or indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Chief Executive of Education Leeds.

11. THE RELATIONSHIP:- OFFICER SUPPORT TO SCRUTINY BOARDS

- 11.1. The Scrutiny Board from time to time responsible for education matters will be involved in monitoring the performance of Education Leeds and will undertake inquiries into educational policy and strategy issues.

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- 11.2. The Agreement between the Council and Education Leeds specifies when and in what circumstances the company is obliged to report to Scrutiny. The relevant Scrutiny Board will from time to time prepare a work programme which should seek to ensure that Education Leeds are aware of the likely demands to be made on their resources.
- 11.3. In receiving reports on the performance of Education Leeds, officers of the Company will be expected to attend Scrutiny Board meetings to answer Members' questions regarding the Company's performance. The Board may also wish to take advice from the Council's Director of Children's Services in scrutinising the Company's performance. It is also expected that Scrutiny will be involved in setting future performance targets, and Members of the Scrutiny Board have an input to this review process. The ongoing monitoring of such information is critical in this process.
- 11.4. In regard to inquiries, Scrutiny Boards have the ability to carry out Inquiries relating to education policy issues (which remain the responsibility of the Council), school performance, education initiatives and the provision of education support services. Scrutiny can call for reports and witnesses to support its Inquiries.
- 11.5. The Chief Executive of Education Leeds will, in the same manner that Council Directors are required to do⁵, provide information to Scrutiny Boards and attend or send appropriate representatives to meetings. In respect of inquiries which relate to services provided (or functions discharged) by Education Leeds, the Company is required to provide such information about the affairs of the Company as is reasonably required (by Members) for the proper discharge of their duties – refer to paragraph 16.0 of this protocol.
- 11.6. Provisions relating to the attendance of officers at a Scrutiny Board are set out in the Scrutiny Board Procedure Rules, In addition Members and officers of Education Leeds should consider the following guidelines in respect of attendance at Scrutiny Boards:-
- 11.6.1. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 11.6.2. When making requests for officer attendance, Scrutiny Board Members shall have regard to the workload of officers.
- 11.6.3. It is recognised that officers required to appear before a Scrutiny Board may often be those who have advised the Executive or another part of the Council on the matter under investigation. Any requirement for external support will be dealt with in accordance with the Scrutiny Board Procedure Rules guidance notes.
- 11.6.4. Officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.

⁵ For further guidance in this regard see the Scrutiny Board Procedure Rules and Paragraph 10 of the Protocol on Member/Officer Relations.

- 11.6.5. In giving evidence, officers must not be asked to give political views.
- 11.6.6. Officers should respect Members in the way they respond to Members' questions.
- 11.6.7. Members should not question officers in a way which could be interpreted as harassment.
- 11.6.8. Scrutiny proceedings must not be used to question the capability or competence of officers. Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of officers.
- 11.6.9. Officers and Members should be aware of the following government guidance relating to Scrutiny Boards, and specifically their scrutiny role:
- Officers' evidence should so far as possible, be confined to questions of fact and explanation relating to policies and decisions.
 - Officers may explain: what the policies are; the justification and objectives of those policies as the Executive sees them; the extent to which those objectives may have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
 - Officers may, and in many cases should, be asked to explain and justify advice they have given to Members of the Executive prior to a decision being taken and they should also be asked to explain and justify decisions they themselves have taken under delegations from the Executive.
 - As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Executive's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- 11.6.10. In connection with the Scrutiny Boards Policy Development and Review role, Officers may reasonably be expected to advise on the effects which would arise out of the adoption of alternative policy options. Any advice on the development of policies should be consistent with the requirement for officers to be politically impartial.
- 11.6.11. It is not a Scrutiny Board's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on behalf of a Scrutiny Board. This is the Chief Executive's function alone in relation to officers and the Monitoring Officer's and the Standards Committee's functions as regards the conduct of Members.

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- 11.6.12. Scrutiny Board's questioning should be directed towards establishing the facts about what occurred in the making of decisions or implementing Council policies, and not towards the allocation of criticism or blame. A Scrutiny Board may recommend (but not require) the Chief Executive to institute a formal enquiry for this purpose.
- 11.6.13. The Scrutiny Board Procedure Rules set out general principles relating to all Scrutiny Board witnesses, including notification requirements. If questioning should stray substantially outside the matters that the Board had previously indicated, the Chair should consider whether an adjournment may need to be considered to enable officers to provide the required information. Questioning should not stray outside any Terms of Reference agreed for an Inquiry.
- 11.7. Where a Scrutiny Board wishes to make recommendations regarding functions that fall entirely to the responsibility of Education Leeds, the Company will have full discretion to decide whether or not to comply with the recommendations. Within the spirit of Scrutiny, any instance of the Company refusing to act on Scrutiny recommendations should be rare and in the majority of cases recommendations made are expected to be acceptable to the Company. It is also open to Scrutiny, in such circumstances, to take its recommendations to Executive Board with a request to Executive Board that consideration be given to agreement re-negotiations between the Council and Education Leeds to accommodate such recommendations.
- 11.8. Where a Scrutiny Board's recommendations relate to education policy, then they require approval by Executive Board. However, Members need to be aware that, where recommendations involve changes to services provided by Education Leeds under the Agreement with the Council then the Change Control Procedures set out in the Agreement may need to be followed.
- 11.9. The Board is able to make recommendations direct to the Director of Children's Services in relation to matters for which she retains responsibility. However, where such recommendations alter the provision of services under the Agreement, the Change Control Procedures should be followed as with Executive Board recommendations.

12. AREA COMMITTEES

- 12.1. Education Leeds will be required to co-ordinate with the work of area committees to ensure educational attainment and the role of schools form a clear part of the process of community planning⁶.
- 12.2. Area Committees must make decisions following consideration of a report from the relevant Director⁷ or his nominee. The Area Committee is entitled to request a report in relation to any matter within their terms of reference that the Area

⁶ The Area Committee Procedure Rules and Paragraph 11 of the Protocol on Member/Officer Relations give detailed guidance in relation to Area Committees.

⁷ In this case the Chief Executive of Education Leeds and/or the Director of Children's Services.

Committee wish to consider. Such requests should always be made to the relevant Director who may nominate another officer to provide the report if appropriate.

- 12.3. Officers who present reports to Area Committees may copy the report to such of the other Area Committees as they think fit if they are of the view that the report would be relevant to those Committees.
- 12.4. Area Committees may request that report authors attend meetings. When doing so they should have regard to the workload of the officer in question.
- 12.5. All questions addressed to officers attending Area Committees shall be addressed through the Chair of the Committee. Officers should not be questioned in such a way as could be interpreted as harassment. Neither should questions be asked which seek to address the capability or competence of officers.
- 12.6. The Area Committee Procedure Rules provide for an Open Forum⁸ for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee. The Chair of the Committee shall ensure that officers are only asked questions which pertain to their report.
- 12.7. Officers should respect Members in the way they respond to Members questions. If unable to provide a direct response to a question at an Area Committee meeting the officer shall respond in writing to the Committee Chair as soon as he is able.
- 12.8. Where advisory or consultative forums are established by the Area Committee Members and officers shall apply this guidance equally to their involvement in those groups.

13. THE RELATIONSHIP:- INVOLVEMENT OF WARD COUNCILLORS GENERALLY

- 13.1. Whenever a public meeting is organised by Education Leeds to consider a local issue, all the Elected Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever Education Leeds undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.
- 13.2. Whilst support for Members' ward work is legitimate, care should be taken if officers of Education Leeds are asked to accompany Members to ward surgeries. In such circumstances:
 - 13.2.1. the surgeries must be open to the general public, and
 - 13.2.2. officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
- 13.3. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the procedures of Education Leeds. Officers

⁸ See rules 6.24 and 6.25

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of Education Leeds have many pressures on their time. They may not be able to carry out the work required by Members in the requested time-scale, and may need to seek instructions from their managers.

14. THE RELATIONSHIP:- ELECTED MEMBERS IN OTHER ROLES

- 14.1. It should also be noted that Elected Members will, from time to time, undertake other roles which impact upon relationships with Education Leeds. This will particularly apply to the Executive Member and relevant Lead Member(s) but, in addition, other Elected Members will fall into this category through, for example, some Members also being Chairs of Governing bodies. It needs to be recognised that this can, potentially, be a cause for confusion between the respective roles, particularly for officers of Education Leeds.
- 14.2. The Chief Executive of Education Leeds will need to ensure that such other roles are clearly defined for officers of Education Leeds to ensure that officers are able to avoid confusion between the respective roles and the requirements of this protocol.
- 14.3. Elected Members should also make clear when making contact with Education Leeds the capacity (i.e. role) in which they are acting.
- 14.4. Where an Elected Member is acting in another capacity (e.g. Governor, Chair/participant of a partnership or consultative group), the same protocol arrangements apply, to avoid any potential confusion in the respective roles. So, for example, routine governor enquiries may be made direct to the Governors Unit but may need to be referred to the office of the Chief Executive of Education Leeds if the enquiry is considered to go beyond a routine request. The aim is to ensure that the enquiry is dealt with promptly and by an appropriately graded/experienced officer.

15. THE RELATIONSHIP: -CO-OPTED MEMBERS

- 15.1. Officers of Education Leeds should provide the same level of support to Co-opted Members of a Scrutiny Board or Committee, as they provide to other (elected) Members, for example by providing them with the same papers, briefings and training opportunities. Officers of Education Leeds and elected Members should afford Co-opted Members the same level of respect and opportunity to contribute (so far as their role permits them)

16. MEMBERS' ACCESS TO INFORMATION

- 16.1. Members have the ability to ask for information pursuant to their legal rights to information. Further details of these rights are set out in the Access to Information Procedure Rules.

16.2. Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as Member of the Council. This point is emphasised in the Members' Code of Conduct in the following terms:-

16.2.1. "A Member must not:

disclose information given to him/her in confidence by anyone or information acquired which s/he believes is of a confidential nature, without the consent of a person authorised to give it, or unless s/he is required by law to do so"

17. CORRESPONDENCE

17.1. Correspondence⁹ between an individual Member and an Officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary for an officer to copy the correspondence to another Member, the original Member will be advised before any such correspondence is copied. In other words, a system of 'silent copies' should not be employed. However, it may be appropriate in certain circumstances for Members to copy correspondence to an officer, for example to Ward colleagues.

17.2. Paragraph 17.1 above should not be taken to prevent the copying of correspondence where necessary as part of the background information when briefing an Executive or Lead Member in relation to the history of any matter. In addition it should be noted that the Council may have to release copies of correspondence in accordance with Freedom of Information Legislation¹⁰.

17.3. Official letters on behalf of Education Leeds should always be sent out over the name of the appropriate officer of Education Leeds and on no account should a letter from Education Leeds be sent in the name of an Elected Member. From time to time, it may be appropriate for officers of Education Leeds to draft a response on behalf of the Council. It will then be a matter for the Council, through the office of the Director of Children's Services, in consultation with the relevant Executive Member, to determine whether it is appropriate for the correspondence to be sent in the name of a Council officer or an Elected Member.

17.4. Letters which create legally enforceable obligations or which give Instructions on behalf of the Council should never be sent in the name of a Member.

17.5. When writing in an individual capacity as a ward Member, a Member must make clear that fact

⁹ "Correspondence" in this context means letters, memoranda, reports, advice, briefing notes or any other documentation prepared specifically by an officer for a Member

¹⁰ For details please see Access to Information Procedure Rules

18. ELECTED MEMBER ENQUIRIES

- 18.1. So far as the detailed arrangements for enquiries are concerned, the Board of Education Leeds have resolved that Elected Member requests for information and enquiries should generally be submitted via the office of the Chief Executive of Education Leeds. Systems and procedures are in place to ensure that such enquiries are properly monitored with the most appropriate officer being tasked with responding to each enquiry in a timely fashion¹¹. The aim of this arrangement is to ensure that an open and transparent system is in place to manage effectively Elected Member enquiries whilst ensuring Education Leeds responds promptly to all Member enquiries.
- 18.2. It is recognised, however, that a number of requests from Elected Members will relate to relatively routine issues which are likely to be most effectively dealt with, for example, through a quick telephone conversation with the officer/section concerned. Accordingly, in regard to such routine enquiries, Members will continue to be able, if they so wish, to contact the relevant officer/section direct by telephone. If the query is unable to be answered by a direct response, involves a degree of investigation/research or is considered to be beyond a routine request, the officer concerned will refer the matter to the office of the Chief Executive of Education Leeds where the enquiry can be dealt with under the more formal arrangements detailed at 18.1 above.

19. DECISIONS REQUIRED BY THE COUNCIL

- 19.1. Schedule 2 to the Agreement between the Council and Education Leeds sets out responsibility for functions¹².
- 19.2. Decisions referred by Education Leeds to the City Council are either considered by the Council's Director of Children's Services or referred to the Council's Executive Board for consideration. Where matters are to be referred to the Council's Executive Board for consideration, then there is likely to be a need for referral to the relevant Executive Member prior to being forwarded to the Executive Board for formal consideration – this consultation will be undertaken by either the Chief Executive of Education Leeds or the Director of Children's Services as is considered appropriate from time to time.
- 19.3. Whilst an Executive Member (or, for example, a Lead Member or Chair of a Scrutiny Board) will routinely be consulted as part of the process of drawing up reports for a forthcoming meeting, it must be recognised that in some situations the Chief Executive of Education Leeds will be under a duty to submit a report on a particular matter. Similarly, the Chief Executive of Education Leeds will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between an Executive Member (or a Lead Member or Chair of a Committee) and the Chief Executive of Education Leeds in this area should be referred to the Council's Chief Executive.

¹¹ Education Leeds has adopted a standard for elected Member enquiries.

¹² Copies of the Agreement are held by the Chief Executive of Education Leeds and the Director of Children's Services.

- 19.4. It is important to remember that the Council's constitution only allows for decisions relating to the discharge of any of the authority's functions, to be taken by a committee, sub-committee or an officer. The constitution does not allow for such decisions to be taken by an Executive Member or indeed by any other single Elected Member.

20. ACCESS TO PREMISES

- 20.1. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 20.2. Members have a right of access to Council land and premises to fulfil their duties.
- 20.3. When making visits as individual Members, Members should:
- 20.3.1. whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - 20.3.2. comply with health and safety, security and other workplace rules;
 - 20.3.3. not interfere with the services or activities being provided at the time of the visit;
 - 20.3.4. if outside his/her own ward, notify the ward Members beforehand; and
 - 20.3.5. take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

21. BREACHES OF THE PROTOCOL

- 21.1. Allegations of breaches of this Protocol by Members may be referred to the Director of Legal and Democratic Services for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group. However, in certain circumstances a breach of this protocol might constitute a breach of the Members' Code of Conduct, in which case a written complaint would be referred to the Standards Board for England.
- 21.2. Allegations of breaches by Officers of Education Leeds are to be referred to the Chief Executive of Education Leeds for consideration of appropriate action including disciplinary investigation under the Company's disciplinary rules.

22. MONITORING

- 22.1. The Director of Legal and Democratic Services will report annually 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. In particular the Director of Legal and Democratic Services will monitor the following:
- 22.1.1. The number of complaints made about breaches of the Protocol and the outcomes of those complaints;
 - 22.1.2. Whether the Protocol has been considered as part of Member/Officer induction training;
 - 22.1.3. The level of awareness of the Protocol among Members and Officers, to be established by means of an ethical audit;
 - 22.1.4. External inspection reports in respect of any relevant issues arising;
 - 22.1.5. Changes to legislation which may affect the provisions of the Protocol.

23. IMPLEMENTATION AND INTERPRETATION

- 23.1. This Protocol was drafted by the Director of Legal and Democratic Services, and adopted by the Standards Committee as part of the Constitution and approved by the Board of Education Leeds.
- 23.2. The Protocol will be made available on the Council's internet and intranet sites.
- 23.3. Questions of interpretation of this Protocol will be determined by the Director of Legal and Democratic Services.

FUNCTIONS OF LEEDS CITY COUNCIL (THE LA) and EDUCATION LEEDS

1. FUNCTIONS DISCHARGED BY BOTH THE LA AND EDUCATION LEEDS

- to exercise their functions with a view to promoting high standards in primary and secondary schools (section 13A, EA 1996);
- to prepare and implement an EDP setting out the LA's proposals for raising the standards of education for children or improving the performance of such schools in consultation with governing bodies and head teachers of every maintained school, the appropriate diocesan authority for any foundation or voluntary school and such other persons as they consider appropriate and submit the plan to the Secretary of State (section 6, SSFA 1998);
- to prepare a scheme dealing with matters connected with the financing of maintained schools, setting arrangements for the allocation and use of budgets, for approval by the Secretary of State, and to keep the scheme under review (section 48 and Schedule 14, SSFA 1998);
- to establish a schools' forum, representing the governing bodies and headteachers of schools, to advise on the schools' budget, as set down in Regulations (section 47A, SSFA 1998).
- to comply with any direction of the Secretary of State where he is satisfied that the LA is unlikely to be effective in eliminating deficiencies in schools in special measures or with serious weaknesses, or has a disproportionate number of such schools, to obtain, by contract or other arrangement, specified advisory services (section 63, EA 2002).

Furthermore, LAs are responsible for forecasting future pupil numbers and thus future demand for school places. Section 26 of the School Standards and Framework Act 1998 requires LAs to prepare and publish a School Organisation Plan for their area. The plan will require the approval of the school organisation committee or the adjudicator.

- to ensure that schools in its area are sufficient in number, character and equipment to provide education suitable for the different ages, abilities and aptitudes and special educational needs of pupils of school age (section 14, EA 1996);

2. FUNCTIONS DISCHARGED BY THE LA

- to comply with any direction of the Secretary of State where the LA is found to be acting or proposing to act unreasonably (section 496, EA 1996);
- to comply with any direction of the Secretary of State where the LA has failed to discharge a duty (section 497, EA 1996);
- to accept a direction of the Secretary of State to an LA officer to carry out a function where the LA has been found to be failing to perform that function to an adequate standard or a direction that the function is to be exercised by the Secretary of State or his nominee (section 497A/AA, EA 1996, as amended by section 60, EA 2002);

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- to meet all the expenses of maintaining a school, except certain premises and equipment costs in the case of voluntary aided schools (section 22, SSFA 1998);
- to act in accordance with employment law and to seek to ensure that governing bodies of schools where it employs the staff also do so, for example in relation to appointment, discipline and dismissal;
- to appoint a fit person to be a chief education officer (section 532, EA 1996); and
- to publish the broad aims of the local education authority's policy in respect of children with special educational needs together with information about the action the authority is taking to:
 - (m) promote high standards of education for children with special educational needs;
 - (n) encourage children with special educational needs to participate fully in their school and community and to take part in decisions about their education;
 - (o) encourage schools in their area to share their practice in making special educational provision for children with special educational needs; and
 - (p) work with other statutory and voluntary bodies to provide support for children with special educational needs.
- to secure sufficient nursery education provision for their area (section 118, SSFA 1998);
- to have regard to any guidance given by the Secretary of State as to requirements to be met by a funded provider of nursery education (section 153, EA 2002);
- to establish a school organisation committee for their area in accordance with regulations made by the Secretary of State (section 24, SSFA 1998);
- to provide accommodation, appropriate services and meet with the school organisation committee's expenses (Schedule 4, paragraph 4, SSFA 1998);
- to provide adequate facilities for recreation and social and physical training (section 508, EA 1996);
- to publish proposals where the LA intends to establish a new school, cease to maintain a school, make a prescribed alteration including the transfer of the school to a new site, or enlarge its premises significantly (sections 28-35 and schedules 6-8, SSFA 1998)
- Section 15A and 15B were inserted into the EA 1996 by the SSFA and LSA. Under section 15A, a LA may secure the provision for their area of full time or part-time education suitable to the requirements of persons over compulsory school age who have not yet attained the age of 19, including provision for persons from other areas. Section 15 B gives the same power in relation to persons who have attained the age of 19.
- to provide education for pupils under five (section 17, EA 1996);
- to establish, and maintain, primary and secondary schools (section 16, EA 1996);
- to establish an Admissions Forum for their area to discuss and reach local agreement on admission issues. (See the School Admissions Code of Practice: SSFA 1998 as amended by section 46 EA 2002 – SI 2002/2900);

- to determine admission arrangements for community and voluntary aided schools, unless they have delegated authority to the governing body;
- to provide clothing for pupils at school (sections 510-511, EA 1996); and
- to provide financial assistance (including maintenance allowances for pupils aged 16-19) to enable pupils to take advantage of educational facilities (section 518, EA 1996).
- to provide lunches where requested by parents, subject to certain conditions (section 512, EA 1996); and
- to make available free facilities for pupils to consume meals and other refreshment they bring to school (section 512, EA 1996).
- to provide meals and milk for pupils other than those entitled to free school meals or milk at a charge (section 512, EA 1996);
- to review annually the sufficiency of childcare provision and provide information to the public (section 118A, SSFA 1998).
- to establish an Early Years Development and Childcare Partnership for their area to review the sufficiency of the provision of nursery education in the LA's area and work with the partnership in the preparation of early years development plans (section 119, SSFA 1998); and
- to prepare (in conjunction with the Early Years Development and Childcare Partnership) and submit an early years plan for their area to the Secretary of State for approval, and comply with any requests for its amendment (sections 120-121, SSFA 1998).

3. FUNCTIONS DISCHARGED BY EDUCATION LEEDS

- to prepare a statement of planned expenditure, and a statement of actual expenditure and resources (section 52, SSFA 1998);
- to allocate and monitor the spending of specific grants which the LA receives, such as those under the Standards Fund (section 484, EA 1996);
- to determine and publish a policy on any charges and remission of charges to be made for optional out-of-school activities (section 457, EA 1996);
- to determine the local schools budget and individual school's budget (section 45A, SSFA 1998);
- to comply with a notice or an Order of the Secretary of State in determining the school's budget (sections 45B and 45C, SSFA 1998); and
- to suspend delegation of a budget if the governing body does not manage the budget satisfactorily or fails substantially or persistently to comply with any delegation requirement or restriction (section 51 and Schedule 15, SSFA 1998).
- to exercise its functions with a view to securing that the curriculum for each school is balanced and broadly based, promotes the spiritual, moral, cultural, mental and physical

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development of pupils at the school and of society, and prepares pupils for the opportunities, responsibilities and experiences of adult life (section 79, EA 2002);

- to exercise its functions with a view to securing that the National Curriculum is taught and statutory assessments carried out (sections 87-89, EA 2002);
- to establish a Standing Advisory Council on Religious Education and adopt an agreed syllabus for the teaching of religious education (sections 375, 390 and Schedule 31, EA 1996);
- to exercise its functions with a view to securing that community, foundation and voluntary schools provide for religious education and collective worship (sections 69-71 and Schedule 19-20, SSFA 1998);
- to forbid the pursuit of partisan political activities by pupils of primary school age and the promotion of partisan political views in the teaching of pupils of any age, and to take steps to ensure that where political issues are brought to the attention of pupils they are offered a balanced presentation of opposing views (sections 406-407, EA 1996); and
- to make arrangements for the consideration of complaints about the curriculum and related matters in the schools the LA maintains (section 409, EA 1996).
- to have regard to the statutory Code of Conduct on LA-School Relations (section 127, SSFA 1998).
- to provide the LA's statement of action and comment on the action plan produced by the governing body of any of its schools requiring special measures after an inspection under the School Inspections Act 1996 (section 18, SIA 1996);
- to prepare the action plan of any school without a delegated budget requiring special measures (section 17, SIA 1996);
- to give a warning notice to the governing body of a maintained school where the LA is satisfied that the standards of performance of pupils are unacceptably low, where there has a serious breakdown in the way the school is managed or governed or where the safety or pupils or staff of the school is threatened (section 15, SSFA 1998, as amended by section 55, EA 2002); and
- to appoint additional governors to the governing body, or to give notice that the governing body is to consist of interim executive members, of a maintained school which is subject to a warning notice, has serious weaknesses or requires special measures (sections 16 & 16A and schedule 1A, SSFA 1998, as amended by section 57, EA 2002);
- to suspend the right to a delegated budget where a school is subject to a formal warning, has serious weaknesses or requires special measures (section 17, SSFA 1998);
- to cause inspections of schools which the LA maintains, for the specific purpose of obtaining information in connection with the exercise of any power or the performance of any duty of the LA and where it is not reasonably practicable to obtain the information in any other manner (section 25, SIA 1996); and
- to provide a school inspection service for section 10 and section 23 SIA inspections within their area which may or may not be maintained by the LA and the inspection service shall be operated in such a way as can reasonably be expected to secure that the full cost of

providing the service is recovered by way of charges made by the authority to those using the service (section 24, SIA 1996).

- to have regard to the provisions of the statutory SEN Code of Practice (section 313, EA 1996);
- in accordance with the SEN Code of Practice and the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 to establish a policy on special educational needs, and to provide written information to parents;
- to keep its SEN arrangements and policy under review (section 315, EA 1996);
- to publish an explanation of that element of SEN provision for children with SEN but without statements, which the LA expects normally to be met from maintained school budgets and that element of such provision that the LA expect normally to be met from central funds (Schedule to the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001);
- The general arrangements made by the local education authority, including any plans, objectives and timescales, for:
 - (m) identifying children in their area with special educational needs;
 - (n) monitoring the admission of children with special educational needs (whether or not those children have a statement) to maintain schools in their area;
 - (c) organising the assessment of children's educational needs pursuant to section 323 of the Educational Act 1996 in the local education authority's area, including any local protocols for so doing;
 - (d) organising the making and maintaining of statements in their area, including any local protocols for so doing;
 - (e) providing support to schools in their area with regard to making special educational provision for children with special educational needs;
 - (f) auditing, planning, monitoring and reviewing provision for children with special educational needs in their area, both generally and in relation to individual children;
 - (g) securing training, advice and support for staff and governors working in their area with children with special educational needs; and
 - (h) reviewing and updating the arrangements referred to in sub-paragraphs (a) to (g).
- to have regard to the need for special educational provision to be made for those who need it, identifying and assessing those children with special educational needs which call for the LA to determine the provision that should be made for them (sections 321 and 323, EA 1996);
- to take action in relation to a request from a parent, school or early education setting to assess whether a pupil has special educational needs within statutory timescales (section 329A, EA 1996);

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- to educate a pupil for whom the LA maintains a statement of special educational needs in an ordinary school, as long as account has been taken of parents' views, and education is provided efficiently for other pupils (sections 316, 316A, 324 and Schedule 27, EA 1996);
- to notify the parent of a pupil of their right to appeal to an independent Tribunal against the LA's decision (Schedule 27, EA 1996);
- to maintain a statement and to review each statement of a pupil's special educational needs annually (section 324 and section 328, EA 1996);
- to amend statements to name a new school for children at phase transfer by 15 February in the year of transfer (Regulation 19, Education (Special Educational Needs) (England) (Consolidation) Regulations 2001);
- to assess the special educational needs of a child under the age of two if requested by the parents and make a statement of the child's special educational needs where appropriate (section 331, EA 1996);
- to advise and provide information for parents of any child in their area with special needs about matters relating to those needs by establishing a parent partnership service (section 332A, EA 1996 as inserted by section 2, SEN and DA 2001);
- to prepare, in relation to schools for which they are responsible, an accessibility strategy for increasing the extent to which pupils can participate in a school's curricula, improving the physical environments of schools to enable disabled pupils to take advantage of education and associated services, and improving the delivery of written information to disabled pupils, taking into account their needs (sections 28D and 28E, DDA 1995 inserted by sections 14 and 15, SEN and DA 2001).
- to make provision for special educational needs otherwise than in schools (section 319, EA 1996); and
- to make arrangements to enable a child with a statement to attend an institution outside England and Wales (section 320, EA 1996).
- Section 14 of the Education Act 1996 places LAs under a duty to secure sufficient schools for their area. The LA also has the duty to secure sufficient primary and secondary school places for their area.
- to prepare a School Organisation Plan showing how the LA intends to secure the provision of primary education and the provision of secondary education suitable to the requirements of pupils of compulsory school age and any facilities which the authority expect to be available outside their area that meets the needs of the population of their area (section 26, SSFA 1998);
- to ensure that school premises conform to the standards prescribed (section 542, EA 1996);
- to prepare an Asset Management Plan;
- to establish a pupil referral unit (section 19, EA 1996); and
- to formulate a co-ordinated admissions scheme covering every maintained school in their area, to ensure that, where possible, every parent receives an offer of a school place on the same day. Such schemes provide the basis for deciding which place should be offered to a

child if they are eligible for places at more than one school, after the admissions and over-subscription criteria of their preferred schools have been applied. Schemes must be introduced for all secondary and primary intakes from September 2005 onwards, but LAs may opt to introduce a secondary scheme for 2004. (See the Codes of Practice on School Admission and School Admission Appeals: SSFA 1998 as amended by section 48 EA 2002: SI 2002/2904 & 2002/2903);

- to publish information about admission arrangements for maintained schools in their area (section 92, SSFA 1998);
- to give parents in its area the opportunity to say which school they would like their children to attend (section 86, SSFA 1998);
- to keep infant class sizes under 30, except in excepted cases, with effect from the 2001-2002 school year and subsequent years (section 2, SSFA 1998);
- to meet parents' wishes for the attendance of their children at particular schools, where possible and where consistent with efficient education or the use of resources at the schools, and with the admission criteria of selective schools and any agreement on maintaining a school's distinctive character (section 86, SSFA 1998);
- to make arrangements for parents to appeal against decisions on admissions to schools (section 94 and Schedule 24, SSFA 1998);
- to make arrangements for appeals by parents against a permanent exclusion from a maintained school to be heard by a local appeal committee (section 67 and Schedule 18, SSFA 1998);
- to make arrangements for the provision of suitable education at school (including pupil referral units), or otherwise than at school, for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, will not receive a suitable education without those arrangements (section 19, EA 1996). In determining what arrangements to make the LA shall have regard to any guidance given from time to time by the relevant social services department;
- where children of compulsory school age are not receiving full-time education by regular attendance at school or otherwise, serving attendance orders on parents; to institute proceedings against parents of a child who are in breach of a school attendance order or who are failing to secure the regular attendance of their child at school, having first considered whether to apply for an educational supervision order with respect to the child (sections 437, 446 and 447, EA 1996);
- to provide free transport from home to school in accordance with statutory provisions (section 509, EA 1996).
- to pay the travelling expenses of pupils (including nursery age children) for whom free transport is not provided (section 509-509A, EA 1996);
- to make arrangements, based on a written policy, to ensure that the health and safety of employees, pupils and visitors in schools are reasonably assured and that risks are minimised;
- to take such steps as necessary to prevent the breakdown, or continuing breakdown, of discipline at a maintained school (section 62, SSFA 1998); so far as is

*Protocol for Elected Member/
Education Leeds Relations*

reasonably practicable, to ensure the health, safety and welfare of pupils on work experience;

- to provide the educational aspects of the support required for children in need, as defined by the Children's Act 1989;
- to prepare and review a plan relating to children with behaviour difficulties (section 527A, EA 1996);
- to make arrangements for encouraging and assisting pupils to take advantage of provision for medical and dental inspection and treatment (section 520, EA 1996); cleanliness of pupils (sections 521-522, EA 1996);
- to ensure the cleanliness of pupils (sections 521-522, EA 1996)
- to ensure that school meals are of an adequate nutritional standard (section 114, SSFA 1998);
- to prohibit or restrict the employment of children (section 559, EA 1996); and
- to provide board and lodging (section 514, EA 1996).



Originator: Amy Bowler

Tel: 0113 39 50261

Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Standards Committee Work Programme 2006/07

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 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 A.

3.2 Members of the Committee should note that consideration of the New Model Members' Code of Conduct has been added to the work programme under the list of unscheduled items.

3.3 It is anticipated that the consideration, adoption, and training arrangements regarding the new Code will constitute a large proportion of the Committee's work for the remainder of the 2006/07 municipal year and the 2007/08 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 work programme is attached at Appendix A for the Committee's information.

6.2 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.

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 22nd January 2007			
Plain English Codes and Protocols	To receive a report outlining plans to create a plain English guide to the local codes and protocols.	Corporate Governance Officer Amy Bowler	
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	
Draft Code of Practice for determination of regulatory matters	To receive and consider a report outlining a combined draft code of practice for the determination of planning, licensing and gambling matters.	Section Head Regulatory & Enforcement Gill Marshall	
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	Principal Corporate Governance Officer Kate Sadler	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
	amendments in the light of any issues that have arisen during the year.		
Use of Resources Assessment – Comprehensive Performance Assessment	To receive a report outlining the results of the Use of Resources section of the Comprehensive Performance Assessment	Head of Governance Services Andy Hodson	
Meeting date: 11th April 2007 – The deadline for reports for this meeting is 19th March 2006			
Final Standards Committee Annual Report 2006/2007	To seek Member's approval for the final draft of the Standards Committee Annual Report 2006/2007.	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	
Standards Committee Procedure Rules	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	Principal Corporate Governance Officer Kate Sadler	

STANDARDS COMMITTEE - WORK PROGRAMME 2006/7

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
	that have arisen during the year.		
Register of Gifts and Hospitality	To receive a report detailing the arrangements in place for Members to declare receipt of gifts and hospitality.	Corporate Governance Officer Amy Bowler	
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	

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<u>Unscheduled Items</u>		
New Model Members' Code of Conduct	To consider the revised Model Code of Conduct for Members following receipt of the Model Code.	Lead Officer: Kate Sadler
Officer Code of Conduct	Approval of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code.	Lead Officer: Stuart Turnock
Partnerships Survey	To receive a report detailing the outcome of the partnerships survey and the Corporate Governance arrangements in place within the Council's partnerships.	Lead Officer: Liz Davenport

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