



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 12th July, 2007
at 2.00 pm

MEMBERSHIP

Independent Members

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

Councillors

JL Carter
J Elliott
G Kirkland
E Nash
L Russell

Parish Members

Councillor Mrs P Walker	Pool in Wharfedale Parish Council
Councillor John C Priestley	East Keswick Parish Council

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 12 of the Members' Code of Conduct</p>	
5			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the Standards Committee meetings held on 11th April 2007 and 1st May 2007 and consider any matters arising.</p>	1 - 10
6			<p>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</p> <p>To note the minutes of the Corporate Governance and Audit Committee meetings held on 25th April 2007 and 16th May 2007.</p>	11 - 18

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7			<p>ETHICAL AUDIT ACTION PLAN</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking approval of the final action plan arising from the Ethical Audit 2006.</p>	19 - 38
8			<p>AMENDMENT TO CODE OF PRACTICE FOR DETERMINING PLANNING APPLICATIONS</p> <p>To consider a report of the Chief Planning Officer and Assistant Chief Executive (Corporate Governance) proposing that the Committee review the Code of Practice for Determining Planning Applications with a view to the Code being amended to require, as a matter of best practice, the attendance of Plans Panel Members at the site visit and throughout the whole consideration of an application.</p>	39 - 60
9			<p>STANDARDS BOARD FOR ENGLAND: BULLETIN 33</p> <p>To consider a report of the Assistant Chief Executive (Corporate Governance) informing Members of the Committee of the latest Standards Board Bulletin published in May 2007.</p>	61 - 72
10			<p>STANDARDS BOARD FOR ENGLAND ROADSHOW</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) regarding the Standards Board for England Roadshow event which took place in Leeds on 7th June.</p>	73 - 76
11			<p>ADJUDICATION PANEL FOR ENGLAND - DECISIONS OF CASE TRIBUNALS</p> <p>To note a report of the Assistant Chief Executive (Corporate Governance) detailing recent decisions by the Adjudication Panel's Case Tribunals in respect of allegations of misconduct, and consider if there are any lessons to be learnt for Leeds.</p>	77 - 82

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p>COMPLAINTS REFERRED TO THE STANDARDS BOARD FOR ENGLAND IN THE PERIOD OCTOBER 2006 TO MARCH 2007</p> <p>To consider a report of the Assistant Chief Executive (Corporate Governance) detailing the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, and the outcome of those complaints.</p>	83 - 92
13			<p>MEMBERS' INDUCTION PERIOD 2007</p> <p>To consider a report of the Assistant Chief Executive (Corporate Governance) on whether the relevant timescales have been complied with, and providing details of the training provided to Leeds City Council Members and Parish and Town Council Members on the Code of Conduct.</p>	93 - 100
14			<p>STUDY INTO THE OPERATION AND ROLE OF STANDARDS COMMITTEES WITHIN LOCAL AUTHORITIES</p> <p>To consider a report of the Assistant Chief Executive (Corporate Governance) outlining the results from the BMG Research and Standards Board for England questionnaires distributed in September 2006 which sought the opinions of monitoring officers and members of standards committees regarding their roles.</p>	101 - 176
15			<p>TRAINING FOR MEMBERS OF STANDARDS COMMITTEE</p> <p>To consider a report of the Assistant Chief Executive (Corporate Governance) outlining a number of considerations regarding training for new and existing Members of the Standards Committee.</p>	177 - 188

Item No	Ward/Equal Opportunities	Item Not Open		Page No
16			<p>STANDARDS COMMITTEE WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the work programme for the rest of the 2007-08 municipal year.</p>	189 - 196

This page is intentionally left blank

Agenda Item 5

Standards Committee

Wednesday, 11th April, 2007

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

87 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.

88 Exclusion of public

There were no resolutions to exclude the public.

89 Late items

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

90 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.

91 Minutes of the previous meeting

Draft minutes to be approved at the meeting
to be held on Tuesday, 1st May, 2007

The minutes of the Standards Committee meeting on 14th February 2007 were approved as a correct record.

92 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meeting on 31st January 2007 were received and noted.

93 Officer Declarations of Interests and Register of Offers of Gifts and Hospitality

The Chief Officer of Human Resources submitted a report providing the Committee with details of what action Human Resources have taken to improve arrangements for officers to make declarations of interests and declarations of offers of gifts and hospitality.

Members of the Committee discussed:

- That the Committee is not seeking to intrude into officers' private lives, but that a balance needs to be made between private life and public interest, and that the Council needs to be more accountable;
- That there is a distinction between officers in general and those officers who are taking delegated decisions, and whether those officers taking delegated decisions are entitled to the same protection regarding their interests;
- That some Local Authorities already have a system in place for Directors and Chief Officers to make their registers publicly accessible on a voluntary basis, and that as Leeds City Council is currently undergoing a reorganisation this may be an opportune time for Leeds City Council to implement a similar system;
- That the Committee has concerns that officers at a senior level were not being monitored properly in terms of their interests; and
- That a further report was required regarding whether a public register could be made available on a voluntary basis including the interests of Directors, Chief Officers and delegated decision takers, and including further information regarding the new systems described by Human Resources after they have been implemented in all departments by May 2007.

RESOLVED – Members resolved to:

- Note the progress achieved; and
- To request a further report regarding whether a public register could be made available on a voluntary basis including the interests of Directors, Chief Officers and delegated decision takers, and including further information regarding the new systems described by Human Resources after they have been implemented in all departments by May 2007.

94 Code of Practice for the Determination of Planning Matters – Training

The Chief Planning Officer and the Director of Legal and Democratic Services submitted a report asking the Standards Committee to clarify the wording of Part 5(j), paragraph 16.1 of the Constitution, which relates to the requirement of Elected Members dealing with planning issues to attend training.

The Heads of Development and Regulatory, Planning Services, and Scrutiny and Member Development attended the meeting to answer any questions from the Committee.

Members of the Committee discussed:

- That although the training was useful, Members may not need the basic training as a matter of course;
- Whether asking Members to attend two half day training sessions was too onerous as many Members would have to take time off work;
- That it may be possible to offer the training in other formats, such as briefing notes or e-learning;
- That it was accepted and usual for people in other professions to undergo regular compulsory training, for example solicitors and magistrates;
- That Parish and Town Councillors may also benefit from the training packages referred to in the protocol, although this could not be compulsory;
- That the wording of the paragraph as proposed in the report, be amended to substitute the word “attend” with “undertake”, in order to allow Members to undertake training in other formats.

RESOLVED - Members of the Committee resolved to approve the amendment to Part 5(j), paragraph 16.1 of the Constitution, as proposed in paragraph 3.3 of the report, subject to the wording being amended as follows:

“Members serving on Plans Panel must undertake two training sessions each and every year: a Planning Update session, to receive guidance in relation to regulations and procedures and a Governance and Conduct session for training on declaration of personal or prejudicial interests. Failure to undertake either or both sessions will result in the Elected Member being unable to sit on Plans Panel”.

This amendment will take effect from the beginning of the 2007-08 municipal year

Under the provisions of Council Procedure Rule 16.5, Councillor E Nash required it to be recorded that she voted against this decision.

95 Standards Board for England: Bulletin 32

The Director of Legal and Democratic Services submitted a report informing Members of the Committee of the latest Standards Board for England Bulletin published on 19th February 2007.

RESOLVED – Members of the Committee resolved to note the contents of the report and the attached Bulletin.

96 Standards Board for England: Town and Parish Standard 09

The Director of Legal and Democratic Services submitted a report notifying Members of the Committee of the latest Town and Parish Standard issued by the Standards Board for England.

RESOLVED – Members of the Committee resolved to note the contents of the report and the Town and Parish Standard.

97 Adjudication Panel for England - Decisions of case tribunals

The Director of Legal and Democratic Services submitted a report summarising a recent decision made by the Adjudication Panel for England regarding an allegation of misconduct against a Member.

RESOLVED – Members of the Committee resolved to note the recent decision of the case tribunal.

98 Members' Register of gifts and hospitality

The Director of Legal and Democratic Services submitted a report advising Members of the Committee of the number and estimated value of gifts and hospitality received by Members of the Council in this municipal year.

Members of the Committee discussed whether the number and value of gifts was to be expected and was comparable to other authorities.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report; and
- Request a further report in due course summarising any trends in the declarations since May 2002 to present, and whether the information in the register is comparable to that of other similar Local Authorities.

99 E-learning module "Cracking the Code"

The Director of Legal and Democratic Services submitted a report advising Members of the Committee of the release of the second part of the e-learning module 'Cracking the Code', and providing the Committee with details of how the first part of the e-learning module has been well received by Members of the Council and the significant level of interest from other bodies.

Members of the Committee discussed whether anything could be done to improve the format of the module to take account of Members who have alternative requirements, for example making the e-learning module available in paper format.

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

100 Ethical Audit Action Plan

The Director of Legal and Democratic Services submitted a report informing Members of the Committee of the methodology adopted to create an action plan based on the results of the 2006 Ethical Audit.

Members of the Committee discussed:

- That the level of understanding amongst the public also needed to be addressed at some point, even though it would not be specifically covered in the action plan;
- That it would be necessary in due course to consider the further exploration of the ethical agenda in relation to officers of grades lower than those surveyed in the 2006 ethical audit; and
- That web streaming of Council meetings would allow more of the public to be included in the experience of the Council, although there would need to be consideration given to which meetings it would be appropriate to broadcast in that manner.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report; and
- Contact the report author with any comments in relation to the development of an action plan for the improvement of ethical governance in Leeds City Council.

101 Parish and Town Council training

The Director of Legal and Democratic Services submitted a report notifying Members of the Committee of the discussion at and outcome of the meeting held on 31st January 2007 between the Chair and the two Parish representatives on the Committee.

Members of the Committee discussed whether other forms of training should also be offered to Parish and Town Councillors, in particular the two sessions on Planning Updates and Governance and Conduct issues being offered to Leeds City Councillors on Plans Panel.

RESOLVED – Members of the Committee resolved to note the contents of the report and the attached appendix.

102 Annual Report on the Monitoring Officer Protocol

The Director of Legal and Democratic Services submitted the annual report of the Monitoring Officer required under paragraph 5 of the Monitoring Officer Protocol.

Members of the Committee discussed:

- That the other responsibilities assigned to the Director of Legal and Democratic Services strengthen the role of the Monitoring Officer,

although the workload of the Monitoring Officer had increased recently;
and

- That all performance indicators were being met and the Standards Committee in particular was very well served by the Monitoring Officer.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report; and
- Request that officers carry out a full review of the Monitoring Officer Protocol in view of the developments in the role of the Monitoring Officer and the changes highlighted in the Local Government White Paper.

103 Feedback on amendments to the Protocol on Member/Education Leeds Relations

The Director of Legal and Democratic Services submitted a report advising Members of the outcome of the consultation in relation to the proposed changes to the Protocol for Elected Member / Education Leeds Relations.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Approve the further amendments to the Protocol for Elected Member / Education Leeds Relations; and
- Ask the Director of Legal and Democratic Services to make the necessary amendments to the Constitution, with effect from the beginning of the 2007-08 municipal year.

104 Final Standards Committee Annual Report 2006-07

The Director of Legal and Democratic Services submitted a report seeking the Committee's approval of the final draft of the Standards Committee Annual Report 2006-2007.

Members of the Committee suggested a series of amendments to the draft report during the meeting.

RESOLVED – Members of the Committee resolved to approve the final draft of the Annual Report at Appendix 1, subject to the amendments outlined in the meeting being made.

105 Draft work programme for 2007-08

RESOLVED – Members of the Committee resolved to note the work programme and the meeting dates for the next municipal year.

Standards Committee

Tuesday, 1st May, 2007

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

106 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.

107 Exclusion of public

There were no resolutions to exclude the public.

108 Late items

The Chair indicated that, in accordance with his powers under the Local Government Act 1972, he agreed to accept for inclusion on the agenda one late item (minute 110 refers). The report in question was not available at the time of the agenda dispatch and the required consideration for the following reason:-

The information in Appendix 3 to the report was not available when the agenda was finalised as the Standards Board for England and the Yorkshire Local Councils Association had circulated their recommended version of the Code of Conduct for Parish and Town Councils after the date of agenda

publication. The matter also required urgent consideration as the new Code of Conduct came into force on 3rd May 2007.

109 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.

110 New Model Code of Conduct

The Assistant Chief Executive (Corporate Governance) presented a report asking Members of the Committee to consider the new Model Code of Conduct made on 4th April 2007 which will come into force on 3rd May 2007. Members of the Committee were asked to recommend adoption of the Model Code to the Annual Meeting of Council on 24th May 2007. Members of the Committee were also asked to make recommendations to the Parish and Town Councils wholly or mainly in the Leeds area in relation to adoption by them of the Code of Conduct.

It was outlined that all the sections of the new Model Code were mandatory for district or unitary county councils. Members discussed the possibility of adding extra provisions to the model Code of Conduct and instructed officers to add a consultation with all Members to the work programme in six months time in order to ascertain whether any additions were required.

It was reported that not all provisions in the new Model Code were mandatory for Parish and Town Councils, and that the Standards Board for England and the Yorkshire Local Councils Association had circulated a recommended version of the Code to Parish and Town Clerks. However the Standards Board and the Yorkshire Local Councils Association appeared to have removed some paragraphs which were mandatory.

Members of the Standards Committee discussed the differences between the version of the Code for Parish and Town Council's drafted by the Council (Appendix 3) and the version recommended by the Standards Board and the Yorkshire Local Councils Association, and were satisfied that the Leeds City Council version was accurate. The Committee discussed that as the Standards Committee's recommended version of the Code would conflict with the version already circulated by the Standards Board and the Yorkshire Local Councils Association, the Clerks would require a covering letter to explain the differences between the Codes in order to avoid confusion.

Finally, the Chair of the Committee expressed his appreciation to the Leeds City Councillors for attending the meeting during the run up to the election.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;

- Recommend to Council that the mandatory provisions of the new Model Code, as drafted and set out at Appendix 1 to the report, be adopted to form the new Member Code of Conduct for Leeds City Council;
- Request that an item be added to the Committee's work programme detailing recommendations in relation to a consultation process on local provisions to be included within the Code of Conduct;
- Recommend to Parish and Town Councils wholly or mainly in the Leeds area that the mandatory provisions of the Code, together with the non-mandatory provision, as drafted and set out at Appendix 3 to the report (late item) be adopted to form the new Code of Conduct for those authorities by no later than 1st October 2007; and
- Join with the Assistant Chief Executive (Corporate Governance) in urging Leeds City Councillors to attend the training offered in relation to the new Code and to complete their register of interests within the 28 days permitted from adoption of the new Code.

This page is intentionally left blank

Agenda Item 6

Corporate Governance and Audit Committee

Wednesday, 25th April, 2007

PRESENT: Councillor M Harris in the Chair
Councillors D Blackburn, E Minkin,
K Wakefield and J L Carter (as substitute
for Councillor A Carter)

Co-optee Mike Wilkinson

Apologies Councillor A Carter

71 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.

72 Exclusion of Public

There were no resolutions to exclude the public.

73 Late Items

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

74 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.

75 Minutes

RESOLVED – Members resolved:

- that the minutes of the Corporate Governance and Audit Committee held on the 31st January 2007 be approved as a correct record; and
- to request a report to the next meeting of the Committee regarding arrangements for the Committee to meet with the External Auditors in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) 2005 publication "Audit Committees: Practical Guidance for Local Authorities.

Draft minutes to be approved at the meeting to be held on Friday 29th June 2007.

76 Minutes of the Standards Committee

RESOLVED – That the minutes of the Standards Committee meeting held on the 14th February 2007 be noted.

77 Monitoring of the Personnel Appeal Panel Arrangements for January to December 2006

The Chief Officer (Human Resources) submitted a report regarding the operation of the arrangements for the Personnel Appeal Panel which hears appeals against dismissal and stage 3 grievances.

Members discussed the importance of ensuring that information regarding the operation of these arrangements and the outcome of appeals continues to be reported to Members and made public.

RESOLVED – Members resolved to:

- note the contents of the report; and
- request that the Committee receive an annual update regarding the operation of the personnel panel arrangements to include comparable information from other Core City Local Authorities.

78 Local Government Ombudsman Performance Report

The Chief Customer Services Officer submitted a report updating Members on complaints received from the Local Government Ombudsman (LGO) for the period December 2006 – February 2007. The report also advised Members of the action plan in place to deal with the stockpile of cases currently with the Ombudsman.

Members noted their dissatisfaction regarding the backlog of cases with the Ombudsman.

Members particularly discussed:

- the action being taken to resolve issues around the Choice Based Lettings policy; and
- how departments ensure that cases are reviewed in order to ensure similar complaints are not received in future.

RESOLVED – Members resolved to note the performance information and issues raised in the report.

79 Update Report on Risk Management

The Director of Resources submitted a report providing the regular update on the status of the implementation of risk management and business continuity management across the Council.

Draft minutes to be approved at the meeting to be held on Friday 29th June 2007.

Members discussed the importance of communicating changes to the Council's structure, as a result of the Change Programme, to all Members and the public.

RESOLVED – Members resolved to:

- note the report on the Council's risk management and business continuity arrangements; and
- request that the Corporate Risk Register be made available to Members of the Committee.

80 Compliance with Laws and Regulations - Annual Report for May 2006 - May 2007

The Chief Legal Services Officer submitted a report providing the annual update on the monitoring arrangements that operate to provide assurance that action is taken to ensure compliance with all reported legislative changes.

RESOLVED – Members resolved to note the report and the work which has been completed so far.

81 Constitution - Annual Review / Amendments

The Assistant Chief Executive (Corporate Governance) submitted a report recommending a number of amendments to the Constitution for consideration at the Annual Meeting of Council on the 24th May 2007.

RESOLVED – Members resolved to recommend to Council the following amendments to the Constitution:

- the removal from Article 4 of the Constitution of the Food Law Enforcement Plan as detailed in paragraph 3.3 of the report;
- the removal from Article 4 of the Constitution of the Plan and Strategy which comprise the Housing Investment Programme as detailed in paragraph 3.4 of the report;
- the addition of a Council Procedure Rule 14.5(c), to allow a nominated member to exercise summing up rights in the absence of an Executive Member / Chair, as detailed in paragraph 3.1 of the report;
- the deletion of Council Procedure Rules 14.6(i) and (iii), to clarify when a Member may speak twice in a debate, as proposed in paragraph 3.2 of the report;
- an amendment to paragraph 2.1 of the Appointments to Outside Body Procedure Rules as detailed in paragraph 3.13 of the report, to more accurately reflect current practice;
- an amendment to paragraph 4.2 of the Appointments to Outside Body Procedure Rules as detailed in paragraph 3.14 of the report to avoid the potential for a conflict of interest for Members appointed to an organisation; and
- the addition of a paragraph at 4.10 of the Appointments to Outside Body Procedure Rules as detailed in paragraph 3.15 of the report to clarify the period of an appointment.

Draft minutes to be approved at the meeting to be held on Friday 29th June 2007.

Members also resolved that officers give further consideration to the proposal regarding an additional Scrutiny Board Procedure Rule to deal with recommendations outside of the formal inquiry process.

82 Work Programme

The Assistant Chief Executive (Corporate Governance) 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 work programme.

Corporate Governance and Audit Committee

Wednesday, 16th May, 2007

PRESENT: Councillor A Carter in the Chair
Councillors D Blackburn, R Finnigan,
M Harris, E Minkin and K Wakefield
Co-optee Mike Wilkinson

Apologies Councillors

83 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.

84 Exclusion of Public

There were no resolutions to exclude the public.

85 Late Items

The Clerk advised Members that all the reports on the agenda were admitted as 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 all the reports as late items. The reports were not available at the time of agenda despatch and required urgent consideration by reason of the fact that they relate to the governance of the authority for the coming municipal year and therefore required consideration by the Corporate Governance and Audit Committee prior to their consideration at the Annual Meeting of Council on the 24th May 2007.

86 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.

87 Amendments to Scrutiny Board Procedure Rules

The Assistant Chief Executive (Corporate Governance) submitted a report recommending the introduction of a new Scrutiny Board Procedure Rule to acknowledge that Scrutiny Boards on occasions undertake reviews outside the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations.

RESOLVED – Members resolved to recommend to Council the following amendment to the Constitution:

- the introduction of a new Scrutiny Board Procedure Rule acknowledging that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations, as set out in paragraph 3.4 and detailed in appendix 1 to the report.

88 Overview and Scrutiny - Proposed Amendments to Terms of Reference

The Assistant Chief Executive (Corporate Governance) submitted a report setting out a recommendation in respect of amendments to the Overview and Scrutiny function following an annual review.

RESOLVED – Members resolved to recommend to Council that the constitutional amendments to give effect to the redesign of the Overview and Scrutiny Function, as detailed in option 1 and in appendices 1 and 2 to the report, be approved.

89 Governance of Plans Panels

The Assistant Chief Executive (Corporate Governance) and the Chief Officer (Planning Services) submitted a joint report considering the options for governing the membership of Plans Panels.

Councillors expressed their support for the proposals in the report, although requested that a number of further issues are considered during the forthcoming year, including:

- the geographical coverage of the existing plans panels;
- clarification of the nature of pre-application discussions; and
- site visits.

RESOLVED – Members resolved to recommend to Council that Article 8 of the Constitution is amended to

- a) Stipulate that the membership of Plans Panels should comprise no less than 7 and no more than 11 members of the Council.
- b) Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member sitting as a Plans Panel Member¹.

¹ As per approvals given by the Standards Committee to amend the Code of Practice for the Determination of planning Matters.

Members also resolved to request the Standards Committee to review the Code of Practice for Determining Planning Applications with a view to the code stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application.

(Councillor David Blackburn joined the meeting during discussion of this item)

90 Proposed Amendments to Council Procedure Rules

The Chief Democratic Services Officer submitted a report proposing amendments to the manner in which Council meetings are conducted with a view to securing conclusion of the meetings by no later than 7.20pm.

RESOLVED – Members resolved to recommend to Council that the amended Council Procedure Rules as appended to the report be adopted, subject to an amendment that the Council meeting shall commence at 1.30pm.

91 Proposed Changes to the Constitution Regarding the Governance Arrangements for the Corporate Governance and Audit Committee

The Assistant Chief Executive (Corporate Governance) submitted a report presenting to the Committee proposed changes concerning the membership of the Corporate Governance and Audit Committee.

Members particularly discussed the impact of the proposal, to preclude Leaders and Whips from the membership of the Committee, on smaller political groups (the Greens and the Morley Borough Independents) and the question of who should Chair the Committee,.

Members were minded to recommend to Council the approval of an amendment to Article 9 of the Constitution, as set out in the report, with the exception that Group Leader's and Whips from the Green Party and the Morley Borough Independent Party² may serve on the Corporate Governance and Audit Committee.

RESOLVED – Members resolved to recommend to Council to amend Article 9 of the Constitution to preclude members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group from being members of the Corporate Governance and Audit Committee.

² Other than those who are Members of the Executive Board.

This page is intentionally left blank



Originator: Kate Feltham

Tel:0113 247 8408

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Ethical Audit 2006: Action Plan

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to inform the Committee of the Ethical Audit Action Plan for the improvement of ethical governance in Leeds City Council created based on the results of the 2006 Ethical Audit.
2. This report also seeks the Committee's approval of the Ethical Audit Action Plan which is shown at Appendix 1
3. Members are asked to consider the contents of this report and approve the Ethical Audit Action Plan at Appendix 1

1.0 Purpose Of This Report

- 1.1 This report informs Members of the Committee of the Ethical Audit Action Plan created based on the results of the 2006 Ethical Audit
- 1.2 The reports also seeks the approval of the Members of the Committee of the Ethical Audit Action Plan in relation to the improvement of ethical governance in Leeds City Council which is shown at Appendix 1

2.0 Background Information

- 2.1 At the Committee meeting on 11th April 2007 Members of the Standards Committee received a report informing them of the methodology adopted to create an action plan based on the results of the 2006 Ethical Audit, and also seeking the comments of the Members of the Committee to the developing proposed action plan which was attached to the report
- 2.2 Members noted that report and resolved to contact officers with any comments on the proposed plan. No comments have been received by officers.

3.0 Main Issues

- 3.1 Ethical Audit Action Plan: The Ethical Audit Action Plan has been created and has been circulated to relevant officers for consultation and precise improvement measures that are measurable have been established as have the timescales within which they can be achieved. This has resulted in the “SMART” Ethical Audit Action Plan that is attached at Appendix . The work contained in the Ethical Audit Action Plan which is within the Terms of Reference of the Standards Committee, will be added to the Committee’s work programme for the year.
- 3.2 It is intended to report back progress against the plan to Standards Committee on half yearly basis.
- 3.3 Additional work arising: Further exploration of ethical agenda in relation to officers of grades lower than those surveyed in the 2006 survey will be necessary in due course. In addition there is a second action plan being developed in relation to Parish Council training and related matters

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 principals 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 the ethical framework”.

The completion of the ethical audit and development of the action plan for the improvement of ethical governance is therefore in accordance with the Council Plan.

5.0 Legal And Resource Implications

5.1 There are no legal implication in this report

5.2 The actions identified can be met from existing resources.

6.0 Conclusions

6.1 The Ethical Audit Action Plan drawn up following the survey in 2006 is now before members.

7.0 Recommendations

7.1 Members of the Committee are asked to:-

- approve the Ethical Audit Action Plan at Appendix 1, and

- agree that the work contained in the Ethical Audit Action Plan will be added to the Committee's work programme for the year

This page is intentionally left blank

2007/2008 Ethical Audit Action Plan

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
Members' Code of Conduct	<p>Member Awareness Small number of Members don't know about the Code of Conduct and whether they have agreed to abide by it. Some uncertainty as to the status of these Members (i.e. elected or co-opted)</p>	<p>Identify Members who need to be aware of Members Code – to include elected Members and co-opted members. Consideration to be given within this process to the application of the Code of Conduct to non-voting co-opted members. Need for training in relation to Code and include reference to Nolan principles.</p>	<p>1a</p>	<p>Principal Corporate Governance Officer to prepare a training plan in relation to Members Code of Conduct by commencement of 07/08 municipal year. Corporate Governance Team to report to 12th July 2007 meeting of Standards Committee.</p>	<p>12/07/07</p>
		<p>Review procedure for accepting office and signing up to Code for all Members – ensure sufficient weight is placed on the importance of the Code.</p>	<p>1b</p>	<p>Chief Democratic Services Officer to review procedure for acceptance of office for Members by commencement of 07/08 municipal year. The Chief Democratic Services Officer to report to 12th July 2007 meeting of Standards Committee as part of the report on the Members Induction Period 2007.</p>	<p>12/07/07</p>
	<p>Officer Awareness High proportion of officers don't know that the Council has a Code of Conduct for Members. Concerns about whether complaints may not</p>	<p>Consider the relevance of parts of the ethical framework to the Council values. Seek to include reference where appropriate in promulgation of those values.</p>	<p>2a</p>	<p>Corporate Communications team to consider impact and relevance of ethical framework on Council values and to ensure that the communications plan in relation to the values includes appropriate references. Head of Corporate Communications to report to 10th October meeting of Standards Committee.</p>	<p>10/10/07</p>

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	get forwarded due to lack of awareness.	Carry out further analysis of survey results in order to identify any comparisons or contrasts between departments and/or grading groups.	2b	Corporate Human Resources to carry out further analysis of survey results and together with Corporate Governance team to compile ethical framework training and awareness programme for officers by November 2007. Head of Human Resources Strategy to report to 5 th December meeting of Standards Committee.	05/12/07
		Prepare a briefing on the Ethical Framework for presentation to Departmental Management Teams. Seek the view of DMTs as to how relevant parts of the message can be further cascaded to departmental officers.	2c	See 2b	05/12/07
		Include reference to the Members Code within the induction process for all officers.	2d	See 2b	05/12/07
		Identify those officers who have a need for in depth awareness of the Member Code. (For example those who have responsibility for complaints). Identify the nature of the information required by these officers and provide appropriate training and supporting documentation.	2e	See 2b	05/12/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
		<p>Consider the inclusion of an Ethical Governance Module within the Council Training Programme, to make compulsory for identified groups of officers. The Module to include reference to the Member Code of Conduct. Ethical Governance will be an identifiable training need in the Personal Development Plan process.</p>		See 2b	05/12/07
		<p>Review the distribution of Governance Matters. If a wider distribution is considered appropriate consider the writing style and content adopted to ensure suitable to wider audience.</p>	2f	Corporate Governance Team, in conjunction with Corporate Human Resources to review distribution, style and content of Governance Matters by November 2007.	01/11/07
		<p>Consider use of Team Talker and Intranet Log in pages for wide spread publication and advertisement of one off messages, for example the implementation of the New Code of Conduct.</p>	2g	Head of Corporate Communications to report to 10 th October meeting of Standards Committee in relation to use of Team Talker and Intranet Log in Pages for promulgation of Ethical Agenda.	10/10/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Breach Level of confusion regarding the process for submitting complaints, as well as a large proportion of Members and officers who feel that referrals are not always made appropriately or without fear of reprisal.</p>	<p>Set concerns into context of White Paper and plans for more localised consideration of referrals. Due for implementation in 2008.</p> <p>Regular reports to Standards Committee should dispel perception that referrals are not made appropriately within Leeds¹.</p>	3a	Corporate Governance Officer to continue to make 6 monthly reports to Standards Committee giving details of referrals made under the Code of Conduct.	Ongoing
		<p>Training in relation to new Code of Conduct to cover removal of requirement to refer and inclusions of provisions in relation to protection of complainant, witnesses and investigators in relation to any referral.</p>	3b	See action 1a.	12/07/07
	<p>Interests And Gifts & Hospitality Not all Members and officers are aware of the register of gifts and whether it is reviewed. More awareness of the register of interests but a level of confusion between the</p>	<p>Training for all Members on New Code in accordance with report to Standards Committee regarding its implementation.</p> <p>Training for legal officers clerks who advise Committees.</p>	4a	See action 1a.	12/07/07
			4b	Corporate Governance Team to offer appropriate training on new Member code of conduct to Legal and Democratic Services Staff involved in committee process within 2 months of publication of new Model Code.	24/07/07

¹ See also comments in relation to Standards Committee contained within Session 2

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	different types of interests which need declaring and the correct action to take.	Governance Services to continue sending an aide memoir to Members to assist them with identifying potential personal and prejudicial interests in agenda items.	4c	Governance Services to continue sending an aide memoir to Members of identified committees to assist them in making appropriate declarations.	Ongoing
Officer Code of Conduct	Officer awareness Large proportion of officers are unaware of the code and whether they have to abide by it. Results show variations between grades and departments.	Include relevant details of officer code in Ethical Governance Module of Council Training Programme and Ethical Framework Briefing. Human Resources to link with organisational development work undertaken in conjunction with Barkers. Contain within more detailed consideration of role of Strategic Directors and Chief Officers in relation to ethical governance.	5a	See action 2b	05/12/07
	Member awareness Almost the same proportion of Members are unaware of the officer code of	HR to present a report to Standards Committee in relation to the registration of officer interests	5b	Corporate Human Resources to ensure that development of key competencies and behaviours for managers includes appropriate reference to ethical framework. Head of Human Resources Strategy to report to 5 th December meeting of Standards Committee.	05/12/07
			6a	Head of Human Resources Strategy to present a report to 11 th April 2007 and 12 th July meetings of Standards Committee in relation to the registration of officer interests.	12/07/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	conduct.	Establish with DCLG and report to Standards Committee the time line for implementation of the revised Officer Code of Conduct.	6b	Assistant Chief Executive (Corporate Governance) to present report to Standards Committee when possible setting out available information and proposals in relation to implementation of new Officer Code of Conduct.	When information becomes available
Protocol on Member Officer Relations	Awareness of content, including in relation to Bullying Problems in relation to showing respect and harassment between Members and officers. Problems seem to be exaggerated in certain departments.	Training in relation to New Code of Conduct to include new provisions in relation to bullying.	7a	See actions 1a and 2b.	12/07/07 05/12/07
		Carry out more detailed analysis of statistics to show breakdown in relation to departmental and grading groups.	7b	See action 2b.	05/12/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Member involvement in operational matters A high proportion of officers believe Members involve themselves inappropriately with operational matters. Could show a misunderstanding of the Members' role or may be down to the work of the department.</p>	<p>Seek to identify what element of statistics relates to perception and/or lack of information in respect of appropriate ward representative role for Members. Use this information to formulate further detailed actions to include consideration of:-</p> <ul style="list-style-type: none"> • 'myth busting' • Role play representation of appropriate and inappropriate Member involvement² 	7c	See action 2b.	05/12/07
Whistle blowing policy	<p>Awareness Low awareness of the policy amongst Members and officers.</p>	<p>A revised, simplified and more user friendly whistle blowing policy is to be introduced, and advertised through a poster campaign. The revised policy is also to be advertised to the general public through the Council's internet pages.</p>	8a	Revised scheme to be introduced by end March 2007. Head of Internal Audit to report to 23 rd April 2008 meeting of Corporate Governance and Audit Committee in relation to implementation and success of revised scheme.	23/04/08
	<p>Clarity of content An even higher proportion think the content of the policy is unclear.</p>	As above.	8b	As above.	26/09/07

²

See for example DVD's prepared by Knowsley Council

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Use There is a widespread belief that the policy is often used inappropriately and cannot be used without fear of reprisal.</p>	As above.	8c	As above.	26/09/07
Ethical Framework	<p>Legislation – Human Rights, Freedom of Information, Data Protection, Equalities, etc. Evidence suggests that Members and officers are unsure whether the Members' Code is integrated into relevant schemes, policies and procedures. Members and officers do not feel that they have received sufficient training.</p>	<p>The Member Development Group to be asked to consider the implementation of appropriate training for Members in these fields. This will link to the proposed requirement in the new model code that a Member must not "do anything which may seriously prejudice his or her authority's ability to comply with any of its statutory duties under the equality enactments".</p>	9a	Head of Scrutiny and Member Development to arrange for consideration by the Member Development Group. Head of Scrutiny and Member Development to report to 5 th December meeting of Standards Committee in relation to proposals for Member Training and Development in relation to these issues.	05/12/07
		Corporate Human Resources to be asked to consider the question of officer training and to cascade this appropriately through departmental Human Resources teams.	9b	See action 2b.	05/12/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Impact – understanding among Members and Officers A significant proportion of officers and Members are unsure whether the Council's approach encourages appropriate behaviour or is building public confidence in local democracy.</p>	<p>Create a Standards Committee Communication Plan, which will identify and segment audiences and objectives, will identify appropriate media for communication and allocate timescales.</p>	10a	Corporate Communications Team to create Standards Committee Communication Plan. Head of Corporate Communications to report to 10 th October meeting of Standards Committee.	10/10/07
		<p>Seek to strengthen 'Guide dog' role of Standards Committee - include an ambassadorial role which will develop an outward facing dialogue, allowing visibility of the Committee. Also consider publication of brief Standards Committee Bulletins between Annual Reports, advising of Standards Committee's hot topics.</p>	10b	Head of Governance Services to facilitate informal meetings of groups of Standards Committee Members (Elected Members, Parish Members, Independent Members) in order to consider formal and informal development of Members roles. Meetings to take place by end December 2007.	31/12/07
		<p>Human Resources to include issues within competencies and behaviours for managers. Also to include within the induction and recruitment procedures. In addition the officer response to the survey is to be included within the Director's appraisal bundles, with an intention that the issues raised will be cascaded further through the management chain.</p>	10c	See action 5b.	05/12/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
		Further investigative work with officers can take place through the staff survey.	10d	Corporate Human Resources to liaise with Corporate Governance Team in relation to additional areas for questioning within staff survey in 2007/08 municipal year.	May 2008
			10e	Head of Scrutiny and Member Development to facilitate consideration of issues by Member Development Group. Head of Scrutiny and Member Development to report any comments or suggestions arising from discussion to 5 th December meeting of Standards Committee.	05/12/07
	<p>Communication of high ethical standards A significant proportion of Members and officers feel that the importance of high ethical standards are only sometimes or rarely communicated to Members, officer and local communities.</p>	As above.			
	<p>Challenge culture Survey results indicate that some Members and officers</p>	Need for investigation of formal and informal decision making processes.			

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>are not sure that decisions can be challenged within the Council without fear of reprisal, by Members officers or the Council's partners. A significant proportion of Members and officers are unsure that the Council's complaints system is clear and accessible.</p>	<p>Consideration of training and communication in relation to formal processes under Constitution.</p>	11a	See action 9a.	05/12/07
		<p>Also work through managerial competencies and behaviours to ensure growth of challenge culture in relation to informal decision making.</p>	11b	See action 5b.	05/12/07
	<p>Council's complaints system is clear and accessible.</p>	<p>Need to establish that Corporate Customer Relations Manager is satisfied that there is a complaints system which is clear and accessible and is working.</p>	11c	Corporate Governance Team to refer statistics from the Ethical Audit 2006 to the Corporate Customer Relations Manager to consider whether the system is clear and accessible and is working and to consider how to improve Members and officers awareness of the system.	13/02/08
Standards Committee	<p>Existence & Profile A small proportion of Members, larger of officers are unaware of the existence of Standards Committee.</p>	<p>Needs to raise the profile of Standards Committee compared to other Council bodies. Consider informal liaison with Scrutiny Support to establish how they have achieved this.</p>	12a	Head of Governance Services to liaise with Head of Scrutiny and Member Development in order to learn from the Scrutiny experience of raising the profile of Scrutiny Board.	13/02/08
		<p>Work with co-opted Members of the Council in relation to the ethical framework.</p>	12b	See action 1a.	12/07/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Role A small proportion of Members, larger of officers are unsure of the role of Standards Committee.</p> <p>Large numbers of Members and officers don't agree or don't know that the Standards Committee makes a positive difference to the ethical environment.</p>	<p>Consider strengthening of relationships with the media – using 'negative' news stories to portray positive aspects of ethical framework etc.</p> <p>Explore links between Elected Members of Committee and their party groups.</p>	<p>12c</p> <p>12d</p>	<p>See action 10a.</p> <p>See action 10b.</p>	<p>10/10/07</p> <p>13/02/08</p>
	<p>Achievements Members and officers are unsure whether Standards Committee operates effectively or whether it adds value to the Council.</p>		<p>13a</p>	<p>See action 10a.</p>	<p>10/10/07</p>
<p>Leadership</p>	<p>Profile of Leader Relatively low proportion of Members and officers feel that the Leader is a positive ethical role model, and that he promotes the importance of the ethical agenda.</p>	<p>Access detailed information in order to benchmark against other local authorities.</p> <p>Explore profile with leader's office – seek to strengthen links with the Standards Committee.</p>	<p>14a</p> <p>14b</p>	<p>Corporate Governance Team to access additional information from other authorities in Audit Commission survey results. These results to be shared with the Leaders Office for comment.</p> <p>See 14a</p>	<p>13/02/08</p> <p>13/02/08</p>

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
		Chair of Standards Committee to raise issue, and possible avenues for increasing profile, with Leader during quarterly meetings.	14c	See 14a	13/02/08
	<p>Profile of Chief Executive Relatively low proportion of Members and officers feel that the Chief Executive is a positive ethical role model, and that he promotes the importance of the ethical agenda.</p>	<p>Statistics for Chief Executive very similar to those for Leader.</p> <p>Explore with Chief Executive but also look to responsibilities of Monitoring Officer and Chief Finance Officer in terms of championing ethical governance.</p>	15a	Corporate Governance Team to access additional information from other authorities in Audit Commission survey results. These results to be shared with the Chief Executive's Office for comment.	13/02/08
	<p>Requirement for and Profile of Monitoring Officer Small proportion of Members and officers feel that the Monitoring Officer is only sometimes or rarely able to carry out her role appropriately. Large proportion of officers don't know.</p>	Demystify role of Monitoring Officer.	15b	Monitoring Officer annual report to 11 th April 2007 meeting of Standards Committee.	11/04/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Members' decision making Concern that Members are only sometimes or rarely a focus for positive change, lack of clarity over Member accountability. Significant proportions of Members and officers unsure that the public can access information in relation to decision making.</p>	<p>Scrutiny Inquiry into transparency of decision making, to include consideration of accessibility of information through Council's internet site.</p>	16a	<p>Head of Scrutiny and Member Development to identify terms of reference for Inquiry. To report to 10th October meeting of Standards Committee detailing terms of reference and proposed timetable for Inquiry.</p>	10/10/07
		<p>Look into web-streaming of council meetings to influence behaviour and increase awareness and understanding of the public</p>	16b	<p>Corporate Communications Team to investigate use of web-streaming techniques by other authorities together with the potential for and appropriateness of use within Leeds City Council. Head of Corporate Communications to report to 6th February 2008 meeting of Corporate Governance and Audit Committee</p>	06/02/08
<p>Communications</p>	<p>Communication between Members and officers Concerns from both Members and officers that communication is not always open and constructive.</p>	<p>Include within work undertaken in relation to Member/Officer Relations Protocol.</p>	17a	<p>See actions 2b and 9a.</p>	05/12/07

Main Issue	Detail of survey findings	Actions required to deal with survey findings	Action Number	Proposed Specific Measurable Action	Date for completion
	<p>Communication with public Concern re public ability to access Member code of conduct, register of interests and documents relating to Standards Committee.</p>	<p>Consider within Scrutiny Inquiry on transparency of decision making / other governance information.</p>	<p>18a</p>	<p>See action 16a.</p>	<p>10/10/07</p>

This page is intentionally left blank



Joint Report of the Assistant Chief Executive (Corporate Governance) & Chief Planning Officer

Standards Committee

Date: 12 July 2007

Subject: Amendment to Code of Practice for Determining Planning Applications

Electoral Wards Affected: All



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

1. This report proposes changes to the Code of Practice for Determining Planning Applications. It follows a report to Corporate Governance and Audit Committee (CG&AC) on 16 May 2007, regarding the governance of Plans Panels and constitutional changes, approved by Council on 24 May 2007, for the number of Members on Plans Panels and stipulations for compulsory training.
2. In addition to considering the constitutional issues CG&AC, resolved
“to request the Standards Committee to review the Code of Practice for Determining Planning Applications with a view to the Code stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application”.
3. This report recommends amendments to the Code to require Members as a matter of best practice to attend all site visits of the Plans Panels and be involved throughout the whole process of determining an application. This will help improve public and developer perceptions of the quality of the decision making process in Leeds and reduce the prospects of judicial challenges based on the process of determining an application.

4. The report also proposes a number of other amendments to the Code principally to update the Planning Code to reflect the revised Members Code adopted by the Council on 24 May 2007.

1.0 Purpose Of This Report

- 1.1 To request the Standards Committee to review the Code of Practice for Determining Planning Applications with a view to the Code being amended to require, as a matter of best practice, the attendance of Plans Panel Members at the site visit and throughout the whole consideration of an application.
- 1.2 The report also proposes other amendments to update the Code in light of the revised Members Code. The Code, as recommended for amendment, is attached to this report as Appendix 1.

2.0 Background Information

- 2.1 This report follows the Strategic Review of Planning and Development Services which identified “Development of and Support for Plans Panels” as being one of the key improvement themes. Changes proposed by the Strategic Review included earlier Panel involvement in major schemes, measures for efficient and consistent decision making, standards for member training and improving the customer experience. The proposed change programme was approved by Executive Board on 14 June 2006.
- 2.2 A number of work streams around the change programme are progressing. Overview and Scrutiny Committee has been examining planning performance and have identified issues including the need to facilitate greater involvement in pre-application discussions at both Panel and Ward level and the need for Plans Panels to become involved in the Policy making process. A copy of this report has been made available to Members of the Standards Committee. (Further copies are available on request from the Clerk to the Committee). Accordingly, a comprehensive review of Plans Panel processes is underway and the outcome of this is to be reported to the Overview & Scrutiny Committee in September 2007.
- 2.3 Corporate Governance and Audit Committee (CG&AC) has also considered aspects relating to the governance of Plans Panels and at its meeting on 16 May 2007, CG&AC resolved

“to request the Standards Committee to review the Code of Practice for Determining Planning Applications with a view to the Code stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application”.
- 2.4 The Planning White Paper, “Planning for a Sustainable Future” (May 2007) and other government documents and research reports¹ set out a clear direction for planning reform. In particular the Government’s recent consultation paper on Planning

¹ Councillor Involvement in Planning Decisions, DCLG Jan 2007

Barker Review of Land Use Planning, Kate Barker Dec 2006

Consultation Paper, Planning Performance Agreements, DCLG May 2007

D:\moderngov\Data\AgendaItemDocs\0\2\1\AI00008120\AmendmenttoCOPforDeterminingPlanningA
ppsCAsamendmentsv22806070.doc

Performance Agreements proposes an agreed timetable for handling large planning applications, which will include Plans Panel involvement at key stages. The planning reform agenda nationally supports the approach which Leeds is already taking in its own change programme and the way in which Leeds is developing the role of its Plans Panels.

3.0 Main Issues

3.1 The Plans Panels deal with a wide range of planning applications ranging from applications which may come before the Panel only once, to major applications which may be presented to the Panel on a number of occasions. This may include the presentation of proposals at the pre-application stage where a more informal dialogue and workshop approach is taken and the submission of position statements, or issues papers to explore aspects of the application once the application has been received. Also there may well be a site visit and of course formal consideration of the application itself which may be deferred for clarification, further information or consultation on a particular aspect and therefore may come back to Panel possibly on two or three occasions.

3.2 Pre-Application Position

Because of the long timeframe which is often involved, the Code (as proposed for amendment) does not expect that all Panel Members will necessarily have been involved at the pre-application stages (for example pre-application presentations and site visits, workshops, developer presentations and forums). However, Members involvement in pre-application discussion is strongly encouraged in the planning reform agenda and further detailed recommendations about the pre-application process will be contained in the review of Plans Panels identified in Paragraph 2.2. Leeds had already decided to develop the role of Plans Panels to include pre-application presentations and discussion as one of the outcomes of the Strategic Review. It is proposed, therefore, to amend the Code to strongly encourage involvement in pre-application discussion in appropriate cases, subject to the necessary safeguards relating to probity and pre-determination which are already set out in the Code. Proposed amended wording is shown at paragraph 10.1 of the revised Code attached at Appendix 1.

3.3 Post Submission Position

Following the submission of a planning application, the role of the Panel is a more formal one. As was mentioned above, the application may come before the Panel at a number of key stages and on each of these occasions information will be before the Panel which will be relevant to the actual decision making process. For example when the application comes before the Panel, in addition to the Officer's report and recommendation there may well be a display of materials including e.g. photographs and plans, representations may be made to the Panel by the applicant and/or objectors and an oral update may be given by the Planning Officer. It is therefore considered that each of these occasions brings the opportunity for Members to receive this information first hand and build up a full and comprehensive picture of the relevant planning issues. In addition, the formal site visits undertaken by the Plans Panels provide an additional fact finding opportunity which may in certain cases provide Members with information that they could not have obtained by alternative means.

- 3.4 Not only does attendance on each of these occasions ensure that the Members of the decision making panel all have the benefit of receiving the same and fullest level of relevant information but with respect to the public perception of the planning system this also assists in demonstrating a robust and consistent process and as such assists in reducing the risk of a legal challenge or a claim for maladministration to the Ombudsman.
- 3.5 The recommendation from CG&A was effectively to consider whether the Code could prescribe that only Members who have attended the site visit (if there has been one) and been present throughout the whole consideration of an application could take part in the decision making process on an application. This option has been considered and explored and is proposed in this report not as a compulsory requirement but rather is required as best practice. The report advocates this approach for the following reasons:
- It is possible that an application may come before the Panel on several occasions (including a site visit). It is also recognised that members may genuinely be unable to attend on each occasion e.g. by being unwell or on holiday etc. As Plans Panels require 4 members to be quorate, there is therefore a risk that if members are prevented from taking part in the decision through absence at an earlier stage the Panel could be inquorate at the time of determination. This would not be a situation that could be remedied in terms of that application retrospectively and therefore either the application would remain undetermined or a new application would have to be submitted. It could be argued that this is not a reasonable approach albeit that the reasons and principles behind this are intended to enhance the planning process.
 - There is no legal requirement that a Member must be present on each and every occasion (including site visits) at which an application comes before the Panel. The test is whether the Member at the point of taking the decision has all the relevant information before him or her on which to properly make a decision. This would be a matter for a Member to judge for him or herself (with the benefit of advice and guidance from the Chief Legal Services Officer and Chief Planning Officer as necessary). In some instances it may be essential that a Member has attended the formal site visit, it is a question of fact and degree in each case.
- 3.6 It is therefore proposed that attendance is required as a matter of best practice, with an expectation that Members will be present at each of the formal stages of the application including presentations and the reporting of position statements and issues papers and will attend all formal site visits. To highlight the importance of this, a record of attendance at site visits will be maintained and monitored and consistent failure to attend site visits by a Member would be referred to the party leadership for appropriate action.
- 3.7 The particular importance of the formal site visits is that this provides an opportunity for all Plans Panel members to observe the same factors and particular aspects of a proposal whether this be visual, design, character or other specific aspects in the same way. In some instances site visits may provide members with the opportunity to go onto private land or into dwellings or other buildings and therefore provide an opportunity to receive information that could not be obtained even from an informal

personal visit to the closest public point and which might otherwise have been overlooked.

- 3.8 This ensures that all Members taking part in the decision making process have been appraised of the whole facts necessary to properly reach a decision and this is demonstrated to all those interested in the decision making process. In some instances therefore a site visit may be essential and in others it may not. That may not always be apparent in advance of the site visit itself and therefore there will be an expectation within the Code that Members will attend all site visits.
- 3.9 The Code of Practice as presently worded advises that Plans Panel Members should “...try to attend all site visits organised by the Council...” and that they should not vote or take part in the discussion on a proposal unless they had been present to hear the entire debate. It is proposed that this is replaced with the wording at paragraph 12.0 of Appendix 1.
- i. To ensure that Members taking planning decisions are in possession of all the facts, including matters that may have been pointed out or come to light during a site visit by Plans Panel, matters that may have been raised during public speaking and matters that may have been discussed and considered by Plans Panel on earlier occasions
 - ii. To ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised
 - iii. To support the development of Plans Panel’s role in exercising impartial planning decision making, which is separate from the constituency role
 - iv. To support Plans Panels in becoming more involved throughout the scheme development process
- 3.10 The above recommendations apply only to the timeframe for determining a specific application (i.e. from submission through to decision in any particular case). There would be no expectation that Members deciding an “approval of details” proposal should have been present throughout the consideration of the outline, or that Members should have been present throughout the consideration of an earlier refusal, where the matter before them is an amended scheme.
- 3.11 Amendments proposed to reflect the revised Members’ Code

Other recommended amendments to the Code are more minor in substance. The most significant of these is the revision to paragraph 16.0 of the Code which cross references to the Public Speaking Protocol. Previously, a Member with a prejudicial interest could not address the Panel in any capacity, whether personal, as a representative or Ward Member. The revised Members Code has relaxed this prohibition to enable a Member to speak and address the Panel in accordance with arrangements put in place for public speaking (in Leeds these arrangements are set out in the Public Speaking Protocol) provided that the Member leaves the meeting room immediately thereafter and does not stay in the room to hear the debate and the decision being taken, even though the public may remain. The changes to the Members Code are reflected in the proposed amended wording to the Planning Code.

4.0 Consultation

- 4.1 Consultation on the proposals has been carried out with the Whips and the three Plans Panel Chairs. There was also a useful opportunity to discuss these at a Plans Panel workshop earlier this month. It is fair to say that a range of views were expressed from those that responded. Some Members considered that the Code did not go far enough and that attendance at site visits should be compulsory for Members wishing to take part in the decision making process. Others expressed the view that the proposals were about right, whereas some felt that these were too restrictive and onerous on individual members.
- 4.2 The responses did indicate that there was a degree of uncertainty as to whether the need to attend extended to workshops or the pre-application stage. This is not the intention, and the position regarding these stages is set out at paragraph 3.2 of the report. Namely, Member involvement is to be encouraged in appropriate cases within a clear and prescribed framework, however the requirement for attendance will not be extended to this early part of the process. A footnote has therefore been added to the relevant part of the Code (para 12.0) to make this clear. Concern was also raised about the numbers of site visits undertaken by the Panel and whether these were always strictly necessary. This is a separate issue which will be addressed through the Panel Review process which is underway.
- 4.3 In respect of the concerns raised that the proposals do not go far enough, there was an opportunity for officers to discuss the reasons for the approach more generally at the recent workshop event and although it is fair to say that the members still felt that they would like to see a stronger line, there was an understanding, by those members present, of the reasons put forward (summarised at paragraph 3.5 of this report) as to why this approach is considered to be the preferred one.

5.0 Implications For Council Policy And Governance

- 5.1 The proposal in this report will be beneficial to the Council in supporting the clear governance framework for Plans Panels now set out in the Constitution, and its changing role within the planning reform agenda.

6.0 Legal And Resource Implications

- 6.1 These proposals are consistent with the latest DCLG guidance and promote best practice thus reducing the scope for successful legal challenges to be brought against decisions of the Plans Panels.

7.0 Conclusions

- 7.1 The proposed amendments to the Code of Practice set out in this report are part of a package of measures to support the changing role of Plans Panels under the planning reform agenda and change programme at local level. The proposals will support Members and officers in using time effectively on the key areas of decision making, particularly on the most significant and controversial applications, and will help to ensure that sound decisions are taken with Members in possession of all the facts.

7.2 The proposals will help applicants and others involved in the development process by delivering more timely and predictable outcomes and help to send a wider message to the development community in attracting new investment and helping the City to 'Move up a League'.

8.0 Recommendations

8.1 It is recommended that the Code of Practice for Determining Planning Applications is amended, as set out in Appendix 1 to this report, to require as a matter of best practice Member attendance at the site visit and throughout the whole of Plans Panel's consideration of an application.

8.2 It is also recommended that other amendments are made as set out in Appendix 1 to this report including those to encourage Member involvement in pre-application discussion and updating changes to reflect the new Members Code adopted by the Council on 24 May 2007.

This page is intentionally left blank

CODE OF PRACTICE FOR THE DETERMINATION OF PLANNING MATTERS

1.0 BACKGROUND

1.1 This Code of Practice for the determination of planning matters ('the Planning Code') substantially follows the Model Code produced by the Association of Council Solicitors and Secretaries following consultation with the Audit Commission, the Local Government Ombudsman and the Standards Board for England. It has been updated to reflect changes brought about by the Members Code of Conduct 2007.

Deleted: replaces the Code of Practice for Councillors responsible for determining planning applications adopted on the 14th February 2002 following updated advice contained in the Local Government Association's "Probity in planning - the role of Councillors and Officers" together with guidance contained in Audit Commission papers and Public Interest Reports. It

2.0 INTRODUCTION

2.1. **The aim of this code of good practice is** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Deleted: in

Deleted: District

Deleted: Service

2.2 **The key purpose of Planning** is to control development in the public interest.

2.3 **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

2.4 **The Planning Code applies** at all times when Members are involved in the planning process. This includes taking part in decision making meetings of the Council in exercising the functions of the Planning Authority and on less formal occasions such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific issues as it does to planning applications.

2.5 **If you have any doubts** about the application of this Planning Code, you should seek early advice, preferably well before any meeting takes place from the Chief Planning Officer and/or the Assistant Chief Executive (Corporate Governance).

3.0 RELATIONSHIP WITH THE MEMBERS' CODE OF CONDUCT

3.1 Leeds City Council's Members' Code of Conduct was adopted by the Council on 24 May 2007, and must be complied with throughout the decision making process.

Deleted: the 5th April 2002

- **Do** apply the rules in the Members' Code of Conduct first and at all times.
- **Do** then apply the rules of this Planning Code which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Planning Code you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and

- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Members Code of Conduct, a complaint being made to the Standards Board for England.

4.0 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS CODE OF CONDUCT

4.1 It is your responsibility to declare any personal or prejudicial interest you may have, or be perceived as having, in a matter at any relevant meeting, including informal meetings or discussions with officers and other Members preferably at the beginning of the meeting.

4.2. Do then act accordingly. Where your interest is **personal and prejudicial**:-

Formatted: Font: Bold

- **Do not** participate or give the appearance of trying to participate in the making of any decision on the matter by the planning authority. You must withdraw from the meeting room when the matter is discussed however please see paragraph 16.0 for your right to attend and make representations.
- **Do not** try to represent ward or Area Committee views but get another Member to do so instead.
- **Do not** get involved in the processing of the application.
- **Do not** seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor.
- **Do** be aware that, whilst you are not prevented from seeking to explain or justify a proposal in which you have a personal or prejudicial interest to an appropriate officer, the Code places greater limitations on you than would apply to an ordinary member of the public and sensible steps must be taken to ensure openness and fairness in the decision making process. In particular you should
 - Notify the Monitoring Officer in writing of your own application (or that of a relative or employer where known) or where you are employed as an agent
 - Note that the proposal will always be reported to Panel for decision and not dealt with by officers under the scheme of delegation
 - Consider whether it is advisable to employ an agent to act on your behalf in dealing with officers and any public speaking at Panel
 - Note that you have a right to make written representations to officers about the proposal and may address the Panel pursuant to the Public Speaking Protocol subject to certain additional restrictions (see para 16 below for more detailed advice on this point).

Deleted: .

5.0 FETTERING DISCRETION IN THE PLANNING PROCESS

5.1 Given the requirement that Members of the Plans Panel should exercise an independent mind and decide proposals in accordance with the relevant planning considerations, Members must not favour any person, company, group or locality or commit themselves to a particular point of view on a planning application prior to its full consideration at the Council's Plans Panel.

- **Do not** make up your mind or give the impression of making up your mind (particularly in relation to an external interest or lobby group) prior to the decision making meeting and of your hearing the officer's presentation and the evidence and arguments on both sides.
- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant if you have been or are perceived as being, a chief advocate for the proposal. This will not necessarily arise from being a member of the proposing board or the Executive but through a significant personal involvement in preparing or advocating the proposal by which you may be perceived as being unable to act impartially or determine the proposal purely on its planning merits and in the public interest
- **Do remember** that you are, of course, free to listen to a point of view about a planning proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate planning officer.
- **Do not** use any political group meetings prior to the Panel meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Chief Planning Officer's report and information and consideration at the Plans Panel.

6.0 MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

6.1. This section concerns the position of Members of Leeds City Council who are also parish councillors or members of an outside body.

- **Do not** take part in the decision making process of the Plans Panel and withdraw from the meeting if the matter directly relates to the affairs of the Parish Council or the outside body. However please note your right to make representations pursuant to paragraph 16.0.
- **Do** consider yourself able to take part in debate and vote on a proposal at a meeting of the Parish Council or outside body where the Parish Council or outside body is a consultee provided:
 - The proposal does not substantially affect the well being or financial standing of the consultee body

Code of Practice for the Determination of Planning Matters

- You make it clear that that you are keeping an open mind and may vote differently at the Plans Panel when full details are available,
- You do not commit yourself so far to a particular point of view that you cannot be considered as open to persuasion at Plans Panel when the proposal is decided.
- You disclose a personal interest regarding your membership or role when the proposal comes before Plans Panel
- **If** you cannot comply with the above criteria, or may be perceived as not complying, you should declare a personal and prejudicial interest at Plans Panel and leave the meeting.

Deleted: <#>Do be aware that, whilst the Members Code of Conduct (Para 10(2)) provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you should exercise your discretion in deciding whether or not to participate in each case and where you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:¶

¶<#>Another local or public authority of which you are a member; or¶

¶<#>A body to which you have been appointed or nominated by the Council as its representative; or¶

¶<#>You are a trustee or company director of the body submitting the proposal and were appointed by the council you should declare a personal and prejudicial interest and withdraw.¶

¶<#>Do be aware that the Standards Board for England has indicated that it feels Paragraph 10(2) of the National Model Code of Conduct (as adopted by the Council) is not well drafted and Ethical Standards Officers and Standards Committees are likely to follow the Standards Board advice regarding the interpretation of the paragraph. The view of the Standards Board and recent Guidance reinforces the advice given above.¶

¶<#>Do remember that in some situations it is simply unrealistic to expect you to disregard the interests of another public body or outside body on which you serve. Regardless of the strict legal position, where a reasonable member of the public is likely to think that your judgement will be prejudiced you should declare and withdraw from the meeting.¶

Deleted: It is unlikely you would have a Personal and Prejudicial Interest for the purpose of the Members Code of Conduct purely by being a member of the Area Committee but

Deleted: t

7.0 AREA COMMITTEES

7.1 The introduction of Area Committees within Leeds City Council also requires recognition of the “Dual Hatted” roles which members of the Plans Panel and of Area Committees must consider. There is a possibility that you may be considered as pre determining a matter if you have spoken in support or against it or are closely associated with such a decision taken at the Area Committee. **If you are unsure, you should take advice from the Chief Legal Officer or the Chief Planning Officer.**

- **Do** consider whether it is appropriate for you to speak at the Area Committee if you wish to speak also on the application at Plans Panel.
- **Do** consider, whatever your own views, whether as Chair of the Area Committee or a member of any Plans Group, you would be so closely associated with that decision that it would be unreasonable to expect you to disregard it.
- **Do** remember that you can speak and vote on an application which is before the Area Committee for consultation so long as you make it clear that you have only formed a provisional view and will still approach the issue with an open mind and be open to persuasion when the matter is discussed at Plans Panel.
- **Do** remember that it is not always sufficient to make such a statement if it is not demonstrably genuine. The more controversial the application and or the more vehemently you have supported or opposed it, the more difficult it will be to show that you have not predetermined the matter and therefore render the decision susceptible to challenge. In those circumstances you should not attend the Plans Panel for that application.

8.0 SPOUSE/PARTNER COUNCILLORS

8.1 There are occasions when the spouse or partner of a member, usually a member for the same Ward or planning area, is also a Member of the Plans Panel. That Member might quite properly refer constituents who wish to make representations to his or her spouse or partner rather than be directly lobbied. Generally the fact

that the spouse or partner Councillor has been approached will not affect your ability to speak and vote at Plans Panel.

- **Be** aware that the Members Code of Conduct defines a Personal Interest as one where a decision based upon it might reasonably be regarded as affecting the well being or financial position of that spouse or partner to a greater extent than other council tax payers, ratepayers or inhabitants of the ward affected by the decision.
- **Acknowledge** that in certain circumstances, such as a particularly controversial application in the run up to an election, there is the possibility that a Personal and Prejudicial interest could exist.
- **Consider** if your spouse or partner is so closely involved with the support for, or opposition to, an application that a member of the public might reasonably think that the involvement is such that you must be biased or have predetermined the application.

Deleted: authority's area, the well-being or financial position of that spouse or partner.¶

9.0 EXECUTIVE BOARD MEMBERS

9.1 There is no Constitutional or legal reason why an Executive Board member should not also be a member of the Plans Panel and take part in the decision making processes which are not part of the executive function.

- **Be** aware that you should not speak or vote on any matter which you have discussed at Executive Board unless you have demonstrated there and can do so at Plans Panel that you have not predetermined the application.
- **Do not** take part in any meeting of the Plans Panel on a matter in which you may have been seen as advocating a proposal as an Executive or Lead Member.

10.0 PANEL MEMBERS CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

10.1 It is recognised that pre-application discussions can be of great benefit to the planning process provided that they take place within clear parameters and governance arrangements. Further guidance will be developed in respect of this in due course and protocols put in place within which pre-application discussions can be taken forward in appropriate cases. In the meantime, the following guidance is given:

- **Do not** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be helpful in clarifying the issues, you should not arrange it yourself, but request the Chief Planning Officer to do so. The officer will then ensure that those present are aware that any discussion will not bind the Council and maintain a written file record of the meeting.

Deleted: order to maintain impartiality, it is preferable that Members are not involved in pre-application discussions but there will be occasions when this can be beneficial or, in practical terms, unavoidable. T

Deleted: although this is likely to be revisited as greater community involvement in the planning process develops. It represents the law as it stands at the moment

- **Do** refer those who approach you for planning, technical or procedural advice to officers.
- **Do** follow the rules on lobbying.
- **Do** report any significant contact with the applicant or other parties to the Chief Planning Officer explaining the nature and purpose of the contacts and your involvement and ensure that this is recorded on the planning file.
- **Do not** attend a planning presentation by an applicant or developer unless an officer is present and/or it has been arranged by an officer.
- **Do** ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other members might vote.
- **Do** make it clear that the presentation is not part of the formal decision making process and any view is both personal and provisional since not all relevant information will be to hand and the views of interested parties will not have been obtained.

11.0 MEMBERSHIP OF A LOBBY GROUP

11.1 Lobbying by Councillors is a legitimate activity but in the case of members of the Plans Panel significant care needs to be taken to avoid any challenge of bias or predetermination or an allegation of bringing the Council into disrepute.

- **Do register your membership of any lobby group.**
- **Do** declare the existence and nature of your interest in any lobby group at Panel meetings so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes be a prejudicial interest or lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.
- **Do** not take part in any matter which relates directly to the lobby group of which you are a member rather than the views it holds. If the Panel is discussing a planning application submitted by the group you should consider that you have a prejudicial interest and should act accordingly.
- **Do** weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you appear biased. The factors are:
 - the nature of the matter to be discussed
 - the nature of your involvement with the lobby group
 - the publicly expressed views of the lobby group
 - what you have said or done in relation to the particular issue

Formatted: Indent: Left: 1.27 cm, Tabs: 1.9 cm, List tab + Not at 1.27 cm

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1.27 cm, No bullets or

Deleted: there was a real possibility that your judgement of the public interest would be prejudiced.

Code of Practice for the Determination of Planning Matters

- **Do not** lead, be part of the management of, or represent an organisation whose primary purpose is to promote or oppose planning proposals. If you do, you may have fettered your discretion and have a personal and prejudicial interest and have to withdraw.
- **Do not** become a member of an organisation whose primary purpose is to promote or oppose specific planning proposals or those within a limited geographical area as you may be perceived as having fettered your discretion.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals such as the Victorian Society, the CPRE or a local Civic Trust but declare a personal interest where that organisation has made representations on a particular proposal and make it clear to both the organisation and the Panel that you have not made up your mind on each separate proposal.
- **Do** remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as its Chairperson or a member of the Board or Committee, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may appear biased and therefore you should consider whether it is appropriate for you to take part in the decision making process.
- **Do not** excessively lobby fellow members regarding your concerns or views or attempt to persuade them that they should decide how to vote in advance of the Panel meeting at which the decision is to be made. It is difficult to define “excessively” but you need to consider whether a member of the public, knowing the facts, would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.
- **Do not** publicly support a particular outcome on a proposal within your Ward or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.

Deleted: must consider declaring a prejudicial interest and withdrawing from the meeting. ¶

Deleted: Although in most circumstances this would not amount to a prejudicial interest, i

12.0 ATTENDANCE AT PLANS PANEL AND SITE VISITS

12.1 Planning applications may in some cases come before Plans Panels on more than one occasion. For example where members decide to defer an application for a site visit, or further information or, particularly with larger schemes where a position statement or issues paper are presented to the Plans Panel in order to inform the Panel and engage with members at key stages in the process.

It is important to ensure that members taking planning decisions are in possession of all the facts, including matters that may have been pointed out or come to light during a site visit by Plans Panel, matters that may have been raised during public speaking and matters that may have been discussed and considered by Plans Panel on earlier occasions. Attendance of members on all occasions during the application phase i.e. once the application has been submitted, will not only demonstrate that members are fully informed but will also ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised.

- DO attend all Plans Panel meetings and formal site visits of the Plans Panel during the application phase¹ if you wish to take part in the decision making process.

The expectation is that all Plans Panel Members will attend all formal site visits and a record of attendance will be maintained and monitored.

If you have not attended on each occasion during the application phase and want to vote and take part in the decision on an application, you must carefully consider whether or not you are fully apprised of all the facts and relevant information necessary to properly reach a decision. This may include factors such as matters which have been pointed out or come to light during a site visit by the Plans Panel, matters that have been raised during public speaking and matters that may have been discussed and considered by Plans Panel on earlier occasions. You should only take part in the decision making process if you are satisfied that you can reasonably and properly do so in all the circumstances. If you are unsure, you should take advice from the Chief Planning Officer and Chief Legal Officer.

13.0 SITE VISITS

13.1 Site Visits can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise. They are not to be used to determine a proposal prior to the meeting of the Plans Panel. It should be noted that this Section applies to Members requests for a Site Visit and that the Chief Planning Officer may arrange Site Visits without prior discussion at the Plans Panel where, in his professional opinion, there is a real benefit from viewing the site.

¹ For these purposes, the application phase does not include the pre-application stages or workshops, but following the submission of a planning application will include each of the occasions when an application comes before Panel not just for a decision but also to include presentations, position statements, issues papers and formal site visits. For the avoidance of doubt outline applications and detailed or reserved matters applications, or a new application for an amended scheme are distinct and separate applications and attendance is not required across both or all of these.

- **Do not** request a site visit unless there is a real benefit from viewing the site. This might arise where:-
 - Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - There are significant policy or precedent implications and specific site factors need to be carefully addressed or
 - Details of the proposed development cannot be ascertained from plans and any supporting information to members satisfaction at the Plans Panel or
 - Where design considerations are of the highest importance particularly in relation to the surrounding locality.
- **Do** raise the need for a site visit at Plans Panel if the Agenda has been published and be prepared to give reasons why it is of real benefit. The name of the member requesting it and the reasons that it is agreed will be recorded in the Minutes.
- In considering whether a site visit is appropriate the Panel will take into account whether a site visit has been made to the property within the last 12 months.
- **Do** try to attend all site visits organised by the Council.
- **Do** ensure that any information which you gained from the site visit is reported back to the Panel.
- **Do** ensure that you treat the site visit as an opportunity to seek information and to observe the site. It is not to be used to determine a matter prior to the meeting of the Plans Panel.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Do** be prepared to listen to and ask questions of fact from the Applicant or other parties but do not be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind. The decision can only be made at the Plans Panel and you should make this clear to any applicant or other party and suggest that they make written representations or use of the Public Speaking arrangements and direct them to, or inform, the officer present.
- **Do** note comments of Ward members or the Chair of the Area Committee which are made solely for the purpose of making members aware of any specific local circumstances and issues relevant to the proposal.

- **Do not** express opinions or views to anyone which can suggest bias or pre-determination. As indicated above, you should make it clear that formal consideration of the proposal will take place in public at the next meeting of the Plans Panel.
- **Do not** enter a site which is subject to a proposal otherwise than on a formal site visit although this does not prevent you from viewing the site from the highway or other publicly accessible area.

14.0 OFFICERS

Deleted: 3

14.1 Councilors and officers have different but complementary roles. Both serve the public but Councilors are responsible to the electorate whilst officers are responsible to the Council as a whole. Instructions to officers can only be given through a decision of the Council, the Executive, Panel or under delegated powers and not by individual members acting outside those powers.

Deleted: 3

- **Do not** put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Chief Planning Officer which may be incorporated in any Panel report.
- **Do** recognise that officers are part of a management structure and only discuss a proposal, in accordance with any guidance provided by the Chief Planning Officer and with those officers who are authorised to deal with the proposals at Member level.
- **Do** be aware of the Protocols on Member/Officer Relations and the Roles of Members and Officers in Decision Making as set out in Part 5 of the Constitution.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the RAPT Code of Professional Conduct. As a result, planning officers views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence which may, on occasions, be at odds with the views, opinions or decisions of the Panel or its Members.

15.0 MEETINGS OF THE PLANS PANEL

Deleted: 4

15.1 A clear distinction has to be drawn between a Member and an Officer attending a Public Meeting and their roles when they attend meetings of the Plans Panel.

15.2 When a planning application has been deferred following a resolution not to accept officer's recommendation to refuse the application, the Chair shall put to the meeting a proposed statement of why the Chief Planning Officer's recommendation for refusal is not considered acceptable to the Panel, which, when agreed by the Panel, will be formally recorded in the Minutes.

Deleted: 4

15.3 When a planning application has been deferred following a resolution referred to in Paragraph 15.2 above, then at the subsequent meeting, the Chief Planning Officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Panel for granting permission. If the Plans Panel is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

Deleted: 4

Deleted: 4

15.4 When a planning application has been deferred following a resolution not to accept the Chief Planning Officer's recommendation to grant the application, the Chair shall put to the meeting the proposed statement of the reasons for proposing refusal which, when agreed by the Panel, will be formally recorded in the minutes.

Deleted: 4

15.5 When a planning application has been deferred following a resolution referred to in Paragraph 15.4 above, then at the subsequent meeting the Chief Planning Officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Panel for refusing permission. If the Plans Panel is still of the same view, then it shall again consider its reasons for refusing permission, and a summary of the planning reasons shall then be formally recorded in the minutes of the meeting.

Deleted: 4

15.6 If the Plans Panel makes a decision contrary to the Chief Planning Officer's recommendation, the officer should be given an opportunity to explain the implications of the contrary decision. The Courts have expressed the view that reasons for the contrary decision should be clear and convincing.

Deleted: 4

15.7 A senior legal officer should always attend meetings of the Plans Panel to ensure the probity and propriety of the planning and decision-making processes.

Deleted: 4

- **Do** ensure that if you request a proposal to go before the Panel rather than be dealt with under officer delegation, your reasons are recorded and repeated in the Panel report.
- **Do** come to the meeting with an open mind and demonstrate that you are open-minded. A recent Ombudsman case concerning Macclesfield Borough Council found maladministration where the Ombudsman was persuaded that a Councillor, because of his publicly stated opposition to a proposal had entered the planning meeting with his mind already made up even though she accepted that he had put forward sound planning reasons for the rejection of the application.
- **Do** comply with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless material circumstances determine otherwise.
- **Do** come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel that there is insufficient time to digest new information or that there is insufficient information before you, request that further information and, if necessary, seek a deferral.

Deleted: Whilst authorities make extensive use of standard wordings for conditions, in the case of any conditions which Members may wish to add or amend, an officer should be asked to draft any such conditions and bring them back for approval at the subsequent meeting or refer them for approval to leading Panel Members.

Deleted: 54A of the Town and Country Planning Act 1990

- **Do not** vote or take part in the discussion and voting on a proposal unless you have been present to hear the entire debate, including the officers presentation.
- **Do not** allow members of the public to communicate with you during the Panel proceedings other than through the public speaking protocol, as this may give the appearance of bias.
- **Do** have recorded the reasons for the Panel's decision to defer any proposal.
- **Do** make sure that if you are proposing or supporting a decision contrary to officer recommendations that you clearly identify and understand the planning reasons leading to this conclusion. These reasons must be given before the vote and be recorded. Remember that you may have to justify these by giving evidence in the event of a challenge.

16.0 PUBLIC SPEAKING PROTOCOL

16.1 All members are entitled to speak at a Panel meeting in accordance with the Public Speaking Protocol either as an individual, representative or ward member. However, where you might be regarded as having a personal and prejudicial interest in the application then you may attend and speak in accordance with the protocol but only for the purpose of making representations, answering questions or giving evidence relating to the matter in the same manner as would apply to a normal member of the public. Immediately after doing so you must leave the meeting room whilst the meeting considers the proposal even though members of the public may remain.

Deleted: All members of the Council should be aware of the recent case involving a North Yorkshire Councillor. The Councillor was not a member of the Planning Committee but used the local Public Speaking Protocol to represent the views of his constituents. However his property was affected by the application and the Standards Board for England disqualified him from being a Councillor on the basis that he did not disclose a Personal and Prejudicial interest even though he was not the decision maker and was making representations as either the ward member or in an individual capacity. The Court of Appeal upheld the Standards Board decision.¶

17.0 TRAINING

17.1 Members serving on Plans Panel must attend two training sessions each and every year: a Planning Update session, to receive guidance in relation to regulations and procedures and a Governance and Conduct session for training on declaration of personal and prejudicial interests. Failure to undertake either or both sessions will result in the Elected Member being unable to sit on Plans Panel.

¶
<#>**Do** take the advice of the Monitoring Officer before making use of the Public Speaking Protocol.¶
¶
<#>**Do not** use the Public Speaking Protocol either as an individual, representative or ward member under any circumstances where you might be regarded as having a personal or prejudicial interest in the application.¶
¶
<#>**Do not** remain in the meeting room if there is any possibility that you might be regarded as having a Personal or Prejudicial Interest in the application.¶

- **Do not** participate in decision making at the Plans Panel if you have not undertaken mandatory planning training.
- **Do** try to attend any other specialised training session provided, since these will be designed to extend your knowledge of planning law, regulations, procedures and the Development Plan beyond the minimum required and assist you in carrying out your role properly and effectively.
- **Do** revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public, confidence in the planning system, and can help with reviews of planning policies.

Deleted: 6

Deleted: 6

Deleted: attend

Deleted: attended

18.0 MONITORING AND REVIEW

Deleted: 7

18.1 The Chief Planning Officer will report annually to the Standards Committee regarding whether the arrangements set out in this Code have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.

18.2 In particular, the Chief Planning Officer shall monitor the following:-

Deleted: 7

- (a) the number of complaints made about breaches of the Code and the outcome of those complaints.
- (b) the number of permitted departures from the Unitary Development Plan.
- (c) the number of appeals upheld.
- (d) any external inspection reports in respect of relevant issues.
- (e) the level of awareness of the Code among Members and Officers to be established by means of an ethical audit.
- (f) the number of Ombudsman reports finding maladministration by Members in the conduct of planning issues.

19.0 BREACHES OF THE CODE OF PRACTICE

Deleted: 8

19.1 Maintaining high ethical standards enhances the general reputation of the Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Planning Code, along with Leeds Council's Members Code of Conduct are intended to promote these standards.

Deleted: 8

- **Do** be aware of your responsibilities under this Code and the Members Code of Conduct.
- **Do** report any apparent breaches of either Code to the Monitoring Officer.
- **Do** seek advice if you are in doubt.

19.2 Failure to comply with the Members Code of Conduct may lead to a complaint to the Standards Board for England who can, in certain circumstances disqualify a Councillor. Failure to comply with this Planning Code may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.

Deleted: 8

19.3. Allegations on any breach of this Protocol by Members may be referred to the Assistant Chief Executive (Corporate Governance) for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group.

Deleted: 8

This page is intentionally left blank



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Standards Board for England - Bulletin 33

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

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 in May 2007.
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 in May 2007.

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

Highlights from this issue are detailed below.

Information about the new Code of Conduct

- 3.1 The Bulletin provides a short summary of the changes to the model Code of Conduct, including the rules surrounding interests and gifts and hospitality, and also provides advice as to how to adopt the Code and advertise its adoption. Finally, there is an article on page 4 of the Bulletin which provides special advice to Parish and Town Councils as to whether they should adopt paragraph 12(2) of the Code or not.

Details of the Standards Board for England Annual Assembly

- 3.2 The Bulletin provides an overview of the type of sessions delegates can expect at the Assembly, including sessions addressing the wider impact of the local filter and the revised Code. These will include training and hands-on workshops to help delegates focus on raising their authorities' standards to an even higher level. An advanced copy of the conference programme is available at
www.annualassembly.co.uk/programme/

Local investigations – update

- 3.3 The Bulletin reports that there has been positive feedback to some changes to the criteria for referring complaints for local investigation. The Standards Board now retain investigations that would warrant a penalty from the Adjudication Panel, they assess allegations against executive members on a case-by-case basis and do not automatically retain these cases, and finally although they do not always retain cases where the monitoring officer has a conflict of interest, Ethical Standards Officers can use their discretion in relation to smaller authorities.

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.

This page is intentionally left blank

THE BULLETIN # 33

May 2007

Contents

Page 2

The new Code of Conduct

Page 3

Adopting and amending the new Code of Conduct

Advertising the new Model Code

Page 4

Special advice for parish and town councils

Page 5

Local investigations – update

Research findings

Roadshow and Annual Assembly news

Page 6

Relocation and contact details

New director of casework and head of legal services

Page 7

Statistics

Contact

Enquiries line: 0845 078 8181
www.standardsboard.gov.uk
email: bulletin@standardsboard.gov.uk

Welcome to Issue 33 of the Bulletin.

The new Code of Conduct has now come into force and we would urge authorities to adopt it at the earliest opportunity. The Standards Board for England welcomes this new Code, which addresses issues that emerged during the consultation process. We believe that it is now clearer and simpler to understand and that it will allow members to properly represent their constituents on matters that concern them.

Standards committees have a responsibility for ensuring that members within their area receive appropriate training on the new Code, so that they fully understand their obligations. This is an important function for them and an opportunity for authorities to demonstrate their commitment to high standards of probity and governance.

The Standards Board has published comprehensive guidance on the new Code on our website at www.standardsboard.gov.uk

Monitoring officers will also receive hard copies of the guidance soon. We will be producing a range of training materials, available from our website shortly, and a DVD which will be distributed in July.

The forthcoming roadshows being held around the country in June will provide an opportunity for us to find out your early views on the new Code and emerging themes. If you have not already booked your place on these roadshows, I would encourage you to do so soon as places are being filled quickly. Please visit our website or email roadshow2007@standardsboard.gov.uk for further details.

David Prince
Chief Executive



the Standards Board
for England

The new Code of Conduct

The revised Model Code of Conduct came into force on 3 May 2007. Authorities have until 1 October 2007 to adopt the Code formally. If an authority fails to adopt the Code before that date, the mandatory provisions of the Code will apply until the authority adopts its own Code.

There are a number of major changes to the Code and these are summarised below:

- The definition of a **personal interest** has been relaxed. Interests that are shared with most people in the ward or electoral division affected by the decision will not have to be declared. However, the definition will not change for many parishes or other authorities that do not have wards or electoral divisions.
- **Dual-hatted members** and those members appointed or nominated by the authority to outside bodies will also benefit from changes to the rules regarding declaration of interests. Where a matter that affects the other body is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.
- **Prejudicial interests** now only arise if a matter affects a member, their family, or their close associates in the following ways:
 - it relates to their finances or
 - it concerns regulatory functions such as licensing or planning which affect them
 - and a reasonable member of the public with knowledge of the facts
- **Gifts or hospitality** over the value of £25 must now be included in the member's register of interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed.
- The **unlawful discrimination provision** has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws (including anti-discrimination laws). As a result, discriminatory behaviour can now be dealt with through the Code.
- A new provision makes it clear that **bullying** is prohibited by the Code.
- Another new provision states that members must not **intimidate or attempt to intimidate** anyone involved in an investigation, such as a complainant, a witness or an officer involved in the conduct of an investigation.
- The Code does not incorporate the **Ten General Principles of Public Life** but

would believe their ability to judge the public interest would be impaired.

Even where members have a prejudicial interest, the Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member. Paragraph 12(2) of the Code gives members with a prejudicial interest in a matter the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room, as currently required, and cannot remain in the public gallery to observe the vote on the matter.

members are required to read the Code together with these general principles. Although members are not legally obliged to observe the principles, a failure to follow them may indicate behaviour that could potentially breach the Code.

- Subject to the enactment of the Local Government and Public Involvement in Health Bill, the Code will apply where **criminal activity** has been committed in a private capacity, but not in relation to other conduct which solely concerns a member's private life.
- The ban on **disclosing confidential information** has been relaxed to allow disclosure of confidential information where:
 - the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it)
 - the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority

The Standards Board's comprehensive guidance on the new Code of Conduct is available on our website at www.standardsboard.gov.uk

We will be sending printed copies of the guidance to all monitoring officers and parish clerks soon.

Adopting and amending the new Code of Conduct

The new Code of Conduct applies to the same range of authorities covered by the existing Code. However, only one composite Code has been made for different types of authorities. As a result, some paragraphs are

not mandatory for your authority, and particular wording within mandatory paragraphs may not be relevant to your authority. For example, some paragraphs refer specifically to executive arrangements and overview and scrutiny which parishes do not have, while other paragraphs expressly apply only to the Greater London Authority or Metropolitan Police Authority.

Councils may adopt a version of the Model Code that excludes non-mandatory provisions or wording that is not relevant to the particular authority, so long as it is consistent with the application of the mandatory provisions to that relevant authority. To avoid confusion and ensure consistency, we recommend that any amendments do not affect the subsequent numbering of paragraphs. To assist parish and town councils, we have prepared a 'Model Code of Conduct for Parish and Town Councils' which is available from our website.

If your authority simply adopts the Model Code, this means that it does not adopt the non-mandatory paragraphs for that authority. For example, paragraph 12(2) is not mandatory for parish and town councils, English and Welsh police authorities, the Greater London Authority, national park authorities, and fire and rescue authorities. Therefore, if these types of authorities wish to adopt paragraph 12(2), they will need to do so expressly. See also the article on page 4 *Special advice for parish and town councils adopting the new Code of Conduct*.

Advertising the new Model Code

As soon as your authority has adopted a revised Code of Conduct, it must send notification to the Standards Board and make copies available for inspection by the public. It must also publish a notice in a local newspaper, stating that the council has adopted a revised Code. The authority can also publish the notice in its own newspaper, if it has one, but this cannot be the only notice that is published.

This duty to publish a notice will again be relevant when the Model Code comes into effect. When the previous Code was introduced, some unitary and district councils organised combined notices for councils in their area. This can save money, especially where there are a large number of parish councils.

To enable a monitoring officer to coordinate a combined notice, parish clerks will need to ensure their councils adopt the revised Code quickly and confirm to the monitoring officer where copies of the Code can be inspected within the parish. This information can then be fed into the notice published in the newspaper.

If you are a local authority, the easiest way to notify the Standards Board of your adoption of the Code is to send an email to Kimberley Connell in our Policy and Guidance team at enquiries@standardsboard.gov.uk.

Special advice for parish and town councils adopting the new Code of Conduct

Parish and town councils can maximise their ability to exercise democratic rights under the new Code of Conduct by taking certain actions.

A new paragraph 12(2) gives elected members with a prejudicial interest the same rights as members of the public to speak to a meeting on the issue, but then leave before the main discussion and vote. This part of the revised Code does not automatically apply to parish and town councils.

It is not enough, therefore, for parishes to simply adopt the Model Code “as applicable to parish councils” – paragraph 12(2) is not mandatory for parishes. In order to take advantage of the amendment, parish councils will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

Each parish and town council wanting to take advantage of this provision should notify the Standards Board of the resolution passed and the date on which it was passed. This information can be sent electronically to Kimberley Connell in our Policy and Guidance team at enquiries@standardsboard.gov.uk.

We recommend: “to adopt the Model Code of Conduct for Members including paragraph 12(2), effective [insert ‘immediately’ or ‘specific date’]”.

The Standards Board also recommends that parishes should consider having standing orders in place to allow members of the public to attend meetings of the authority for the purpose of making representations, giving evidence or answering questions.

The revised Code gives councillors the same rights to speak as members of the public, but if an authority’s standing orders or procedural rules do not provide members of the public with these rights, or if an authority has no standing orders in place at all, paragraph 12(2) will have no effect.

This means that councillors with a prejudicial interest would have to leave a meeting after declaring the nature and extent of their interest, just as they have had to under the old Code of Conduct. They will not be able to take advantage of the freedom offered by the new Code to allow members with a prejudicial interest to speak in certain circumstances.

The Standards Board has prepared a ‘Model Code for Parish and Town Councils’ which is available from our website. It has been created to assist parish and town councils in adopting the relevant mandatory paragraphs and the ‘voluntary’ paragraph 12(2), while excluding paragraphs that are not relevant to parishes.

We urge monitoring officers to bring the above information to the attention of parish clerks.

Local investigations – update

There has been positive feedback to a number of changes to our criteria for referring investigations back to monitoring officers for local investigation:

- We now retain complaints for investigations where the allegation, if proven, would undoubtedly warrant the Adjudication Panel for England’s penalties.
- We assess allegations against executive members on a case-by-case basis to decide if they should be investigated locally, and do not automatically retain such cases.
- We do not normally retain cases where a monitoring officer has a conflict of interest. We assume that an investigation can be delegated, outsourced or undertaken by a monitoring officer from another authority, but ethical standards officers exercise their discretion, especially in relation to monitoring officers from smaller authorities.

The Standards Board now has a local investigations co-ordinator who liaises with monitoring officers and other parties about the allocation and monitoring of local investigations. They can be contacted at local.investigationenquiries@standardsboard.gov.uk or on 0161 817 5372

Research findings

Thank you to those who returned questionnaires on the research undertaken by BMG Research entitled ‘Study into the operation and role of standards committees within local authorities’. This research has now been completed and the full report can be found on our website at:

www.standardsboard.gov.uk/Aboutus/Research

The research is a survey of monitoring

officers and standards committees and has increased our understanding of your activities, the resources available to you, the challenges you face and the support you may need in the future.

Delegates quick to sign up to roadshows

Bookings for the summer roadshow events have been flooding in over the past month, with several venues nearly fully booked. The London event on 28 June has proved so popular that a second roadshow will be run in the morning at 10.00am, in addition to the one taking place in the afternoon.

There are still some places available for the roadshows, which are taking place at 11 venues across the country and are aimed at monitoring officers and standards committee members. For further details on when and where visit:

www.standardsboard.gov.uk/Events

To book a place on the earlier London roadshow or any of the other events please contact our event managers, Benedict Business Resources, on 01483 205 432 or email roadshow2007@standardsboard.gov.uk

Annual Assembly – Down to detail: Making local regulation work

We have already received a significant number of bookings for the Sixth Annual Assembly of Standards Committees in October, with over 400 delegates signed up to attend.

Phil Woolas MP, Minister for Local Government and Community Cohesion, will open the conference by outlining how to meet the challenges of the local filter system and the revised Code of Conduct. He will also set out the government’s focus for the future.

There will be over 25 sessions covering issues such as the process and practice of managing the local filter, and a focus on

helping delegates to develop the skills and knowledge they need to deliver high standards of effective local governance.

Several sessions will address vital issues linked to managing the wider impact of the local filter and the revised Code. These will include training and hands-on workshops to help delegates focus on raising their authorities' standards to an even higher level. There will also be sessions on how to improve communication with stakeholders and confidently deliver effective local regulation.

An advanced copy of the conference programme is available at www.annualassembly.co.uk/Programme/

To book a place at the conference please contact our event managers, Benedict Business Resources, on 01483 205 432 or email annualassembly2007@standardsboard.gov.uk

Relocation and new contact details

The Standards Board has completed the key stage of our relocation from our offices in London to our new premises in Manchester. Our new details can be found below:

Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

Telephone: 0161 817 5300 (main switchboard)
Facsimile: 0161 817 5499

Web address: www.standardsboard.gov.uk

New director of casework and head of legal services

We are pleased to announce that two new heads of department have been appointed to oversee our Investigations and Legal Services teams.

Hazel Salisbury was appointed as the new director of casework in February.

Hazel brings with her a wealth of professional experience and a strong background in local government. She was admitted as a solicitor in 1987, and was later head of legal services and monitoring officer for Nottinghamshire County Council. Hazel also spent two years on secondment as monitoring officer at Lincolnshire County Council

Most recently, Hazel worked as a consultant in a private practice, providing member and monitoring officer training for local authorities.

Sara Goodwin took up the position of head of legal services earlier this month.

Sara was a lecturer in law at Leeds Metropolitan University for two years. She spent 12 years in the local government sector and is a former head of legal services and monitoring officer.

Most recently Sara worked as a consultant for SOLACE (the Society of Local Authority Chief Executives) providing support and monitoring officer training for local authorities.

Sir Anthony Holland, chair of the Standards Board said:

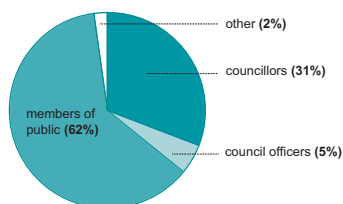
“We welcome both Hazel and Sara to the organisation. The Standards Board will benefit from the experience and knowledge that they have both gathered over the many years they have spent working closely with local government. They will have an important role to play in establishing the new teams in Manchester and meeting the challenges ahead.”

Referral and investigation statistics

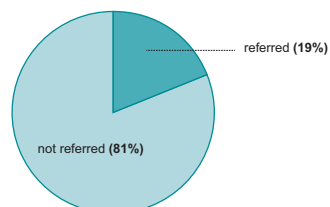
The Standards Board for England received 3549 allegations between 1 April and 31 March 2007, compared to 3836 during the same period in 2005/2006.

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

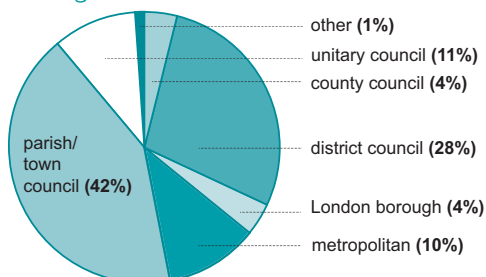
Source of allegations received



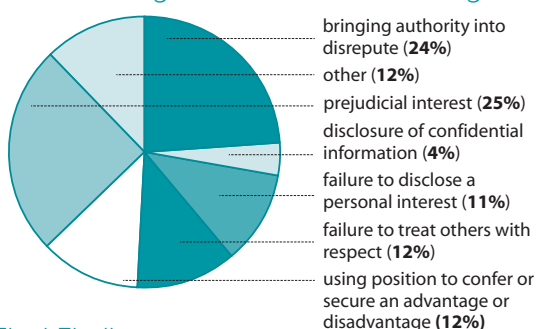
Allegations referred for investigation



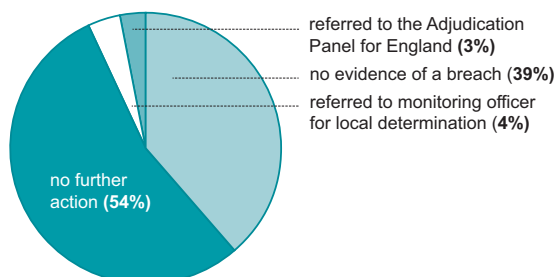
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



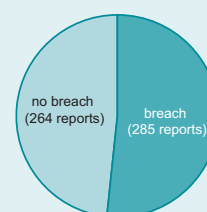
Final Findings



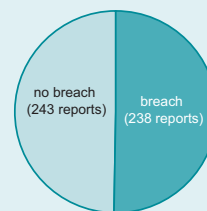
Local investigation statistics

Of all cases referred since April 2006 for local investigation we have received a total of 546 reports — please see below for a statistical breakdown of these cases. (NB: for the period 1 April- 31 March 2007, ethical standards officers referred 347 cases for local investigation — equivalent to 55% of all cases referred for investigation. Since 1 April 2006 there have been 18 appeals to the Adjudication Panel for England following standards committee hearings.)

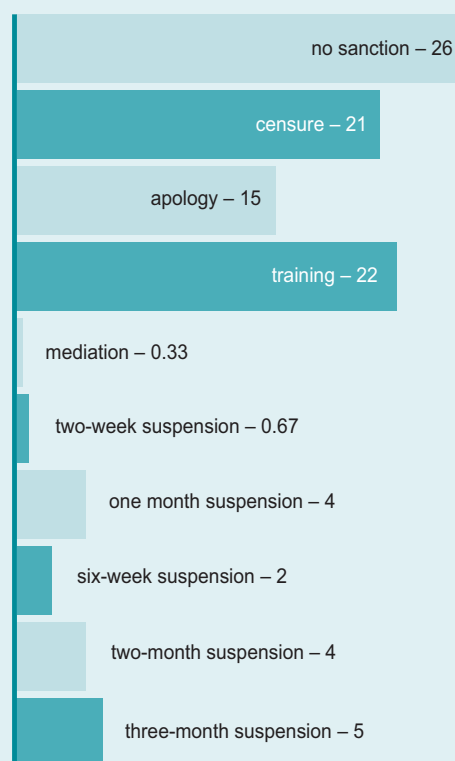
Monitoring officers' recommendations following local investigations



Standards Committee hearings



Standards committee determinations



This page is intentionally left blank



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Standards Board for England Roadshow – 7th June

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report provides a brief summary of the Standards Board for England Roadshow which took place in Leeds of 7th June.
2. Several Members of the Standards Committee and the Monitoring Officer attended the Roadshow, which included a presentation on the provisions of the new Code of Conduct as well as information about the forthcoming changes in the Local Government and Public Health Bill regarding local filtering and the Standards Board becoming a strategic regulator.
3. Members of the Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 This report provides a brief summary of the Standards Board for England Roadshow which took place in Leeds of 7th June.

2.0 Background Information

- 2.1 The Standards Board for England recently visited 11 locations in England to discuss various aspects of the new Code of Conduct and changes anticipated in the Local Government and Public Health Bill.
- 2.2 Four members of the Standards Committee attended the roadshow along with the Monitoring Officer and the clerk to the Committee. Members will recall that places were limited to four per authority initially, but as some authorities failed to use all four of their allocated places, Leeds were provided with additional places for those members who had requested them at the Committee meeting on 11th April 2007.

3.0 Main Issues

- 3.1 The purpose of the Standards Board roadshow was to:
- share advice and experience on implementing the changes to the Code of Conduct, and how they will affect standards committees and local authorities;
 - allow the Standards Board to listen first-hand to feedback, concerns and queries from local authorities;
 - update standards committees and monitoring officers on the forthcoming local filter for complaints, and how it will work in practice;
 - keep standards committees informed of news from the Standards Board for England; and
 - offer support from the Standards Board for England legal and policy teams.
- 3.2 The presentation was split into four sections covering general news and updates, an overview of the changes to the new Code of Conduct, information about bias and predetermination and challenges for 2008.

Challenges for 2008

- 3.3 Of particular interest to the Committee were the issues discussed in the 'Challenges for 2008'. These included:
- Arrangements for local filtering;
 - Reporting to the Standards Board;
 - Arrangements for training provision.
- 3.4 It was explained that the whole process for dealing with allegations from April 2008 would be local. Local authorities will be responsible for both receiving allegations and reporting on performance and possible intervention.

Receiving allegations

- 3.5 The Standards Board provided a list of matters to consider, including:
- Handling allegations – receipt and notifications;
 - Decision to be taken by the standards committee;
 - Criteria to use; and
 - Appeal mechanisms.

- 3.6 It is anticipated that local authorities will develop their own local criteria for deciding whether an allegation should be investigated or not. However the Standards Board did state that they may create some generic criteria as a result of the local filtering pilots.
- 3.7 It is unclear what the timescales for making a decision will be at this stage. The Standards Board are able to make the decision within 10 days, but it is unlikely that standards committees will be able to convene a meeting in this time. More details will be available in the regulations when they are released. There will be a time limit of 3 months in order to make a decision about any subsequent appeal.
- 3.8 The creation and make up of any filtering panel will also need to be considered. It was confirmed at the roadshow that members of standards committees could not be involved in both filtering and hearings. Therefore a separate panel with a distinct membership will have to be created. However, it is proposed that this matter is considered in greater detail at a later date (5th December 2007).
- 3.9 It was also suggested that there would need to be a separation of officers into the different stages of the process, and that the Committee may wish to have an officer recommendation to accompany each allegation to assist them with making the decision. Again it is proposed that these details are considered further on 5th December 2007.

Reporting on performance

- 3.10 The Standards Board explained that they will require two different sets of information. Firstly they will require information about case handling on a quarterly basis, and secondly they will require information about training and mediation etc. on an annual basis.
- 3.11 The quarterly report will need to cover areas such as the number of cases and the decisions taken, the number of appeals and the time taken to decide them, and the number and details of any investigations and hearings.
- 3.12 The annual report will need to include information about the Standards Committee's other functions such as arranging training, reviewing local codes, and mediation. This report will need to be approved by the whole Council and published on the Council's website as well as the Standards Board website. It may be that the current annual report created by the Committee can be adapted for this purpose.

Guidance and advice

- 3.13 The Standards Board will be offering guidance and advice to cover every stage of the process. The guidance will explain the legislation and materials will be provided for local adaptation (for example model forms).
- 3.14 This guidance will be provided in a new loose leaf format, and should be ready by January 2008, depending on whether the regulations are released when expected.

4.0 Implications For Council Policy And Governance

- 4.1 Considering the implications of these changes as early as possible will allow the Committee to be fully prepared for the new role and will contribute to the good governance of the Council.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to noting this report.
- 5.2 There may be resource implications to dealing with cases locally and the new reporting arrangements, but it is anticipated that these can be met from within existing resources.

6.0 Conclusions

- 6.1 The roadshow covered several themes surrounding the new Code of Conduct and the changes in the Local Government and Public Health Bill, but Members may particularly wish to note the information regarding local filtering.
- 6.2 Consideration will need to be given to the creation and make-up of a separate panel to carry out the local filtering role and the drafting of criteria for making the decision. It is proposed that these issues are considered in greater detail on 5th December 2007.

7.0 Recommendations

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



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Adjudication Panel for England: Decisions of Case Tribunals

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

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

Borough, City or District Councils

Portsmouth City Council

- 3.1 It was alleged that a Councillor failed to treat others with respect, sought to compromise the impartiality of officers, used his position improperly in an attempt to confer an advantage on another person, and brought his office and authority into disrepute.
- 3.2 It was alleged that the Councillor sent an email to a senior officer asking her to withdraw a letter regarding sickness absence to a member of staff. The case tribunal found that the email was both unfair and unreasonable because it provided insufficient time for a reasoned response based on an investigation of the facts. It was demeaning because the Councillor demanded that the officer ignore good management practice in order to comply with his request. It further demeaned her by making an unjustified threat to embarrass the officer by writing to other members of staff if she did not comply with his demands.
- 3.3 The case tribunal decided that as a result of writing this email the Councillor had failed to treat the officer with respect and had sought to compromise her impartiality. Further to this, the case tribunal also decided that the Councillor had sought to use his position to improperly confer an advantage on the employee in question, as he

did not have the authority to demand the withdrawal of the letter and had made the demand without having all the relevant facts.

- 3.4 Secondly, it was alleged that when the same Council officer suggested that the Councillor may need to declare a personal interest in a matter being discussed at a Committee meeting regarding sickness absence, the Councillor subjected the officer to a long and angry outburst. He accused the officer of telling him “how to run his life”, threatened to have her disciplined and ordered her to leave the meeting.
- 3.5 The case tribunal found that the Councillor’s comments to the officer were made in anger and with a raised voice. They also found that there was no evidence that the officer’s conduct at the meeting was anything other than professional or that the manner in which she raised the issue justified such a response. In the case tribunal’s opinion, the comments made to the officer were demeaning as they were made without any reasonable basis in fact. They also related to the officer personally and so should not have been made in an open meeting in front of officers and Members. The case tribunal concluded that through his actions the Councillor had failed to treat the officer with respect.
- 3.6 Finally it was alleged that once the Councillor became aware that he was being investigated by the Standards Board, he wrote to the Council’s monitoring officer threatening to email every member of staff on the Council warning them to “have no faith” in the complainant and her department and demanding to know why the Council still employed the officer.
- 3.7 The case tribunal found that the comments concerning the Council officer in the letter amounted to a failure to treat her with respect. Also the threats to write to staff and contact the press placed undue pressure on the monitoring officer to comply with his demands, therefore the Councillor had sought to improperly influence the monitoring officer in this matter. The case tribunal also found that the Councillor had sought to inflict a disadvantage on the Council officer for no rational reason.
- 3.8 In all of the above circumstances the Councillor was acting in his official capacity and these incidents were part of a pattern of inappropriate behaviour in the case tribunal’s opinion. On two other occasions the Councillor threatened to write to other Council employees about the officer’s competence. Therefore the case tribunal also found that the Councillor had brought his office and authority into disrepute.
- 3.9 The Councillor was subsequently disqualified from being or becoming a Councillor for three months.
- 3.10 The case tribunal decided that a sanction of three month’s disqualification was appropriate for the following reasons:
- Although the Councillor had apologised, these did not seem sincere and he had still failed to accept responsibility for his actions;
 - He had deliberately sought to misuse his position in order to disadvantage some other person, and had repeatedly breached the Code (both of which indicate

disqualification is appropriate according to the guidance issued by the President of the Adjudication Panel); and

- That the Councillor had been under personal pressure at the time of the incidents in that he was going through a divorce.

- 3.11 This case was reported on the Standards Board website, and Sir Anthony Holland the Chair of the Standards Board for England stated that “While Members are entitled to question and challenge officers about their work, it is important that Councillors set a tone of mutual respect, trust and professionalism, as representatives of their communities and their authority. By failing to treat others with respect, Councillors undermine confidence in their office and the Council as a whole.”
- 3.12 **In Leeds, Members and officers are instructed to treat each other with respect through the Protocol on Member Officer Relations. Members are also provided with guidance as to how to address any issues with an officer’s performance, namely by raising those concerns with their manager and not through personal attacks on the officer.**

Appeals against local standards committee decisions

Bassetlaw District Council

- 3.13 A Councillor appealed the local standards committee decision that he had breached the Code of Conduct due to a dispute over the facts of the case. Because of this, the appeals panel conducted a full re hearing of the case.
- 3.14 It was alleged that at a meeting of Bassetlaw District Council’s Planning Committee, a Councillor made a number of accusations regarding the Council’s Building Control Manager’s conduct in relation to a planning application being considered by the Committee. It was alleged that by his actions the Councillor failed to comply with the Code of Conduct in that he failed to treat the officer with respect and brought his office and the authority into disrepute.
- 3.15 The evidence presented to the appeals tribunal was conflicting on many points. However the appeals tribunal decided to accept the evidence of those witnesses which supported the fact that the Councillor had spoken in an inappropriate and personal manner about the way that the application had been handled and the officer’s participation in it. In particular the appeals tribunal concluded that the Councillor had used the words ‘plagiarism’, ‘dishonest’ and ‘connivance’ in his speech about the planning application. Therefore the appeals tribunal found that the Councillor had breached the Code as alleged.
- 3.16 The appeals tribunal concluded that the Councillor had no understanding that there was a line over which he should not go when making robust comments about reports and challenging the basis on which recommendations had been made in a public meeting. In the appeals tribunal’s view, implying that a department or an officer was acting dishonestly or unprofessionally would bring the reputation of the council into question.

- 3.17 Due to the lack of an apology, and even recognition by the Councillor that an apology to the officer concerned was required, the appeals tribunal upheld the decision and sanction of the standards committee.
- 3.18 **In Leeds, Members are provided with training on the Code of Conduct during the induction period. They are also instructed on how to deal with concerns regarding an officer's performance by the Protocol on Member Officer Relations, as detailed in paragraph 3.12. Any similar behaviour by Leeds City Councillors towards officers would be referred to the Standards Board for England.**

Hinckley & Bosworth Borough Council

- 3.19 The Councillor appealed against the standards committee's finding that he had breached the Code of Conduct by continually engaging in rumours and attacks on the Parish Council Clerk of Groby Parish Council. It was alleged that the Councillor's behaviour was bullying and constituted victimisation of the clerk and that he sought to undermine her position and role, with particular reference to email correspondence.
- 3.20 The standards committee found that the Councillor had breached both the Borough Council's and the Parish Council's Code of Conduct on two counts. These were that a Member must treat others with respect, and must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 3.21 The Councillor also appealed against the sanction applied by the standards committee. That sanction was to censure the Councillor in relation to the two breaches of the Borough Council's Code of Conduct and to suspend the Councillor from Groby Parish Council for two months for the two breaches of the Parish Council's Code of Conduct.
- 3.22 The appeals tribunal considered the facts of the case and made the following findings. The Councillor sent two emails to the clerk, both of which contained phrases which the appeals tribunal found were capable of causing offence to the recipient. The appeals tribunal also found that the Councillor had informed the clerk that he would be making a complaint against her regarding an allegation of political misconduct which he subsequently lodged.
- 3.23 However, the appeals tribunal did not agree with the standards committee's conclusions that the Councillor had breached both the Borough Council and the Parish Council's Code of Conduct. In order to breach those paragraphs of the Borough's Code the Councillor had to be acting in his capacity as a Borough Councillor. In all the circumstances outlined above the Councillor was acting in his capacity as a Parish Councillor, therefore he had only breached the Parish Council's Code.
- 3.24 Further to this, although the emails written by the Councillor did fail to treat the clerk with respect, the behaviour was not so serious as to bring the Councillor's office or

authority into disrepute. Therefore the appeals tribunal did not uphold the sanction applied by the standards committee and instead reduced this to a censure.

3.25 **In Leeds, the Standards Committee are kept up to date with Adjudication Panel cases in order to develop best practice knowledge and their understanding of how to apply the Code of Conduct.**

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.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Complaints referred to the Standards Board for England in the period 1st October 2006 – 31st March 2007

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report advises the Committee on the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, under the Member's Code of Conduct.
2. There have been two complaints regarding Parish Councillors, and two involving Leeds City Councillors. One of these was referred for further investigation by the Standards Board for England and in the other case no further action was taken. The investigation is ongoing and so no details of the complaint have been included in this report.
3. Monitoring the number and type of allegations made to the Standards Board for England supports the Council's governance arrangements by informing future training provision and guidance for Councillors. It also assists the Standards Committee in preparing for the local filtering arrangements which come into force in April 2008 by allowing the Committee to estimate the number and types of complaints it may be expected to deal with.
4. Members of the Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 This report advises the Committee on the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, under the Member's Code of Conduct. It also details the outcome of those complaints, in the period 1st October 2006 to 31st March 2007.

2.0 Background Information

- 2.1 At its meeting on 27th April 2004, the Standards Committee asked for such information to be provided to Members every six months.
- 2.2 As in previous reports, this report also contains information from throughout the year and a comparison with the national statistics using information from the Standards Board for England.

3.0 Main Issues

Parish and Town Councillors

- 3.1 Leeds City Council has received notification of two complaints referred to the Standards Board for England regarding Parish or Town Councillors within the Leeds Metropolitan District for this period.

3.1.1 Complaint 1

It was alleged that two Parish Councillors (who were also Leeds City Councillors) had used Leeds City Council resources for political purposes by sending a letter on Council letter headed paper to the complainant's neighbours.

The letter addressed issues of anti-social behaviour in the playground in the area. In the letter one of the Councillors stated that she could be contacted via the Council's address or her political party website.

The Standards Board decided **not to refer this complaint for further investigation**. They considered that in writing the letter the Councillors were carrying out the business of the authority to which they had been elected, and therefore there was no failure to comply with the Code of Conduct.

3.1.2 Complaint 2

It was alleged that three Parish Councillors had treated a member of the public unfairly when considering his planning application.

The complainant reported to the Standards Board that there had been an ongoing dispute with the Parish Council regarding the management of the local allotments. The complainant was refused permission to erect a five foot by six foot shed on his allotment despite a shed of the same size on another allotment.

The complainant alleged that the Parish Councillors had misinterpreted or ignored planning law by stating that they will not consider any planning applications for greenhouses or sheds on the allotments for four years, and that this equated to unfair treatment of the allotment users. It was alleged that all three Councillors had voted to reject the complainant's application and had sanctioned the decision not to consider any planning applications for greenhouses or sheds on the allotments for four years.

The Standards Board decided **not to refer this complaint for further investigation** as there was no potential breach of the Code of Conduct. The Standards Board has no jurisdiction over decisions of Committees or Councils, or the accuracy and quality of any decisions taken by Members.

Leeds City Councillors

3.2 Leeds City Council has received notification of two complaints referred to the Standards Board for England against Leeds City Councillors for this period.

3.2.1 Complaint 1

It was alleged that a Councillor had provided wrong information to a member of the public and had poorly advised the complainant in relation to a planning matter. The complainant also found the Councillor's manner to be offensive and abusive.

The complaint concerns a planning application which was submitted to build 12 flats. The complainant contacted the Councillor to ask her advice as to whether there was anything the complainant could do to ensure that houses were built instead of flats. It was alleged that the Councillor advised the complainant that the decision had already been taken to build the flats, and recommended that the complainant use her three minutes speaking time at the plans panel meeting to instead raise objections such as parking and bin storage. It was also alleged that the Councillor told the complainant that she would raise an objection to the application at the meeting and would pre-arrange questions with the complainant and her partner.

However, at the plans panel meeting the Councillor did not raise any objections to the planning matter and did not ask any questions as arranged. After the meeting the complainant sent an email to all the members of the panel outlining her concerns about the planning application process and attended the Councillor's ward surgery. It was alleged that the Councillor made the following comments to the complainant at the ward surgery: "you are your own worst enemy, you have shot yourself in the foot, there is nothing I can do for you...you are wasting my time, I have nothing else to say to you". The complainant found the Councillor's manner abusive and offensive.

The Standards Board decided **not to refer this complaint for further investigation**. Members are not obliged to agree with their constituents and should instead keep an open mind about such matters. The Standards Board does not regulate the quality or accuracy of Councillors' work. Although the comments allegedly made by the Councillor at the ward surgery could be regarded as a potential failure to treat others with respect,

it was not considered serious enough to justify further investigation. The Standards Board reached no judgement regarding the facts of the matter.

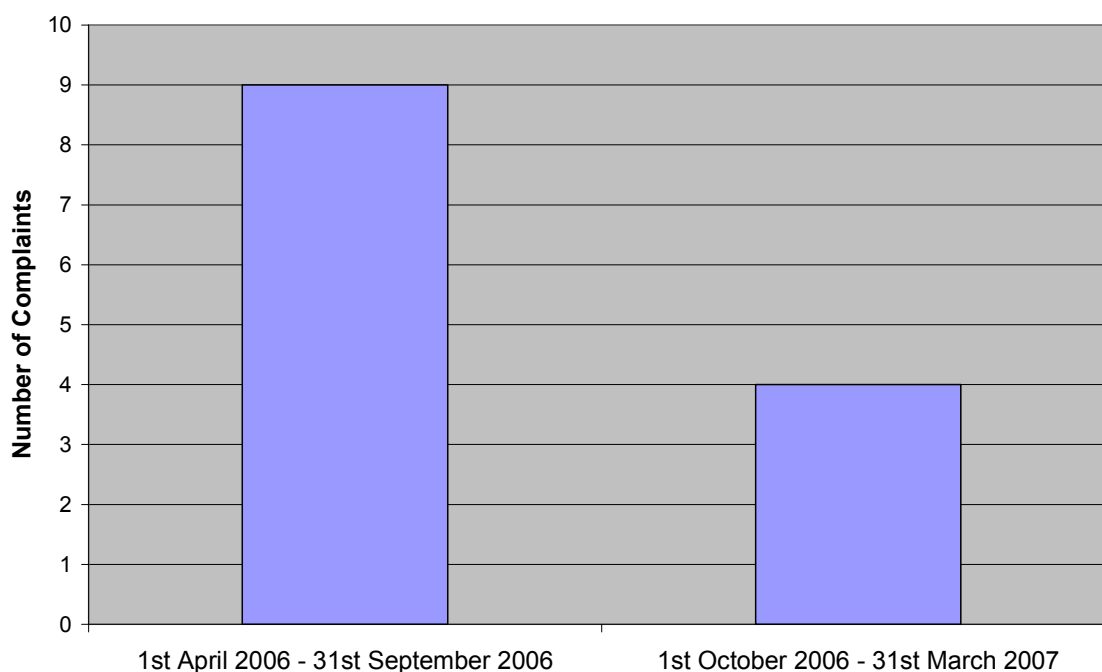
3.2.2 Complaint 2

This complaint has been referred by the Ethical Standards Officer to the Council's Monitoring Officer for further investigation. As it is an ongoing matter, no detailed information relating to the complaint will be included in this report.

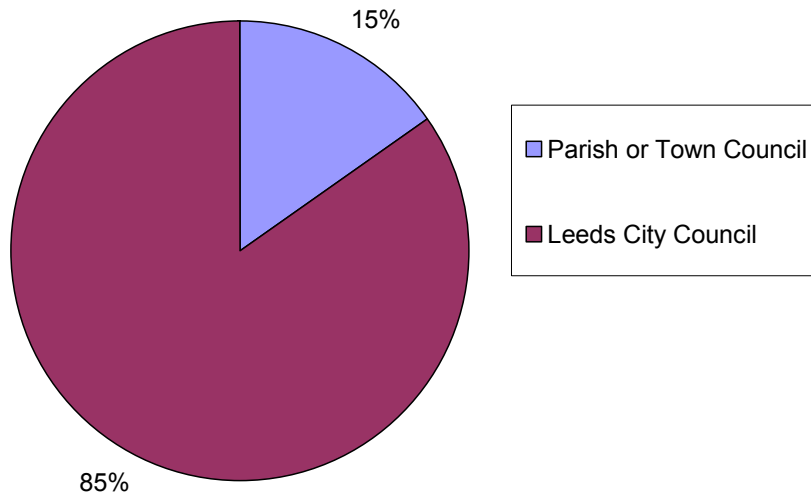
Statistics for the period 1st April 2006 - 31st March 2007

The complaints referred to the Standards Board for England in the last twelve months are reflected in the statistics below.

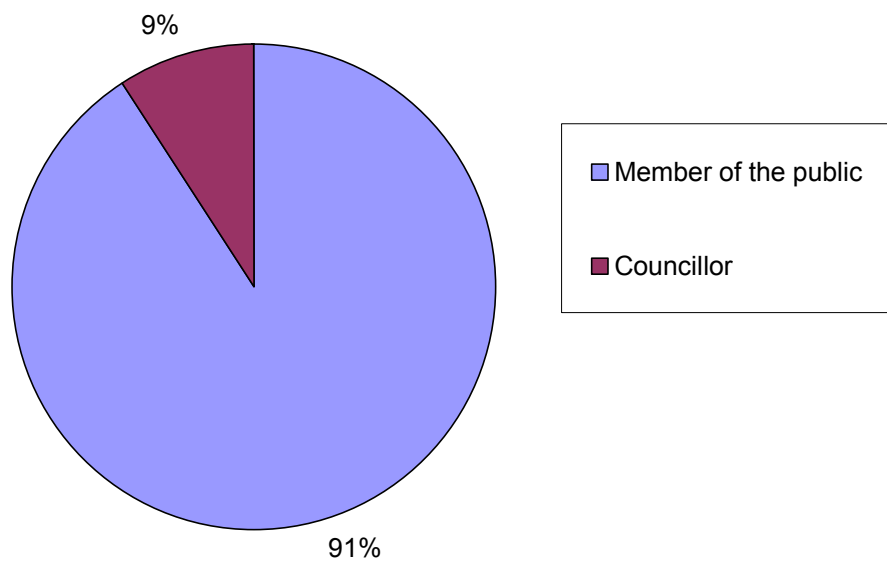
3.3 Number of complaints received:



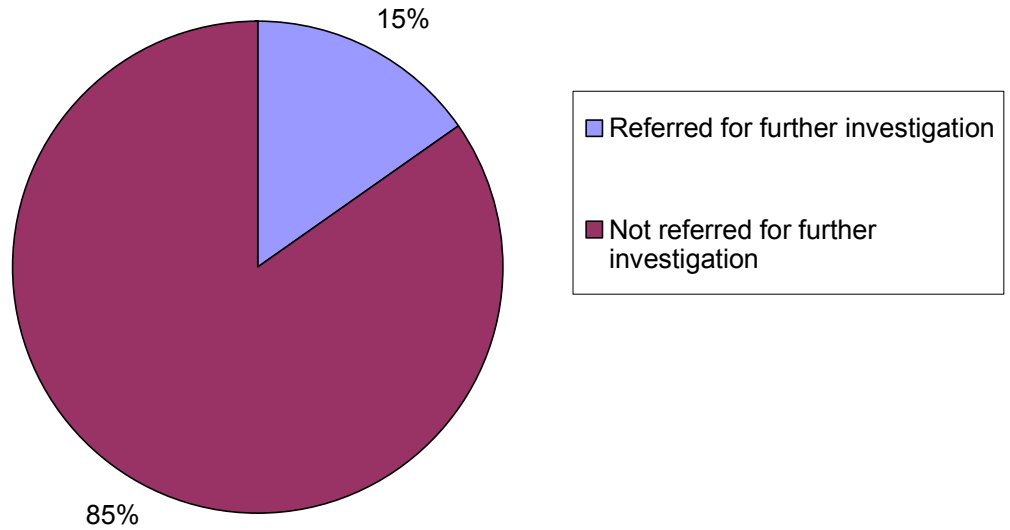
3.4 Authority of Member complained about:



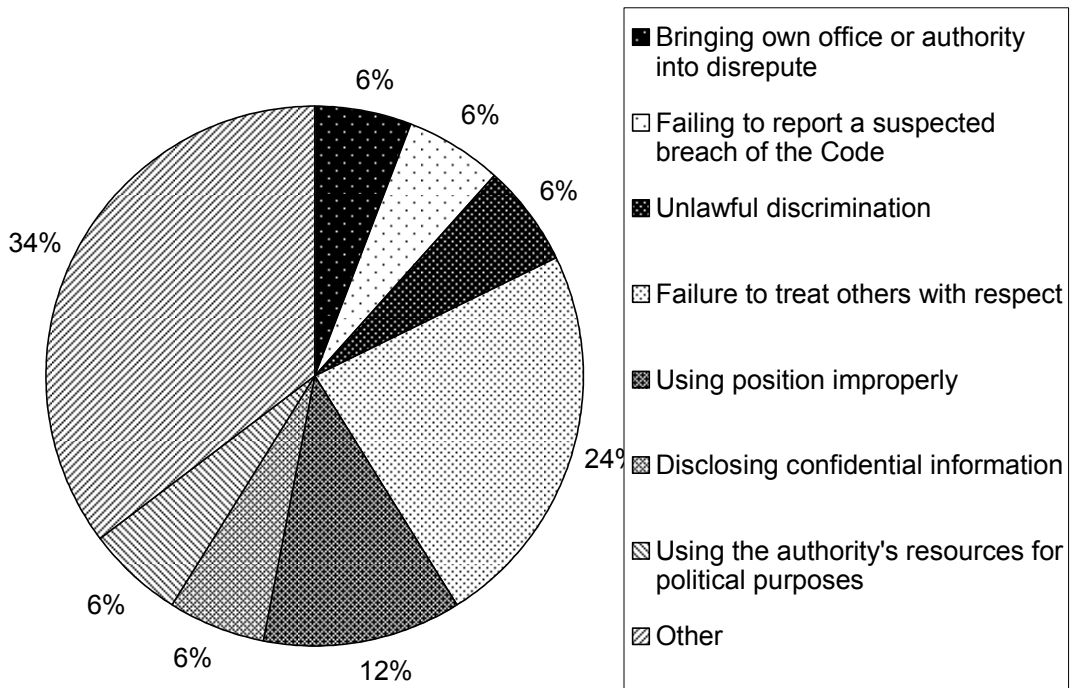
3.5 Source of complaints:



3.6 Complaints referred by the Standards Board for further investigation:

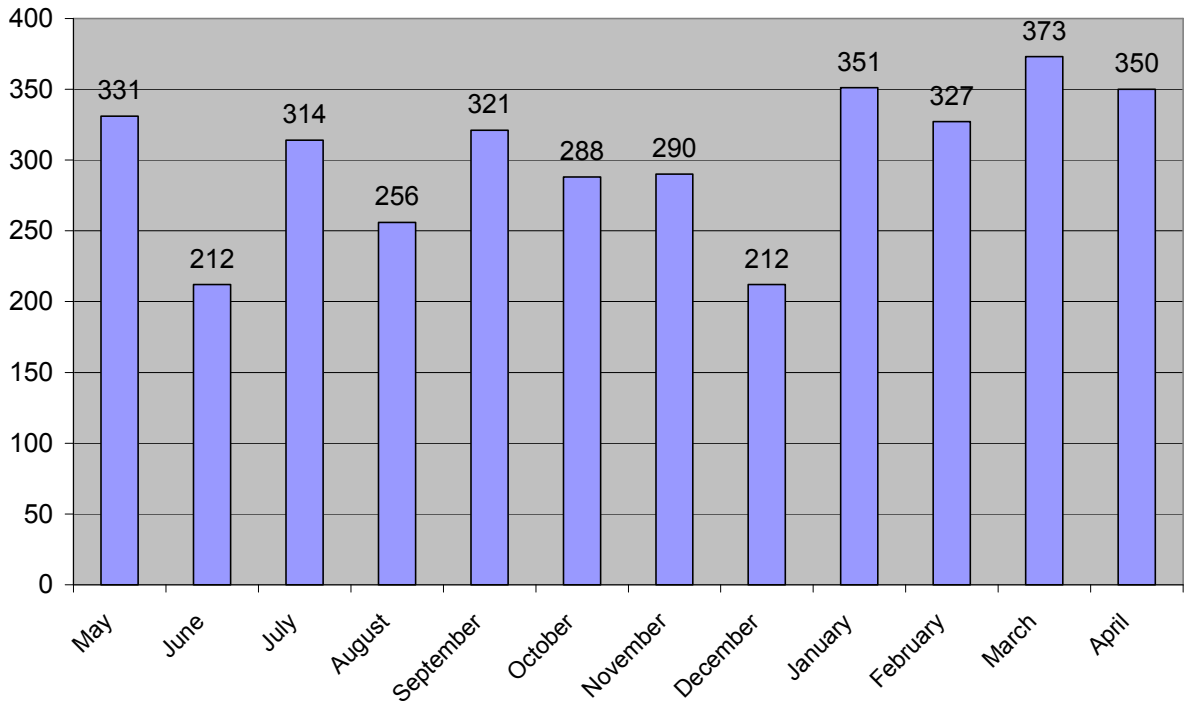


3.7 Nature of allegations made:

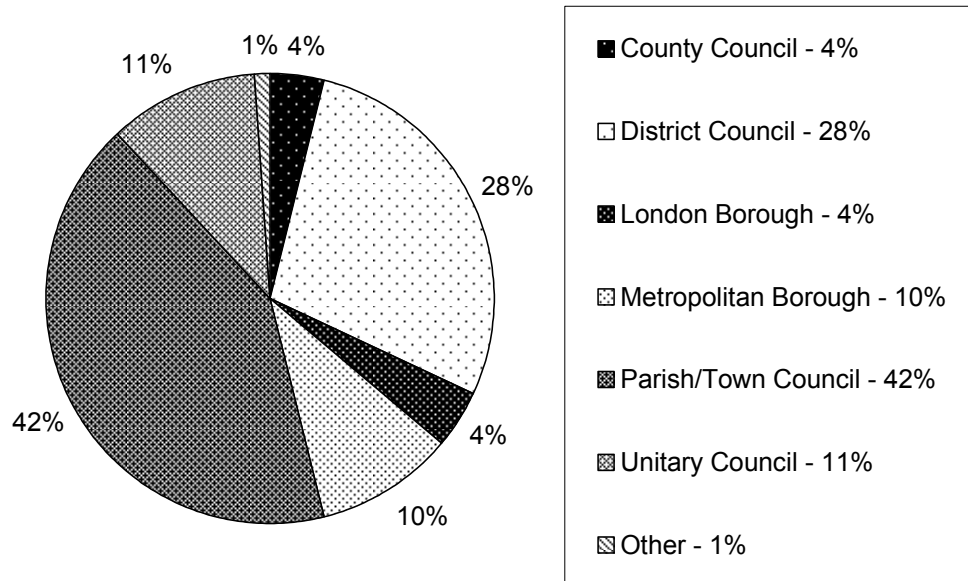


National statistics from the Standards Board for England for the last 12 months

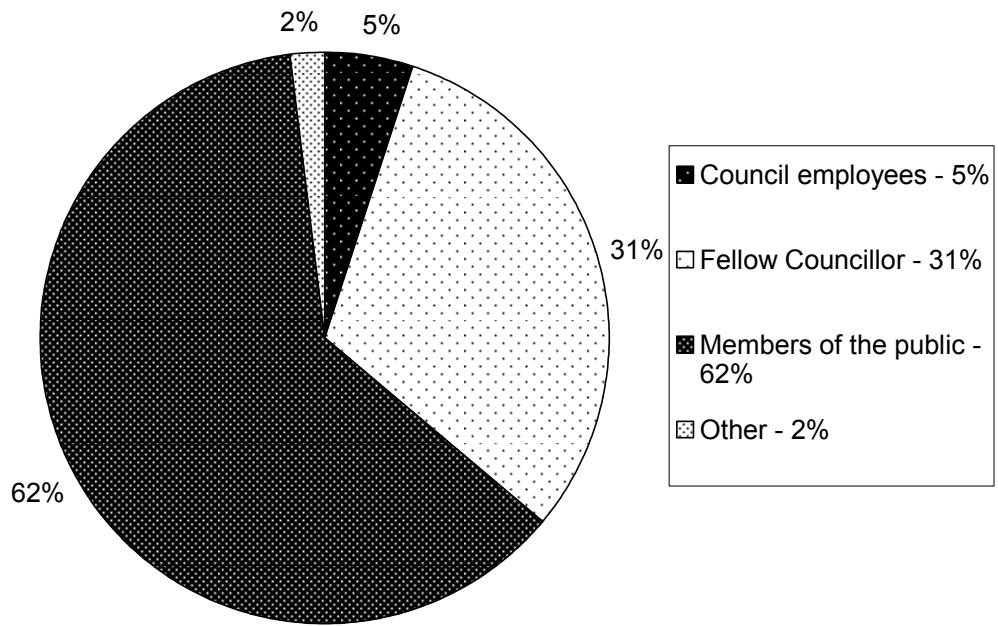
3.8 Number of allegations received:



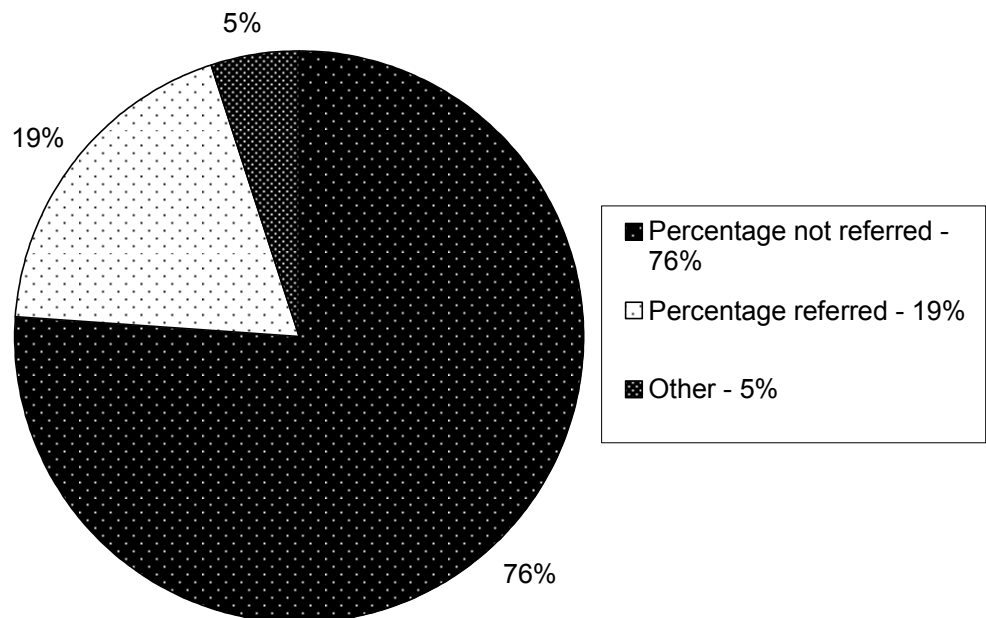
3.9 Type of authority complained about:



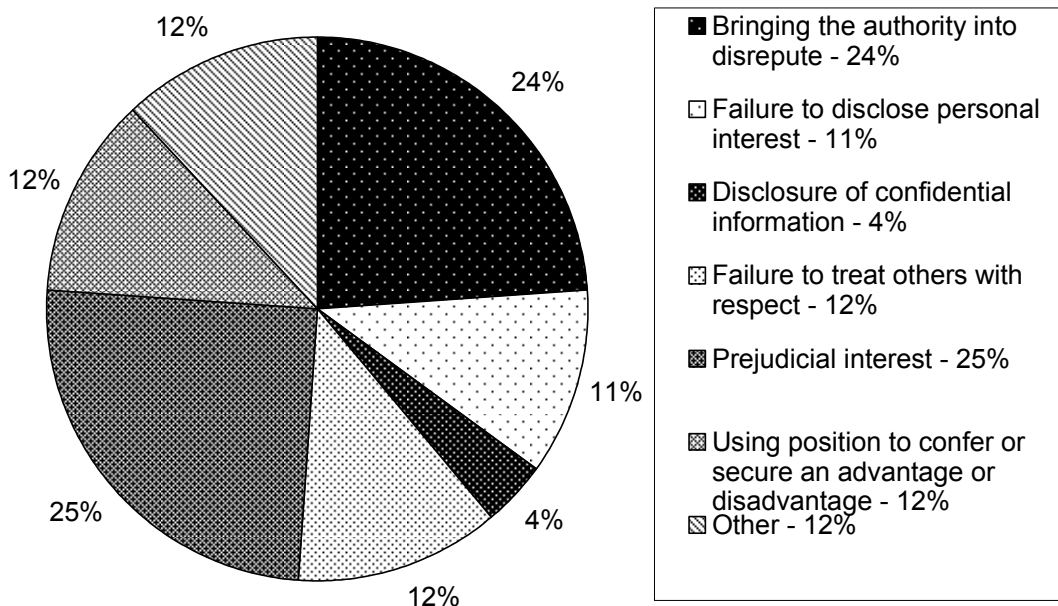
3.10 Source of allegations:



3.11 Percentage referred for further investigation:



3.12 Nature of allegations:



- 3.13 Members may wish to note that the statistics for Leeds City Council vary from the national statistics. For instance, whilst there has been an increase in complaints referred to the Standards Board over the last six months at a national level, Leeds City Council has shown a clear decrease.
- 3.14 Regarding the type of authority involved, Parish Councils only account for 15% of the complaints at a local level, compared to 42% of the complaints made at a national level.
- 3.15 The statistics reveal that Councillors are responsible for making a higher proportion of complaints referred to the Standards Board nationally (31%) in comparison to the proportion of complaints made by Councillors in Leeds (9%).
- 3.16 The statistics also show that a higher proportion of the complaints made about Leeds Members (85%) were not referred for further investigation by the Standards Board, than at a national level (76%). This may be because many of the complaints regarding Leeds Members concerned matters outside of the Standards Board's jurisdiction.
- 3.17 The highest proportion of complaints regarding Leeds Members concerned suspected breaches outside of the jurisdiction of the Code of Conduct and the Standards Board. These accounted for 34% of all complaints at a local level. This may reveal a lack of understanding within Leeds of the exact provisions of the Code of Conduct and what constitutes a breach. However it can be supposed that the training programme on the new Code of Conduct will address this issue.

- 3.18 The largest proportion of complaints at a national level involved failure to disclose a prejudicial interest (25%), followed by Members bringing their office or authority into disrepute (24%). Failure to treat others with respect was the second largest cause for complaint in Leeds, accounting for 24% of complaints. This corresponds with last year's statistics when failure to treat others with respect accounted for 23% of complaints. However Members may wish to note that there has been a sharp decrease in the number of complaints regarding Members bringing their office or authority into disrepute since last year (24% to 6%).

4.0 Implications For Council Policy And Governance

- 4.1 Monitoring the number and type of allegations made to the Standards Board for England support the Council's governance arrangements by informing future training provision and guidance for Councillors.
- 4.2 This report also assists the Standards Committee in preparing for the local filtering arrangements which come into force in April 2008, by allowing the Committee to estimate the number and types of complaints it may be expected to deal with.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 There do not appear to be any trends within the statistics which identify problem areas for improvement and further training. The types of complaints made seem to broadly correspond with the national statistics.
- 6.2 Compared to the national statistics, very few complaints regarding Leeds Members are referred by the Standards Board for further investigation. In this period, the majority of complaints were rejected by the Standards Board as not being serious enough to warrant further investigation or not being connected with the Code of Conduct.
- 6.3 In Leeds, a higher proportion of the public are responsible for complaints compared to national statistics. This shows that the public are using the processes in place and is evidence of good awareness of the ethical framework at the Council.

7.0 Recommendations

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



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Members' Induction Period 2007

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. It is part of the Standards Committee's responsibilities to make arrangements for training in matters relating to the Code of Conduct and local codes and protocols. This report makes Members of the Committee aware of the following issues relating to the Members' induction period:
 - New Members' declaration of acceptance of office and undertaking to comply with the Code of Conduct;
 - Information on the Members' register of interests;
 - Training of Members; and
 - Parish and Town Councils.

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

1.0 Purpose Of This Report

1.1 The purpose of this report is to inform Members of the Committee of the following issues:

- New Members' declaration of acceptance of office and undertaking to comply with the Code of Conduct;
- Information on the Members' register of interests;
- Training of Members; and
- Parish and Town Councils.

2.0 Background Information

2.1 It is part of the Standards Committee's responsibilities to review and make arrangements for training in matters relating to the Code of Conduct and local codes and protocols. This report therefore provides information about the Members' induction period for 2007.

2.2 On 4th May 2007, twenty eight Councillors were re-elected and five new Councillors were elected. All thirty three Members were required to complete two pieces of paperwork within 28 days. These were:

- Their declaration of acceptance of office and undertaking to comply with the Code of Conduct; and
- Their register of interests entry.

2.3 On 24th May 2007, the Council met for their annual meeting. The Standards Committee had previously met on 1st May 2007 in order to recommend to Council that they adopt the new Code of Conduct at the annual meeting. The Council agreed to adopt the new Code with immediate effect. Therefore all ninety nine Councillors and the ten voting co-opted members were required to re submit their register of interests entry within 28 days of the annual meeting.

2.4 Members were also invited to attend a series of training sessions on a variety of issues. A copy of the induction leaflet detailing the courses available is attached at Appendix 1 to this report.

2.5 In addition to the regular training offered in the induction period, a programme of training on the new Code of Conduct has also been devised and implemented for all Councillors, co-opted members, Parish and Town Clerks and Parish and Town Councillors. The schedule of training is attached as Appendix 2 to this report.

3.0 Main Issues

Declaration of acceptance of office

3.1 In Leeds, all thirty three Members were required to complete the following pieces of paperwork within 28 days of their election or re-election:

- their declaration of acceptance of office and undertaking to comply with the Code of Conduct; and
- their register of interests entry.

- 3.2 Members were provided with all forms within their induction pack, which included instructions as to where documents should be handed in and the relevant deadlines for completion.
- 3.3 The completed declarations of acceptance of office and compliance with the Code of Conduct are retained by Democratic Services and stored in a book. Members were required to return their form or sign the book itself by 31st May 2007. All Members complied with this deadline.
- 3.4 In accordance with the report presented to the Standards Committee on 26th July 2006, a new system was implemented this year to control and monitor the completion of the declarations of acceptance of office in order to comply with the Code of Conduct.
- 3.5 Although completion of the form is required prior to attendance at the annual meeting, an initial risk assessment highlighted a number of other meetings, prior to the annual meeting, that returning Members would be attending for which they would also need to have completed the declaration of acceptance. A prioritised schedule was produced highlighting key dates and Councillor attendance. The Democratic Services Officer coordinated the return of completed forms and was responsible for keeping all key stakeholders fully informed with an updated position statement.
- 3.6 Following the adoption of the new Code of Conduct at the Annual Meeting on 24th May, existing Members did not need to re sign their undertaking to comply with the Code of Conduct as this is worded as follows:

“I undertake to observe the code as to the conduct which is expected of members and co-opted members of Leeds City Council”

therefore allowing the Council to amend the Code without requiring Members to re sign.

Register of Interests

- 3.7 The completed register of interests forms are retained by Governance Services. Members were required to complete and return this form within 28 days of their election or re-election. All completed register of interests forms were received by the deadline.
- 3.8 As reported to the Committee on 26th July 2006, a new system was implemented this year to ensure that Members complied with the deadline. The Group Support Managers and Group Whips were involved in the process of issuing reminders to Members, reminders were issued every week during the 28 days, and in the final week reminders were issued every day to those Members who still had not returned their completed forms. This system was successful in ensuring Members did not breach the Code of Conduct.
- 3.9 Following the adoption of the new Code of Conduct at the Annual Meeting on 24th May, all Members and Co-opted Members of the Council were required to resubmit their register of interests. In order to assist Members with this task, the registers were amended in order to comply with the new Code before they were sent to Members for checking. Members were then simply asked to sign a form to state that they had checked their register entry and that it was correct.

- 3.10 Members were further assisted in this by the training sessions on the new Code of Conduct. Those Members who attended a training session prior to the deadline for returning the register (21st June), were provided with a copy of their register and given help and guidance from officers during the training to amend their form. The Group Support Managers were also involved in the process of completing the forms and Members were supplied with copies to complete during their group meetings.
- 3.11 107 out of 109 Members and Co-opted Members submitted their register entries within the deadline for the new Code of Conduct. One Member posted his form prior to going on holiday, but unfortunately the letter was never received, and the other Member (who was first elected in May 2007) was having problems with his email system and was confused about the need to re complete his entry within such a short timescale.
- 3.12 Members of the Committee may wish to note that as the category of gifts and hospitality received is now part of register of interests, the separate register of gifts and hospitality will no longer be maintained.

Training for Members

- 3.13 All newly elected and existing Members were invited to take part in a series of training courses during the induction period. This programme was heavily advertised both prior to the election as well as by individual invite to the new Members, once they were known. The programme also appears on the Member Development intranet site and all existing Members were sent the induction programme leaflet as part of one of their usual weekend packages of papers.
- 3.14 All newly elected Members took part in the induction programme to varying degrees and a few existing Members attended some courses such as 'Planning for Members' and 'Gambling Act'. Initial feedback suggests that some new Members were not certain that they would be elected and, therefore, had not booked time off work to enable them to attend induction events, or had other commitments. In these cases, a number of one to one sessions were arranged to cover the key aspects of induction (finding your feet, scrutiny, code of conduct).
- 3.15 As in previous years, a questionnaire will be sent out to Members who participated in the induction period to seek their views on how the events could be improved for the next programme.

Training on the new Code of Conduct

- 3.16 The Code of Conduct training provided during the induction period to newly elected Members was provided on the provisions of the new Code in anticipation of the Code being adopted by the Council at the Annual Meeting. However all other Members and Co-opted Members still required training.
- 3.17 A series of six training sessions on the new Code of Conduct took place during June 2007. All Members and Co-opted Members of the Council were encouraged to attend one of these events. The total of Members who attended these training sessions will be reported at the Committee meeting.
- 3.18 Some of those Members who are members of regulatory committees or panels have also received training on the new Code through the compulsory 'Governance and

Conduct' training. Seven of these Members have attended a session which contains information about the new Code of Conduct.

- 3.19 All Members have also been offered the guidance booklet and pocket guide from the Standards Board on the new Code of Conduct, and a new e-learning module on the provisions of the new Code is currently being drafted.

Parish and Town Councils

- 3.20 As Members will be aware, all Parish and Town Councils held elections this year. In order to assist Parish and Town Council clerks with the induction process, an induction pack was created for Parish and Town Councils at the request of the Parish and Town Council Liaison Forum. This included:

- Checklist of forms to return
- Declaration of acceptance of office form
- Copy of model Members' Code of Conduct for Parish and Town Councils
- Register of Interests form
- Register of Interests guidance
- Briefing note on gifts and hospitality
- Leeds City Council Standards Committee Annual Report 2006/2007
- Standards Board for England Guidance -
 - The Code to protect you
 - How do I register and declare interests, and register gifts and hospitality?
 - Lobby groups, dual-hatted Members and the Code of Conduct
- Copy of "The Good Councillor's Guide" by the National Association of Local Councils
- Copy of "Parish Council Toolkit" by the Association of Council Secretaries and Solicitors

- 3.21 All Parish and Town Councillors were also given the opportunity to attend relevant induction sessions being held by Leeds City Council, although none attended.

- 3.22 Parish and Town Council Clerks were asked to confirm that all their Members had completed their declaration of acceptance of office and their register of interests form within the relevant timescales. Twelve out of thirty Parish and Town Councils have responded to the question, but were not always able to confirm that the declaration of acceptance of office and the register of interests had been completed within the relevant timescales.

- 3.23 The rules surrounding declaration of acceptance of office state that Members must complete their form in front of the proper officer of the Council (the Clerk in the case of Parish or Town Councils) prior to taking part in any meeting of the authority or within two months of the election¹. Ten Parishes were able to state that the forms were completed at or before the first meeting. The other two Parishes had forms outstanding due to Councillors having been away, but one was able to confirm that they would be completed prior to the deadline of 4th July 2007.

- 3.24 Five Parishes stated that they had completed the register within 28 days of the election. Five Parishes anticipated that the registers would be completed within 28 days of their Council adopting the new Code of Conduct. One Parish Council could not confirm that the registers had been completed within 28 days of the election,

¹ Section 83 Local Government Act 1972.

and was unconcerned about the resulting breach of the Code of Conduct. Of most concern was the discovery that one Parish Council has never had a register of interests. This has hopefully now been addressed, but an audit of Parish and Town Councils will be carried out following their adoption of the new Code.

- 3.25 Further letters have been sent to those Councils who have so far failed to respond, to reiterate the consequences of failing to complete either the declaration of acceptance of office (resulting in the Member no longer being a Councillor and a casual vacancy arising), or the register of interests (a breach of the Code of Conduct). In order to prevent this situation arising next year, Clerks will be provided with blank hard copies of the forms several weeks prior to the election, as well as a briefing note explaining how they should be completed. Clerks will also be provided with a check list which will need to be completed and returned to Democratic Services to show that the relevant deadlines have been complied with.
- 3.26 In order to assist Parish and Town Councils with preparing for the new Code of Conduct two training sessions for Clerks only were provided on 15th and 23rd May. A total of 12 Clerks attended these sessions which provided practical advice on how to implement the new Code as well as guidance on its provisions. Members may wish to note that there does not appear to be a correlation between those Clerks who did not attend this training, and those Clerks who either failed to respond to the letter or whose Members failed to comply with the deadlines.
- 3.27 In order to train Parish and Town Councillors a series of localised sessions took place in June. These were held in Pool-in-Wharfedale, Morley, Wetherby, Shadwell and Kippax. The total number of Parish and Town Councillors who attended these sessions, and the number of Parish and Town Councils represented at the sessions will be reported to the Committee at the meeting. Those Members who were unable to attend these sessions for whatever reason have been invited to attend a mop-up session to take place in Civic Hall in late July.
- 3.28 Parish and Town Council Clerks have also been asked to notify Leeds City Council once the new Code of Conduct has been adopted, and confirm that the register of interests has been re submitted by each Member. Seven Councils have confirmed that they have adopted the new Code of Conduct and all have completed the relevant paperwork.

4.0 Implications For Council Policy And Governance

- 4.1 Ensuring that all Members are aware of their responsibilities as Councillors, such as complying with the Code of Conduct, is essential for good governance.
- 4.2 The exercise of asking Clerks to confirm that Members have completed their forms has revealed some issues and inconsistencies in the way that Clerks approach the issue of the Code. Despite regular reminders, case examples and training some Councillors have not registered their interests and in some cases have never been asked to. Also many Clerks do not consider the 28 day deadline to be particularly important. In order to ensure good governance and compliance with the Code in future, an audit of Parish and Town Councils will be carried out following the 1st October 2007.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 It is part of the Standards Committee's responsibilities to make arrangements for training in matters relating to codes of conduct and protocols. This report makes Members of the Committee aware of the following issues relating to the Members' induction period:

- new Members' declaration of acceptance of office and undertaking to comply with the Code of Conduct;
- training of all Members;
- information on the Members' register of interests; and
- information on the Members' register of gifts and hospitality.

7.0 Recommendations

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

This page is intentionally left blank



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Study into the operation and role of standards committees within Local Authorities: Results

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report provides a brief summary of the main conclusions of the study into the operation and role of standards committees carried out by BMG Research and the Standards Board for England (Appendix 1).
2. Several Members of the Standards Committee and the Monitoring Officer were approached to take part in this survey, which incorporated several research themes including:
 - Training delivered and future training demand;
 - Role of monitoring officers and members of standards committees, and how these are perceived by other people within their authorities;
 - Local investigations and hearings, and the level of confidence that authorities approach these with.
3. Members of the Committee are asked to note the contents of this report and Appendix 1.

1.0 Purpose Of This Report

1.1 This report provides a brief summary of the main conclusions of the study into the operation and role of standards committees carried out by BMG and the Standards Board for England (Appendix 1).

2.0 Background Information

2.1 Six Members of the Standards Committee along with the Monitoring Officer were approached to complete the research questionnaire. The six questionnaires were sent to elected and independent members of the Committee, according to certain criteria.

2.2 The response rate was 68% amongst monitoring officers and 46% amongst members of the standards committees, with 76% of all authorities represented in the results.

2.3 The research incorporated several research themes including:

- Training delivered and future training demand;
- Role of monitoring officers and members of standards committees, and how these are perceived by other people within their authorities;
- Local investigations and hearings, and the level of confidence that authorities approach these with.

2.4 Members of the Committee may wish to note that there are some parallels between the types of questions asked by the research paper and those posed in the ethical audit. In particular the questions regarding the profile and effectiveness of the Standards Committee and the Monitoring Officer.

2.5 The final report (Appendix 1) was published on the Standards Board for England earlier this year.

3.0 Main Issues

Monitoring Officers: results

3.1 Monitoring Officers were asked about various aspects of their role including their working relationships, the resources available to them to undertake their duties, and sufficiency of training they have received. Monitoring Officers were generally positive in their responses. In particular they generally felt that they were supported by people in the authority at a senior level, for example, the Standards Committee, the Chief Executive, the Chief Finance Officer and other Members. However only 57% agreed that they had sufficient support staff and 26% disagreed.

3.2 Further to this, 90% of Monitoring Officers felt that their workload would increase as a result of the changes outlined in the Government's White Paper Strong and Prosperous Communities, yet only 45% agreed that they were fully prepared for these changes.

3.3 When asked about local investigations, 69% of Monitoring officers were able to highlight positive impacts arising from the investigation. These positive impacts were:

- raised awareness of the standards committee (57%);

- reinforcement of the Code of Conduct (52%);
- raised awareness of the Code of Conduct (51%);
- raised awareness of the monitoring officer (42%);
- raised public awareness of the Code of Conduct (28%);
- improvements in ethical behaviour (17%); and
- making the authority more transparent and open (12%).

3.4 However, 30% of monitoring officers also highlighted negative impacts of local investigations. Namely, the impact on the relationship between the Monitoring Officer and Members (18%), and the impact on the public image of the authority (10%).

Members of standards committees: results

- 3.5 Members of standards committees were also asked about various aspects of their role including their working relationships, the resources available to them to undertake their duties, and sufficiency of training they have received. Members of standards committees were also generally positive about these aspects, 91% agreeing that they had a good working relationship with the monitoring officer, 89% agreeing that they received sufficient support from the monitoring officer, and 89% agreeing that their main function is to promote ethical behaviour within the authority.
- 3.6 As a result of the publication of the White Paper Strong and Prosperous Communities, 75% of standards committee members expect their workload to increase, and 68% feel that they will be able to cope with the changes.
- 3.7 When asked about training provision, 79% of standards committee members indicated that they had received training on how to conduct a local hearing. A similar amount had received training on other aspects of their role including holding and chairing meetings (26%), their role within standards committees (8%), the Code of Conduct (7%), and role play and case studies (7%). Overall 75% of members feel well prepared for a local hearing, whilst 86% feel well prepared for other aspects of their role.
- 3.8 Almost three in five members indicated that they would like to receive training or additional training in future. The key training themes identified were:
- Holding and chairing meetings (12%);
 - The role of members on standards committees (12%);
 - Refresher courses on standards issues (12%); and
 - Role plays and case studies (11%).
- 3.9 When asked about local hearings, 89% of standards committee members were able to highlight positive impacts arising from the hearing. These positive impacts were:
- Raised awareness of the standards committee (78%);
 - Raised awareness of the Code of Conduct (77%);
 - Reinforcement of the importance of the Code of Conduct (72%); and
 - Improved ethical behaviour across the authority (16%).
- 3.10 Standards committee members also noted negative impacts resulting from local hearings, including the relationship between the standards committee and members (14%) and the impact on the image of the authority to the public (11%).

Comparison and conclusions

- 3.11 The results show that members of standards committees have a less positive perception than monitoring officers about how they are viewed within their authority, and the overall levels of influence that they have. Their interaction with officers (particularly in terms of the provision of ethical advice) is very limited, and they are less likely to feel valued than monitoring officers by higher ranks of the authority, particularly the Chief Executive.
- 3.12 Standards committee members are more likely to perceive positive impacts from any local hearings they have conducted, when compared to monitoring officers' perceptions of the impacts of their local investigations. In particular it seems that the hearings, as oppose to investigations, are more successful in raising the profile of the standards committee and the Code of Conduct.
- 3.13 An area of concern identified in the research was the move to more local hearings and determinations. Many monitoring officers are unclear what impact these changes will have at a day-to-day level to their workload and resources.
- 3.14 These changes will also place greater emphasis on the role of independent members, in that independent members will have to chair standards committees and committees should contain independent members with a balance of experience. However given that some monitoring officers reported that the recruitment of independent members was difficult this move could be problematic. The possible increase in the number of local investigations may also have a negative impact on the relationships between monitoring officers, standards committees and the wider elected member base.

4.0 Implications For Council Policy And Governance

- 4.1 Consideration of this research may assist the Committee in assessing the possible impact of the increase in local investigations and hearings, and whether any of the possible negative impacts outlined above, could be avoided.
- 4.2 Ensuring that the standards committee members and the monitoring officer have an effective working relationship and are sufficiently trained and resourced will support the Council's governance arrangements.
- 4.3 Considering the types of training received by other standards committees may assist the Committee with the review and development of their own training plan (also on this agenda).

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 There may be resource implications to the new arrangements as proposed in the White Paper "Strong and Prosperous Communities", but as yet the specific impacts on the standards committee members and monitoring officers are unclear.
- 5.3 There may also be resource implications to extending the training provision offered to Standards Committee Members but it is considered that these costs can be met from within existing resources.

6.0 Conclusions

- 6.1 This research incorporated several research themes including:
- Training delivered and future training demand;
 - Role of monitoring officers and members of standards committees, and how these are perceived by other people within their authorities;
 - Local investigations and hearings, and the level of confidence that authorities approach these with.
- 6.2 The results of the survey are summarised in the main body of the report and the final research report is attached as Appendix 1.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- note this report and Appendix 1; and
 - consider whether any of the training needs mentioned in the report should be addressed in the Committee's own training and development plan (also on this agenda).

This page is intentionally left blank



STUDY INTO THE OPERATION AND ROLE OF STANDARDS COMMITTEES WITHIN LOCAL AUTHORITIES

**Prepared for:
The Standards Board For England**

**Prepared by:
Dawn Hands, BMG Research**

Draft 7 14/2/07
BMG Pro_5132

Table of contents

Table of contents	2
Summary and conclusions	3
Survey of monitoring officers	3
Members of standards committees.....	5
Comparison of monitoring officers and standards committee responses.....	7
Conclusions	8
Introduction	11
Background.....	11
Method	11
Weighting and tables	14
Sample profile.....	16
Monitoring officers' survey findings	18
Respondent's role as a monitoring officer	19
Length of time in the role	19
Officer role	20
Support networks	21
Membership and political representation of the standards committee	23
Membership	23
Political representation.....	23
Activities of the standards committee	25
Formal meetings of the standards committee.....	25
Other meetings with the chair of the standards committee	26
Activities of the standards committee	28
Independent standards committee members	29
Length of appointments	29
Recruitment of independent standards committee members	30
Allowances for independent members.....	33
Local investigations	36
Previous local investigations.....	36
Contingency planning	42
Training	44
Training on investigations	44
Training on ethics and the Code of Conduct	45
Members of standards committees' survey findings	49
Respondent's role within the standards committee	50
Length of membership	50
Operation of the standards committee	52
Training	53
Training on hearings	53
Ethical governance toolkit.....	60
Impact of local hearings	62
Previous local hearings.....	62
Appendix 1: Tables of results	66

Summary and conclusions

Survey of monitoring officers

Monitoring officers are generally positive with regards to varied aspects of their role within the authority, including how their working relationships are developing, the resourcing they have to undertake their duties, and the sufficiency of training. Monitoring officers do generally feel that they are supported by people within the authority at a senior level: 97% indicate that they have a good working relationship with the standards committee, 89% that the chief executive is supportive of them, 89% that the chief finance officer is supportive of them, and 88% that they are regularly asked for advice by members. However, only 57% agree that they have sufficient support staff, and indeed 26% disagree that this is the case. Therefore, whilst monitoring officers feel valued and respected by people within the authority, they do not always feel that this is reflected in the level of physical support they receive. There is also some concern regarding the issue of cost, with 18% of respondents agreeing that they experienced problems in paying for the cost of an investigation.

Furthermore, 90% of respondents feel that their workload will increase as a result of changes in regulation outlined in the White Paper *Strong and prosperous communities*. A minority of 45% agree that they feel confident that they are fully prepared for these changes. This suggests that monitoring officers will require support to adapt to these changes.

Standards committees

Almost all respondents (99%) indicate that the standards committee within their authority has met at least once since January 2005, with 35% indicating that at least seven meetings have occurred.

Almost all monitoring officers within the sample have attended at least some of the standards committee meetings within their authority (99%), with 91% attending all meetings. One-half (50%) also have separate meetings with the chair of the standards committee.

Standards committees have a broad remit and range of activities that they engage in. Within the terms of reference, the key functions include monitoring the effectiveness of the Code of Conduct (98%), training/arranging training/seminars on the Code of Conduct (97%), and hearings (87%).

Approximately three-quarters of authorities train/arrange training/seminars on the Code of Conduct (77%), respond to/receive feedback on national or governmental developments regarding ethical governance (74%), and/or monitor the effectiveness of the Code of Conduct (73%) within the normal scope of their duties.

There is perceived to be further scope to increase the breadth of the undertaking of standards committees in the future, particularly with regards to training/arranging training and seminars

on the Code of Conduct (85%) and/or monitoring the effectiveness of the Code of Conduct (81%). Indeed, such activities should be undertaken by 100% of standards committees.

Independent members of the standards committee

Independent members of standards committees tend to serve for a minimum of three years, with only 9% of monitoring officers stating that independent members are appointed for up to two years. The largest proportion highlight appointments of three or four years (62%), whilst 3% make appointments of five or more years.

Similar proportions of respondents consider the recruitment of independent standards committee members to be easy (37%) or difficult (38%), with a further 22% giving a neutral response of neither easy nor difficult. In order to recruit independent members, the largest proportion have utilised newspaper advertising (97%), although in conjunction with other methods, including website advertising (49%) or personal approaches (36%). Advertisements in the local press are generally viewed as the most effective recruitment method (61%), with personal approaches (16%) being the only other approach mentioned by substantial numbers.

Just over half of authorities (54%) provide an annual allowance for independent members, which could go some way to explaining why some authorities experience recruitment difficulties in this area. A larger proportion however (90%) provide travel and subsistence allowances, albeit that allowance entitlement does not appear to always be taken up, with 38% of respondents stating that independent members do not claim the allowances they are entitled to.

Local investigations

One-half of authorities (50%) have undertaken local investigations in the past.

Monitoring or deputy monitoring officers have been tasked with conducting the most recent investigations for the majority of authorities (52%) who have undertaken investigations, although a substantial proportion have used an external consultant (24%), or officer from another authority (15%).

Almost all respondents (93%) are aware of contingencies in place within their authority which allow for another person to undertake a local investigation should the monitoring officer be unavailable. The largest proportion (64%) have a deputy monitoring officer who would take responsibility, whilst one-half (50%) have an agreement with the monitoring officer of a neighbouring authority.

With regards to the most recent investigation, respondents are generally positive about how these were undertaken, 80% indicating that the investigation was carried out to an acceptable standard, and 65% that a hearing was carried out to an acceptable standard. By comparison, 5% disagree that the investigation was carried out to an acceptable standard (14% do not know) and 2% disagree that the hearing was carried out to an acceptable standard (31% do

not know). Almost four in five respondents (79%) disagree that they experienced problems in the investigation process, whilst 5% agree that problems had been experienced.

Almost seven in ten respondents in authorities where local investigations have taken place (69%) highlight positive impacts that have occurred as a result: raised awareness of the standards committee within the authority has been the most widely recognised benefit (57% of those where an investigation has taken place). However, other benefits have also been identified by a high proportion of these authorities, including reinforcement of the Code of Conduct (52%), raised awareness of the Code of Conduct (51%), and raised awareness of the monitoring officer (42%). Other less widely reported but still significant positive impacts include raising public awareness of the Code of Conduct (28%), and making the authority more transparent and open (12%) and 17% reported improvement in ethical behaviour.

In contrast, 36% of respondents highlight negative impacts that have resulted from local investigations, the largest proportion (18% of those where an investigation has taken place) mentioning the impact on the relationship between the monitoring officer and members, followed by impact on the public image of the authority (10%). No other negative impact was mentioned by more than 5% of respondents.

Training

Monitoring officers in 73% of authorities have received training related to how to undertake a local investigation. Reflecting the need for more training in this field, 61% of monitoring officers would like more training in undertaking local investigations.

Over nine in ten respondents (94%) state that training on ethics, and/or the Code of Conduct has been delivered within their authority since the beginning of January 2005. Within a majority of authorities, this training has been delivered to members of the standards committee (87%), and/or to elected members who are not on the standards committee (78%), and high levels of attendance are reported, with 96% of monitoring officers noting fairly/very good attendance amongst standards committee members, and 80% amongst elected members who are not on a standards committee.

Over four in five monitoring officers (85%) are aware of the ethical governance toolkit, with 27% having used some of the materials. Almost half of monitoring officers (47%) intend to use the toolkit in the future.

Members of standards committees

The majority of respondents (63%) have been serving on the standards committee for between one year and less than five years, with a further 13% serving for less than one year, and 24% for five years or more.

As a result of the publication of the White Paper *Strong and Prosperous Communities*, 75% expect their workload to increase, although 68% feel that they will be able to cope with the changes.

Operation of standards committees

Standards committee members are generally positive with regards to varied aspects of their role within the authority, including how their working relationships are developing, the resources they have to undertake their duties, and the sufficiency of training. Overall, 91% indicate that they have a good working relationship with the monitoring officer, and 89% that they receive sufficient support from the monitoring officer. Further, 89% agree that their main function is to promote ethical behaviour within the authority.

Training

Almost four in five of standards committee members indicate that they have received training on how to undertake a local hearing (79%), indicating that one in five (21%) have received no such training. A similar proportion (approximately four in five) have received training on other aspects of their role. Amongst those who have received training, the key themes included holding and chairing meetings (26%), their role within standards committees (8%), the Code of Conduct (7%), and/or role play and case studies (7%).

Training provision has been delivered through both in-house providers (51% of the most recent training received) and external providers (31%).

All respondents were asked to rate how prepared they feel in terms of being involved in a local hearing and being able to undertake other aspects of their role. Overall, 75% of respondents feel well prepared for their involvement in local hearings, whilst 86% feel well prepared to undertake other aspects of their role. This indicates that one in ten do not feel prepared for other aspect of their role and one in four members do not feel prepared for involvement in local hearings

Perceptions of the training received are positive, particularly with regards to the relevance of the training (86%), the appropriateness of the training (79%), the aims and objectives being met (79%), and the authority (79%).

Almost three in five respondents would like to receive training or additional training relevant to their role in the future (58%). Of these respondents, the key training themes include holding and chairing meetings (12%), the role of members on standards committees (12%), refresher courses on standards issues (12%), and role plays and case studies (11%).

In all, 44% of respondents are aware of the ethical governance toolkit.

Local hearings

In all, 49% of authorities have undertaken a local hearing. Of these, 89% highlight positive impacts that have occurred as a result of the hearing, including a raised awareness of the standards committee (78% of those where a hearing has taken place) or Code of Conduct (77%) within the authority, and/or reinforcement of the importance of the Code of Conduct (72%). However, only 16% commented on the fact that local hearings have had a positive impact on ethical behaviour across the authority.

Where hearings have taken place, respondents also note negative impacts, although fewer in number than positive impacts – key negative impacts include the relationship between the standards committee and members (14% of those where a hearing has taken place), and the impact on the image of the authority to the public (11%).

Comparison of monitoring officers and standards committee responses

The following table provides a brief comparison of results between monitoring officers and standards committee members where there is some degree of commonality in the question. Caution should be exercised however – overall, the monitoring officers and committee members samples do not always represent the same authorities.

From this, it is evident that members of standards committees have a less positive perception than monitoring officers about how they are perceived within their authority, and the overall levels of influence that they have. Interaction with officers, particularly in terms of the provision of ethical advice, is limited, as is the influence they have on officer behaviour. However, they also are less likely to feel valued than monitoring officers by higher echelons of the authority, particularly the chief executive.

Despite this, members of standards committees are more likely to perceive positive benefits that accrue from any hearings they have been involved in, when compared to equivalent monitoring officer perceptions of the impacts of their investigations. Notably, the role of hearings over investigations in raising awareness of standards committees and the Code of Conduct has been strongly emphasised.

Table 1: Comparisons of key findings for monitoring officers and standards committee members (all respondents)

	Monitoring officers	Members of standards committees
	%	%
Roles		
Agrees that authority values them in their role	85	79
Agrees that chief executive is supportive of them in their work	89	78
Agrees that chief finance officer is supportive of them	89	58
Agrees that authority believes their role is part of wider ethical framework	85	78
Agrees that they have appropriate influence over corporate management team	80	37
Agrees that their work has positive impact on member behaviour	81	63
Agrees that their work has positive impact on officer behaviour	71	53
Agrees that have good relationship with monitoring officer / standards committee	97	91
Agrees that officers co-operate in investigations/hearings	64	69
Agrees that officers ask for advice	75	10
Agrees that members ask for advice	89	16
Impact of investigations/hearings (where undertaken)		
Positive impacts		
Raised awareness of standards committee in the authority	57	78
Raised awareness of Code of Conduct in the authority	51	77
Reinforced importance of Code of Conduct in the authority	52	72
Improved ethical behaviour in the authority	17	32
Raised awareness of Code of Conduct amongst public	28	41
Authority more transparent/open	12	27
Negative impacts		
Relationship between monitoring officers/standards committees and members	18	14
Relationship between monitoring officers/standards committees and officers	2	6
Image of the standards committee within authority	5	8
Image of the authority to the public	10	11

Conclusions

Of possible concern is the fact that one in ten monitoring officers report to have no legal qualification.

Whilst a majority of monitoring officers feel valued and supported in their role by politicians and senior officers, they do express some concern over the level of physical support they receive. This view of the inadequacy of some areas of support is exacerbated by fears about the impact on their workload which will be brought about by the proposed changes to the role of the Standards Board, with the responsibility for filtering and dealing with less serious cases being given back to local councils. Many are unclear about exactly what the impact of these changes will be at a day-to-day level, and call for clarity on this point, particularly with regard to the implications for their workload and how this will be managed and resourced.

Another consequence of the move to more local hearings and determinations is that it will inevitably place greater emphasis on the role of independent members of standards committees. There will be a statutory requirement for committees to be chaired by an independent member and requirement that committees include independent members who reflect a balance of experience. Also, monitoring officers are somewhat divided with regard to the relative ease/difficulty of recruiting independent members, and this could be another area where more support and guidance will be needed in the future.

The issue of tackling local investigations and hearings is familiar to a notable proportion of monitoring officers, with half reporting that their authorities have done so in the past. Interestingly, monitoring officers are more likely to see positive as opposed to negative impacts arising out of local investigations, including raised awareness of the role of the standards committee and of the Code of Conduct. Fewer identified that there had been an improvement in ethical standards as a result of local hearings.

One negative output and concern that has arisen from local investigations is the impact such activities can have on the relationships between monitoring officers, standards committees and the wider elected member base. This is a key area where monitoring officers are likely to require advice and guidance from the Standards Board in the future. This suggests a future area of research, which the Standards Board could explore, the impact of local investigations on the relationships between monitoring officers and standard committees and the wider elected member base.

Many of these issues can be addressed with relevant and timely training and development for monitoring officers. Whilst a majority of monitoring officers report to have received some training in relation to performing their role and undertaking local investigations, a majority would also welcome further training and development. Those who have received training are more likely to feel confident in and prepared for their role, a message which again should be communicated widely to monitoring officers to encourage them to participate in the training opportunities presented to them.

A majority of members of standards committees also expect their workload to increase as a result of the proposed changes in how local investigations and hearings are managed. However, a similar (slightly smaller) majority believe that they are or will be able to cope with these changes. The higher level of optimism on this matter expressed by standards

committee members (compared with monitoring officers) could be a reflection of the fact that committee members can see colleagues with which to share the increased load, whereas monitoring officers could feel somewhat alone. In addition, it is worth pointing out that the Standards Board is still developing how its strategic role will work and what this will mean for monitoring officers and standard committees. It follows that standard committees members and monitoring officers at the time this research was undertaken did not have a full picture of what the changes will entail.

It is encouraging to see that the vast majority of standards committee members believe they have a good working relationship with their monitoring officer, and are well supported by this Officer. However, some concern must be felt over the one in ten members who do not agree with either of these statements, as this situation might only be exacerbated under the proposed new arrangements.

Most standards committee members have received some training, and this has generally been well received. However, many call for further training in key areas of their role, and this need will grow as the impact of the new arrangements is felt in local areas. The Standards Board should consider how this training need will be met, at all tiers of local government.

As with monitoring officers, standards committee members are also more likely to see positive as opposed to negative impacts having arisen out of local hearings. Interestingly, whilst the types of positive impacts identified are similar, members of standards committees are more likely to have identified each positive impact, and less likely to see a negative impact as being a deterioration in the relationship between monitoring officers and standards committee members. This is a positive message to communicate to both parties, and one which can only give monitoring officers much needed confidence in working alongside standards committee members on local investigations.

Introduction

Background

This report summarises the results of surveys undertaken by the Standards Board for England (henceforth referred to as the Standards Board) into the arrangements within local authorities of the operation and role of standards committees within authorities. This research has been undertaken against a backdrop of legislative change, with authorities becoming increasingly responsible for regulating the conduct of members within their authority, and a move towards local ownership of the ethical framework.

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

- Training delivered and future training demand;
- Role of monitoring officers and members of standards committees, and how these are perceived by other people within their authorities;
- Local investigations and hearings, and the level of confidence that authorities approach these with.

For both the committee member and monitoring officer strands of the research, both local councils and other authorities (including the police, fire, parks, Bbroads and passenger transport authorities) were sampled.

Method

The surveys were administered through a self-completion postal questionnaire. The Standards Board provided a list of authorities within England that have monitoring officers, and the contact details for the officer in question. This contacts database includes

- All county councils¹
- All London borough councils, including the Corporation of London, and Greater London Authority
- All unitary councils
- All metropolitan district councils
- All but one of the district councils

¹ The phrase 'all councils' used in this document refers to counties, London boroughs, unitaries, metropolitan districts and districts.

- All geographic police authorities, although not the nationwide authorities (British Transport Police, Centrex and the Civil Nuclear Police Authority)
- 31 of the 47 fire and rescue authorities
- All passenger transport authorities
- eight of the nine national parks authorities

For the committee members' survey, monitoring officers were asked to distribute six self-completion questionnaires to standards committee members, including elected and independent members. These questionnaires were sent to monitoring officers in the same pack as their own questionnaire.

The number of standards committee members in each authority is an unknown, with no centrally collected data available. It was therefore agreed jointly with the Standards Board to send monitoring officers six standards committee member questionnaires, accepting the fact that some committees would have more or fewer members. Potentially therefore, not every committee member across the sample will have received a questionnaire. Whilst all authorities were sent six copies of the standards committee questionnaire, two authorities (one district, one metropolitan district) requested additional copies.

The following table summarises the response rates from both surveys. This indicates a response rate of 68% amongst monitoring officers, and 46% amongst members of standards committees. It should be noted however, that we cannot be certain how many of the 2,847 questionnaires sent to monitoring officers were actually distributed to standards committee members. Therefore, the reported response rate of 46% is unadjusted, and is likely to be an under estimate of the actual response rate.

Within the standards committee sample, 76% of authorities are represented, with one or more members having returned a questionnaire.

Table 2: Response rates by authority type (All respondents)

	Monitoring officers' survey			Standards committee members' survey				
	Number mailed	Number returned	% returned	Members			Authorities	
				Number mailed	Number returned	% returned	Number represented	% represented
Councils								
Counties	34	28	82	204	112	55	28	82
London boroughs	34	19	56	204	75	37	25	74
Unitaries	46	30	65	276	130	47	34	74
Metropolitan districts	36	25	69	217	115	53	29	81
Districts	239	164	68	1,436	691	48	183	77
Other								
Police	40	26	65	240	96	40	31	78
Fire and rescue	31	22	71	186	61	33	22	71
Passenger transport	6	4	67	36	9	25	3	50
National parks	8	5	63	48	15	31	4	50
Total	474	324	68	2,847	1,308	46	359	76

Response rates by government office region are shown in the following table. For the monitoring officers' survey, response rates are highest for authorities in the South West and West Midlands, lowest in the North West and London. With regard to the standards committee survey, 80% of all members who received a questionnaire in the East of England returned a survey, falling to only 36% of those in the North East. In all, 83% of East of England standards committees have some degree of representation within the sample, falling to 62% of standards committees within the North East.

Table 3: Response rates by authority type (All respondents)

	Monitoring officers' survey			Standards committee members' survey				
	Number mailed	Number returned	% returned	Members			Authorities	
				Number mailed	Number returned	% returned	Number represented	% represented
North East	34	22	65	204	73	36	21	62
North West	58	34	59	349	148	42	41	71
Yorks and Humber	34	25	73	204	90	44	25	74
West Midlands	48	37	77	288	139	48	38	79
East Midlands	53	32	62	318	147	46	43	81
Eastern	64	48	75	384	206	80	53	83
South East	84	55	66	504	225	45	64	76
South West	62	48	77	374	194	52	47	76
London	37	23	59	222	86	39	27	73
Total	474	324	68	2,847	1,308	46	359	76

In all, 87 authorities are unrepresented in either the monitoring officers or standards committee surveys, representing 18% of all authorities.

Weighting and tables

After responses were input, and prior to the collation of the data, responses from standards committee members were pre-weighted. This was to adjust for the differential probability in selection of members from larger standards committees. That is, where a standards committee is known to have, for example, eight members (from information provided on the monitoring officer questionnaire), but only six could have received a questionnaire (as the monitoring officer only received six questionnaires), then a pre-weight was added to adjust for this. For the small number of authorities where standards committee members returned a survey and the monitoring officer did not (and hence the size of the committee is unknown), a pre-weight was applied to reflect the average size of standards committees across the sample.

Additionally, a weight was applied to both surveys, so that both samples are representative of the breakdown of authorities provided by the Standards Board, in terms of authority type and government office region.

This report presents findings as a mixture of text, tabulated data and data in bar charts. For charts and tables, both unweighted and weighted sample bases are shown. Any percentages reported are calculated as a percentage of the weighted number of respondents. Unweighted

bases give a general indication of the level of confidence in a given result. For example, where the unweighted sample base is 200, and 50% of the sample give a certain answer, then we are 95% confident that the result would fall in the range of 50% \pm 6.9% were the entire population to be asked, that is, it would be expected that the result would fall between 43.1% and 56.9%. The range of expected answers is dependent on the percentage result and sample size:

Table 4: Confidence intervals at 95% confidence level (all respondents)

	Number of respondents						
	50	100	200	400	800	1600	3200
% result achieved							
10% or 90%	\pm 8.3	\pm 5.9	\pm 4.2	\pm 2.9	\pm 2.1	\pm 1.5	\pm 1.0
25% or 75%	\pm 12.0	\pm 8.5	\pm 6.0	\pm 4.2	\pm 3.0	\pm 2.1	\pm 1.5
50%	\pm 13.9	\pm 9.8	\pm 6.9	\pm 4.9	\pm 3.5	\pm 2.5	\pm 1.7
100% or 0%	\pm 2.8	\pm 2.0	\pm 1.4	\pm 1.0	\pm 0.7	\pm 0.5	\pm 0.3

Sample profile

The following presents a brief tabulated summary of the key characteristics of respondents from both samples. Of particular note is the demography of the standards committee member sample, in so far as it is considerably older and more likely to be male than the population as a whole. Figures from the 2007 National Census of Councillors (Employers' Organisations and IDeA) show that at the time of the census, 69% of local councillors were male, a slightly lower figure than for standard committees (75%), and the average age of councillors was 58, compared with 62 years amongst respondents to the survey. In terms of ethnicity, 96% were white, a similar figure to standard committees (95%).

Table 5: Sample profile (all respondents)

	Monitoring officers		Members of the standards committee	
	Unweighted	Weighted	Unweighted	Weighted
	%	%	%	%
Respondent gender				
Male	61	59	75	75
Female	39	40	25	24
Not stated	<0.5	<0.5	1	1
Respondent age				
21-30	0	0	<0.5	<0.5
31-40	10	10	3	3
41-50	40	41	8	9
51-60	42	41	27	27
61-70	2	2	38	38
71-80	0	0	17	17
81+	0	0	1	1
Refused	6	7	5	5
Respondent ethnicity				
White	96	97	95	95
Asian	1	1	2	2
Black	1	<0.5	1	1
Mixed	<0.5	<0.5	<0.5	<0.5
Other	1	<0.5	<0.5	<0.5
Refused	1	2	2	2
Unweighted and weighted bases	324	324	1,308	1,308

Additionally, 82% of monitoring officers are qualified as solicitors, 4% as legal executives, and 3% as barristers. One in ten (10%) have no professional legal qualification.

Amongst members of the standards committee, 34% are non-elected independent members, 29% elected principal authority members, and 11% parish members.

- 20% are chairs of standards committees (of whom 43% are also independent members, 6% principal authority members, and 1% parish members, with the remainder not stating other roles they may have outside of the chairmanship).
- 12% are vice-chairs of standards committees (of whom 34% are also independent members, 10% principal authority members, and 3% parish members, with the remainder not stating other roles they may have outside of the chairmanship).

Approximately one-half of elected members on standards committees state their political affiliation: 20% to the Conservatives; 14% to the Liberal Democrats; 13% to Labour; and 5% to other parties.

Monitoring officer survey findings

Respondent's role as a monitoring officer

Length of time in the role

One in twelve respondents (8%) have been in their role as a monitoring officer for less than one year, over one-third (36%) in their role for one year to less than five years, one-third (32%) in their role for five years to less than ten years, and one-quarter (24%) in their role for at least ten years. Taken as a whole, a lower proportion of monitoring officers within local councils have been in their role for ten years or more (21%) than those in the police, fire and national parks authorities (34%), although this is not the case for those in county councils, where 31% have been in their role for at least ten years.

With the exception of London boroughs, where no respondents have been in their role as a monitoring officer for less than one year, the proportion of short-term appointments is fairly consistent across different types of authority.

Table 6: Length of time that the respondent has worked as a monitoring officer (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan Councils	London boroughs	Police, fire, national parks authorities
	%	%	%	%	%	%	%
Less than one year	8	8	6	9	9	0	6
One year or more but less than five years	36	36	27	36	41	42	32
Five years or more but less than eight years	22	24	27	26	13	32	13
Eight years or more but less than ten years	10	10	9	9	16	5	8
Ten years or more but less than fifteen years	14	13	14	12	12	16	18
Fifteen years or more	9	8	17	7	9	0	16
Not stated	2	1	0	1	0	5	7
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

Officer role

All respondents were asked to rate their level of agreement with sixteen statements regarding their role within the authority, related to resources available to perform in their role, how they consider their role to be perceived in the authority, and the impact they have had on the authority overall. The full results are presented in Table 29 in Appendix 1.

Throughout, respondents generally perceive individual aspects of their role in a positive regard. Particularly positive are the proportions that register agreement with regard to a good working relationship with the standards committee (97%), a positive level of support from the chief executive (89%), a positive level of support from the chief finance officer (89%), and the positive aspect of their role in providing advice to members (89%).

Whilst a majority of respondents are positive about the number of support staff they have (57% agreeing that it is sufficient), there is nevertheless a notable minority who disagree that this is the case (26%). The proportion expressing disagreement rises however to 67% of those who have no support staff. Of further potential concern, is the fact that 10% of respondents disagree with the statement that they have appropriate influence over the corporate management team, and 10% with the statement that officers regularly ask them for monitoring officer advice.

With the publication of the government papers *Standards of Conduct in English Local Government* and *Strong and prosperous communities*, the role of monitoring officers may change to an extent within certain authorities. Respondents were asked to rate the impact that the content of the White Paper may have on their role.

Overall nine in ten respondents (90%) anticipate increases to workload, whilst over four in five (84%) think that the number of investigations they will have to conduct will increase. However, 52% disagree that they have sufficient support to deal with this change. Therefore, it is important to note that only a minority of respondents (45%) agree that they are confident that they will be fully prepared for the changes, and that indeed a majority do not consider this to be the case. This presents concerns over future workloads, and whether adequate resourcing will be available to monitoring officers to fulfil their remit.

Table 7: Agreement that specified changes will affect the respondent in their role as a result of the White Paper *Standards of Conduct in English Local Government* (All respondents)

		Agree	Neither	Disagree	Unsure / not stated
My workload will increase	%	90	5	3	3
The number of investigations I am required to undertake will increase	%	84	8	3	5
I have enough support to be able to cope with the impact of these changes	%	20	20	52	8
I am confident that I will be fully prepared for these changes	%	45	24	26	6
Bases: 324 unweighted & weighted					

Respondent confidence that they are prepared for any future changes in their role does differ between those who have received training in the past against those who have not (although whether any of this training specifically targets areas of future responsibility is unclear from the scope of the survey):

- Where respondents have received training for their role in the past, 46% feel confident about their level of preparation for the future, 23% unconfident.
- Where respondents have not received training for their role in the past, 42% feel confident about their level of preparation for the future, 37% unconfident.

Monitoring officers from authorities where they feel valued within the authority and supported by senior officers are generally more likely to feel prepared than those from authorities with weaker support levels:

- 68% of respondents who feel valued by their authority similarly agree that they feel prepared for future changes to their role. This contrasts with 28% who disagree that they feel valued.
- 65% of respondents who agree that their chief executive is supportive of them feel prepared for future changes; this contrasts with 15% who feel unsupported.
- 66% of respondents who agree that their chief financial officer is supportive of them feel prepared for future changes; this contrasts with 33% who feel unsupported.

Support networks

Monitoring officers were asked to specify the number of support staff they have available to them². Overall, 86% of authorities employ deputy monitoring officers, 77% committee clerks, 71% secretaries or PAs, 58% lawyers, and 16% other staff members. For certain roles, particularly deputy monitoring officers and secretaries, this involves a single extra employee only, whilst larger pools of lawyers and clerks are available.

² Although these staff may not necessarily be dedicated solely to roles in this area.

**Table 8: Number of staff in specified positions which support the monitoring officer
(All respondents)**

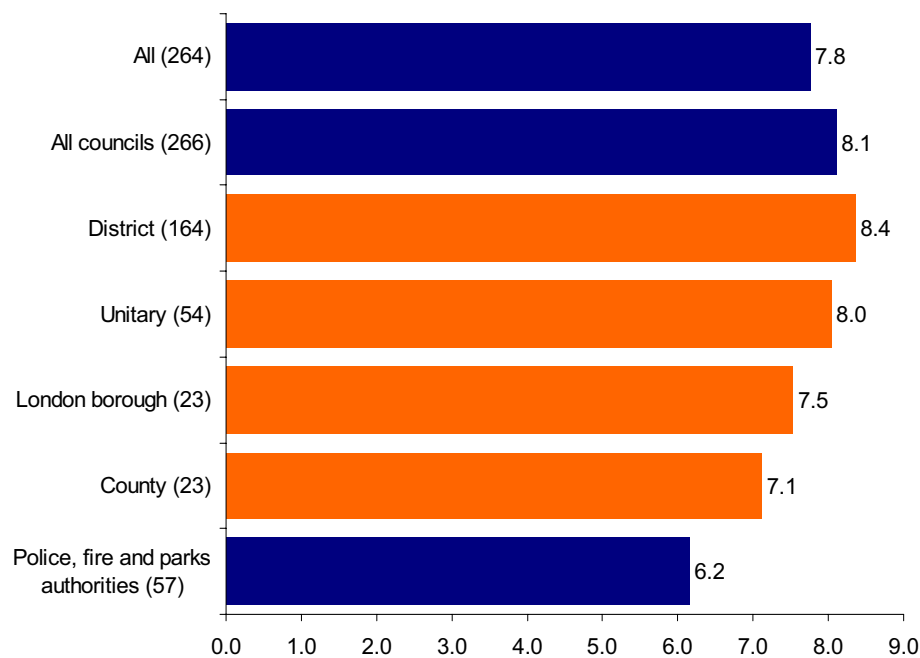
	Deputy monitoring officers	Lawyers	Committee clerks / democratic services officers	Secretaries / PAs	Other
	%	%	%	%	%
None	11	37	20	25	75
1	78	20	33	67	6
2-5	9	22	31	4	6
6-10	0	5	7	0	2
11-15	0	3	2	0	1
16-20	0	1	2	0	1
21+	0	6	2	1	<0.5
Not stated	3	5	3	4	9
Bases: 324 unweighted & weighted					

Membership and political representation of the standards committee

Membership

One in eight authorities (13%) have between one and five members on their standards committee³, over three-quarters (77%) between six and ten members, and 9% eleven members or more. The mean number of members on standards committees stands at 7.8, although this is higher amongst local councils, and particularly district councils, than amongst police, fire and national parks authorities.

Figure 1: Mean number of members on the standards committee (where provided the number of members)



Figures in parentheses denote unweighted/weighted bases

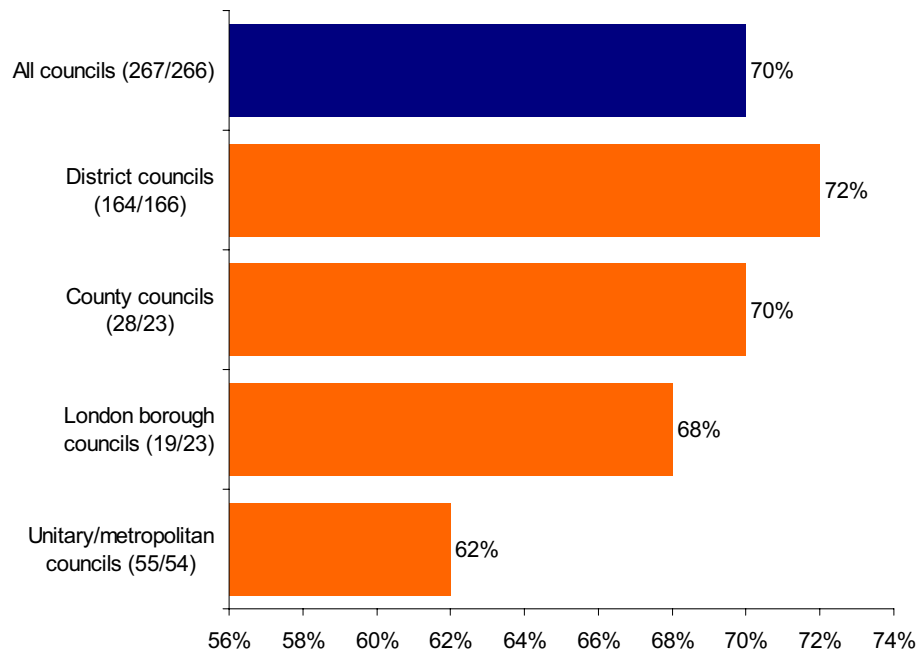
Authorities in the North tend towards a slightly higher mean number of members (8.2) than those in the Midlands (7.8) or South (7.5). Also of note is that the mean number of members increases as the frequency of standards committee meetings increases, with a mean representation of 7.0 where the committee has met on one to three occasions since January 2005, 7.6 where it has met on four to six occasions, and 8.5 where it has met on seven or more occasions.

Political representation

Seven in ten respondents (70%) indicate that the profile of elected members on the standards committee is broadly representative of the political balance of the authority, and 30% state that this is not the case. As the following figure demonstrates, this is reported by a slightly smaller proportion across unitary/metropolitan councils.

³ Including Elected and Independent members

Figure 2: Proportion of respondents who indicate that the elected members on the standards committee are broadly representative of the political balance of the authority (respondents from local councils)



Figures in parentheses denote unweighted/weighted bases

The composition of standards committees in the Midlands (74%) are more likely to be representative of the political balance than those in the South (64%) and particularly the North (51%).

Where the composition of elected members on the standards committee does not reflect the overall political balance, 66% of respondents state that there is equal representation amongst all groups, 8% that there is a majority from the ruling group, and 4% that there is a majority from the opposition.

Activities of the standards committee

Formal meetings of the standards committee

Since the beginning of January 2005, and including sub-committees, almost all (99%) respondents indicate that the standards committee of their authority has met at least once, 26% meeting one to three times, 38% four to six times, and 35% seven or more times. Hence the frequency of meetings ranges from approximately once every six months to once every two months.

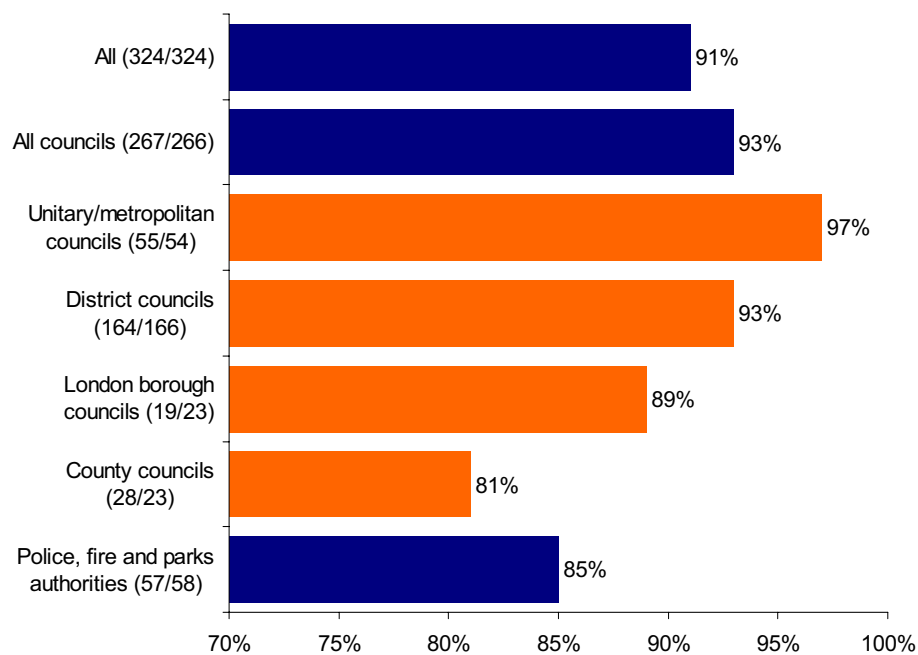
Local councils as a whole tend to have met more frequently than police, fire and national parks authorities; only 41% of the latter have met four times or more, contrasting with 80% of all local councils. Across local councils, frequent meetings of seven times or more is more typical of unitary/metropolitan authorities (51%) than it is for county councils in particular (27%).

Table 9: Number of times that the standards committee has met since January 2005 (All respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and national park authorities
	%	%	%	%	%	%	%
One to three times	26	19	27	20	16	0	59
Four to six times	38	39	43	39	28	63	33
Seven times or more	35	41	27	41	51	37	8
Don't know	<0.5	<0.5	0	0	2	0	0
Not stated	1	1	3	0	3	0	0
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

Almost all monitoring officers (99%) state that they attend at least some of the standards committee meetings, with over nine in ten (91%) attending all meetings. This proportion is not uniform across authority types, with monitoring officers in unitary/metropolitan authorities being most likely to attend all meetings, but those in county councils being less likely to do so. Given that standards committees in county councils also have a tendency to meet less often, this could lead to monitoring officers in these environments becoming somewhat isolated from the standards committee.

Figure 3: Proportion of respondents who indicate they attend all standards committee meetings (all respondents)



Figures in parentheses denote unweighted/weighted bases

The frequency of standards committee meetings does not appear to have an overriding effect on attendance amongst monitoring officers – where there has been one to three meetings since January 2005, 93% of respondents have attended all meetings, falling to 90% where there has been four to six meetings, and 92% where there has been seven or more meetings.

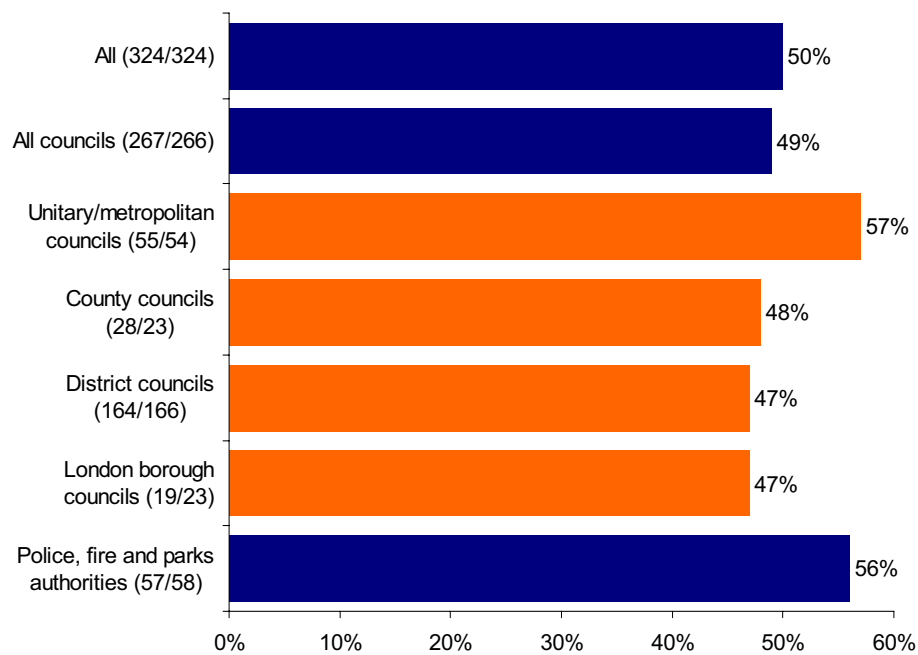
Respondents who are newer in their role as a monitoring officer are less likely to have attended all standards committee meetings (82%), as are those who have been in their role for longer periods (89% of those who have been monitoring officers for at least ten years, 95% who have been in the role for one to five years, and 92% of those in the role for five to ten years).

Other meetings with the chair of the standards committee

In their capacity as monitoring officer, 50% of respondents have regular meetings with the chair of the standards committee. Similarly, 49% of respondents indicated that they do not have such meetings with the standards committee Chair. This proportion is fairly consistent

across authority types, rising slightly amongst unitary/metropolitan councils (57%) and police, fire and parks authorities (56%).

Figure 4: Proportion of respondents who indicate they attend meetings with the chair of the standards committee (all respondents)



Figures in parentheses denote unweighted/weighted bases

Respondents who are newer in their role as a monitoring officer are more likely to have attended meetings with the chair (61%), as are those who have been in their role for longer periods (59% of those who have been monitoring officers for at least ten years, falling to 44% who have been in the role for one to five years, and 49% of those in the role for five to ten years). This is the opposite pattern to that observed with regards to those attending all standards committee meetings, suggesting that isolated meetings with the chair may in some cases substitute regular attendance of monitoring officers at committee meetings.

Activities of the standards committee

Respondents were asked to indicate what they consider is included within the terms of reference for standards committees (the full results are presented in Table 30 in appendix 1). The largest proportion of respondents highlight the following: monitoring the effectiveness of the Code of Conduct (98%), training/arranging training/seminars on the Code of Conduct (97%), hearings (87%), and/or providing advice/assistance to Members/Officers on the Code /ethics (81%). Given that these four functions are statutory requirements, it is of concern that all respondents did not highlight these functions – this may well indicate uncertainty and a lack of understanding on the part of monitoring officers over their exact role and how their responsibilities have been described to them by the Standards Board. Smaller proportions mention responding to/receiving feedback on national or governmental developments regarding ethical governance (71%), and inclusion of Code/ethics issues in the induction of new members (62%).

These terms of reference also represent those activities that local councils are most likely to engage in: training/arranging training/seminars on the Code of Conduct (77%), responding to/receiving feedback on national or governmental developments regarding ethical governance (74%), monitoring the effectiveness of the Code of Conduct (73%), inclusion of Code/ethics issues in the induction of new members (57%), providing advice/assistance to members/officers on the Code/ethics (56%). Monitoring the effectiveness of the Code of Conduct (42%), responding to/receiving feedback on national or governmental developments regarding ethical governance (38%), and training/arranging training/seminars on the Code of Conduct (35%) represent the three activities that have taken up most of the standards committee's time. Activities that are planned for the standards committees over the next twelve months also generally replicate those that have taken priority in the past, although slightly larger proportions will plan activity around the monitoring of the effectiveness of the Code of Conduct, or on hearings: training/arranging training/seminars on the Code of Conduct (85%); monitoring the effectiveness of the Code of Conduct (81%); responding to/receiving feedback on national or governmental developments regarding ethical governance (66%); inclusion of Code/ethics issues in the induction of new members (64%); providing advice/assistance to members/officers on the Code/ethics (61%); and/or hearings (54%). The full results are presented in Table 30 in Appendix 1.

Independent standards committee members

Length of appointments

Over three in five respondents (62%) state that independent members to their standards committee are appointed for a period of three to four years, with this approach being consistent between local councils and police, fire and parks authorities (61% and 62% respectively). A further 22% of authorities appoint independent members for two or three years (22% of local councils, 31% of police, fire and parks authorities), whilst 4% of authorities make short-term appointments of one year (4% of local councils, 5% of police, fire and parks authorities).

Over one in five respondents (21%) indicate that the appointment of independent members is of no fixed term, although this represents a slightly larger proportion of local councils (22%) than police, fire and parks authorities (17%).

Within all local council types, appointments of three to four years are the most likely to be cited, including 70% of respondents from county councils, 69% of London boroughs, 62% of district councils, 50% of unitary and metropolitan councils, and 38% of police, fire and parks authorities.

Table 10: Length of time that independent members are appointed to the standards committee (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
One year	4	4	0	3	8	11	5
Two years	5	5	4	6	7	0	7
Three years	17	15	12	16	16	11	24
Four years	45	46	66	46	34	58	38
Five years or more	3	3	4	3	7	0	4
Varies/no fixed term	21	22	11	25	24	16	17
Unsure	2	2	4	1	2	0	3
Not stated	2	2	0	1	2	5	4
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

Recruitment of independent standards committee members

Similar proportions of authorities have found the recruitment of independent members to the standards committee to be easy (37%) or difficult (38%), with a further quarter of respondents stating that the process has been neither easy nor difficult (23%). Local councils overall are more likely to have experienced recruitment difficulty than police, fire and parks authorities, 33% highlighting an easy process, 42% a difficult one (compared to 56% and 21% respectively amongst police, fire and parks authorities).

However, recruitment difficulties have not been experienced to the same degree by all types of local council – notably London boroughs have more likely found the process easy (63%) rather than difficult (21%).

Table 11: Ease of recruiting independent standards committee members (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Very easy	4	3	0	2	3	11	9
Fairly easy	33	30	32	31	13	53	47
Neither	23	23	25	21	36	11	22
Fairly difficult	26	29	37	31	28	16	14
Very difficult	12	13	6	13	18	5	7
Easy	37	33	32	34	17	63	56
Difficult	38	42	43	44	46	21	21
Unsure/not stated	3	2	0	2	2	5	2
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

At a regional level, the recruitment experience varies significantly. Authorities in the North are most likely to have experienced recruitment difficulties, and those in the South least likely to have done so:

- 27% of Northern authorities have found it easy to recruit, 43% difficult;
- 40% of Midlands authorities have found it easy to recruit, 41% difficult;
- 41% of Southern authorities have found it easy to recruit, 33% difficult.

Recruitment difficulty has been at the most extreme where a standards committee meets most frequently. This potentially stems from the greater degree of commitment required on the part of independent members.

- 34% of authorities where the standards committee has met at least seven times found it easy to recruit, 45% difficult.

In order to recruit independent members to the standards committee, almost all authorities within the sample have used local newspaper advertisements (97%), although in conjunction with other recruitment methods, including websites (49%), personal approaches (36%), and working through other local authorities (20%). Generally, local councils and police, fire and parks authorities have tended to adopt similar approaches to recruitment, the only key difference noted being in the proportions making personal approaches, lower amongst police, fire and parks authorities (19%) than amongst local councils (39%).

London boroughs tend to have undertaken more exhaustive measures in order to recruit independent members than is seen across other authority types, with all taking out press advertisements (100%), a majority using a website (58%), and over one-third working with local partners and the voluntary or community sectors (37%). Also of note is that county and unitary/metropolitan authorities are more likely to have made personal approaches to prospective independent members than is observed in the overall sample (67% and 53% respectively).

Table 12: Measures adopted to recruit independent members to the standards committee – prompted, multiple response (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Advertisements in local press	97	97	97	97	96	100	96
Website	49	49	51	48	46	58	51
Personal approach	36	39	53	30	67	32	19
Working through other local authorities e.g. chamber of commerce	20	20	22	15	27	37	23
Working through local voluntary and community sector	19	21	17	18	24	37	12
Local radio	6	6	15	5	7	5	4
Other	7	7	3	9	3	5	8
None of these	1	1	0	1	0	5	1
Unsure/not stated	2	2	0	2	2	0	2
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

In terms of the most effective measure utilised to recruit independent members, over three in five respondents (61%) highlight newspaper advertising, with personal approaches (16%) being the only other approach mentioned by substantial numbers. Police, fire and parks authorities are far more reliant than local councils on the former approach.

As noted above, the approach to recruitment amongst London boroughs differs slightly, as greater emphasis is placed upon partnership working, in this case with recruitment through the voluntary and community sectors, than is placed upon personal approaches.

Table 13: Most effective method adopted to recruit independent members to the standards committee – prompted, multiple response (where the authority has undertaken measures to recruit independent members to the standards committee)

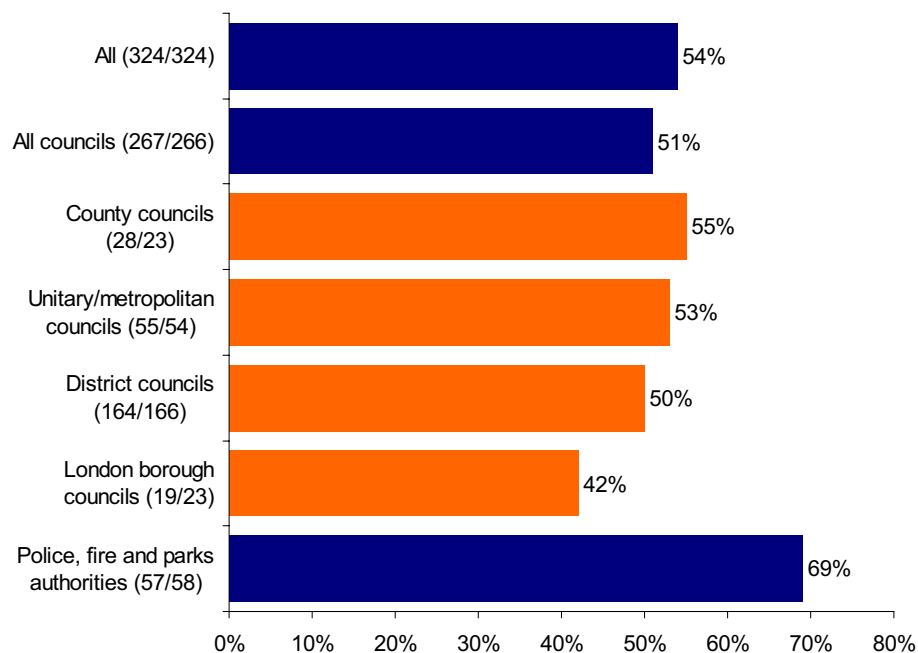
	All	All councils	County councils	District councils	Unitary / metropolitan Councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Advertisements in local press	61	59	37	66	49	53	70
Personal approach	16	17	35	9	40	11	9
Working through local voluntary and community Sector	3	3	4	1	3	16	0
Working through other local authorities e.g. chamber of commerce	2	2	0	2	4	0	3
Local radio	<0.5	<0.5	0	1	0	0	0
Website	<0.5	<0.5	0	1	0	0	0
Other	3	3	0	4	0	5	4
None of these	1	1	0	1	0	5	0
Not stated	14	14	24	17	4	11	15
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

Allowances for independent members

Annual allowances

Overall, 54% of respondents indicate that their authority entitles independent members on the standards committee to an annual allowance (54%), although this proportion is far higher within police, fire and parks authorities (69%) than amongst local councils (51%). By contrast, 42% of authorities indicated that independent members are entitled to no such allowance.

Figure 5: Proportion of respondents who indicate that independent members of the standards committee are entitled to an annual allowance (all respondents)



Figures in parentheses denote unweighted/weighted bases

The provision of annual allowances to independent members of the standards committee varies to a degree by region, with those in the Midlands being most likely to be in receipt (59%, compared to 51% of both Northern and Southern authorities).

No clear pattern emerges however, with regard to member allowances for standards committees that meet more frequently: 57% of those where the committee has met at least seven times since January 2005 provide annual allowances, compared to 56% of those that have met one to three times, and 50% of those that have met four to six times.

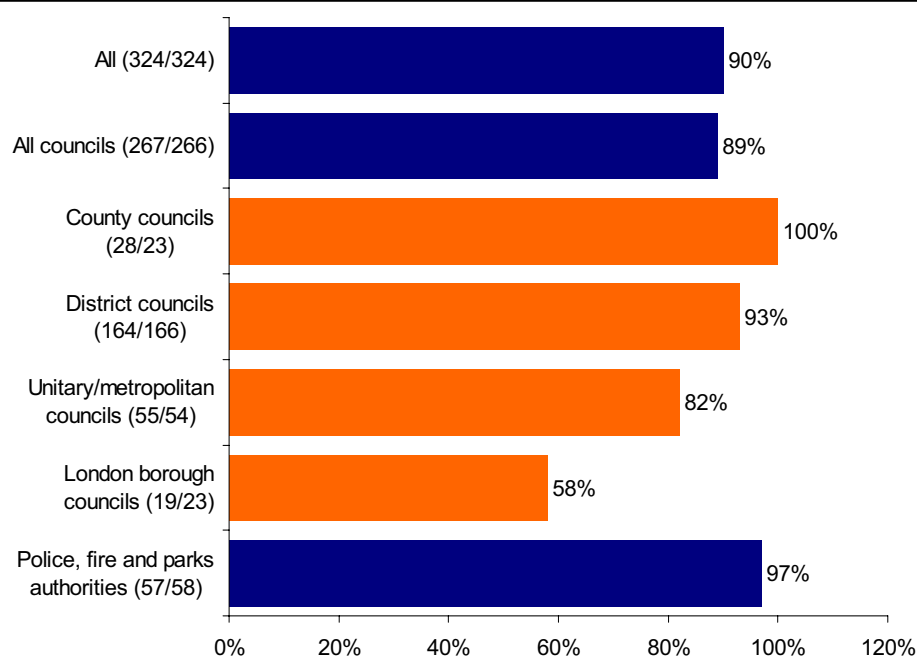
Results suggest the potential for a link between the provision of annual allowances and recruitment difficulty. Overall, where authorities have experienced difficulty in recruiting independent members, only one-half (50%) offer an annual allowance. In contrast, 62% of those that have found it easy to recruit independent members offer an annual allowance.

Travel and subsistence allowances

Nine in ten respondents (90%) indicate that their authority entitles independent members to the standards committee to a travel or subsistence allowance, although, as with annual

allowances, provision is more likely to be offered by police, fire and parks authorities (97%) than by local councils (89%). Provision also varies at a local council level: all county councils offer travel and subsistence allowances, unsurprising given the lengthier journey times involved for members, whilst provision is far lower within London boroughs (58%).

Figure 6: Proportion of respondents who indicate that independent members of the standards committee are entitled to a travel or subsistence allowance (all respondents)



Figures in parentheses denote unweighted/weighted bases

At a regional level, the proportion of respondents who indicate that their authority provides travel or subsistence allowances shows little variation – 93% of Midlands, falling to 90% of Northern and 88% of Southern authorities.

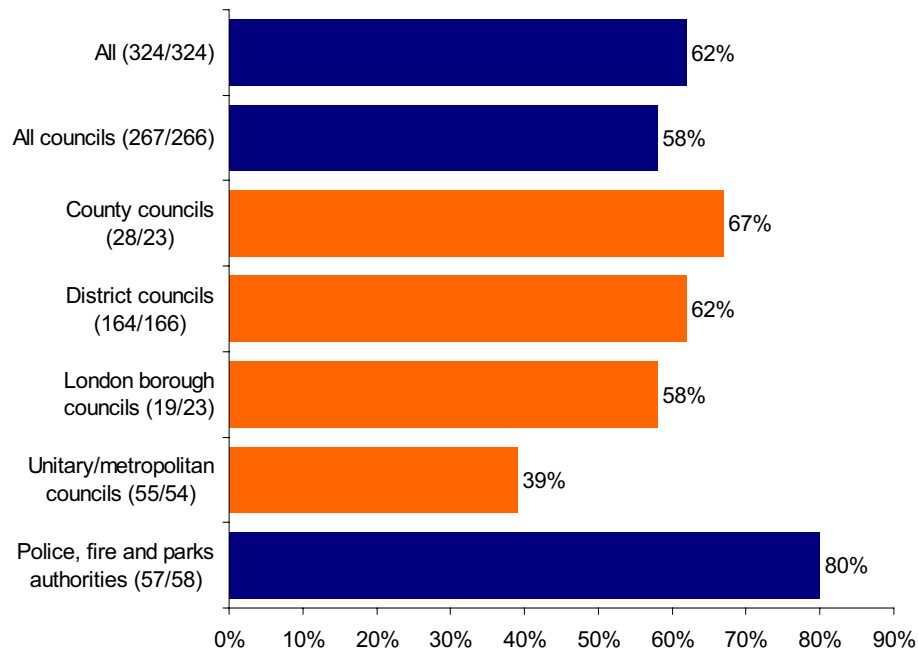
Furthermore, travel and subsistence allowance provision does not vary significantly according to the number of times the standards committee has met – where the standards committee has met one to three times since January 2005, 94% of authorities provide allowances, 90% where the standards committee has met four to six times, and 88% where the committee has met on seven or more occasions.

Where authorities have experienced difficulty in recruiting independent members, this does not appear to be linked to the provision of travel or subsistence allowances. In all, 91% of those who have found it easy and 91% of those who have found it difficult to recruit independent members in the past provide such allowances.

Allowance claims

Despite authorities offering allowances to independent members of their standards committee, it is clear that this provision is not always taken up – 62% of respondents indicate that independent members take their entitlement, although the proportion is far higher amongst police, fire and parks authorities (80%) than it is amongst local councils (58%), and particularly unitary and metropolitan authorities (39%).

Figure 7: Proportion of respondents who indicate that independent members claim the allowances that they are entitled to (all respondents)



Figures in parentheses denote unweighted/weighted bases

At a regional level, the proportion of respondents who indicate that independent members take up their allowance entitlement varies significantly – 71% of Midlands, falling to 62% of Southern and 49% of Northern authorities. Interestingly, it is Northern authorities who are most likely to report encountering difficulties in recruiting independent members.

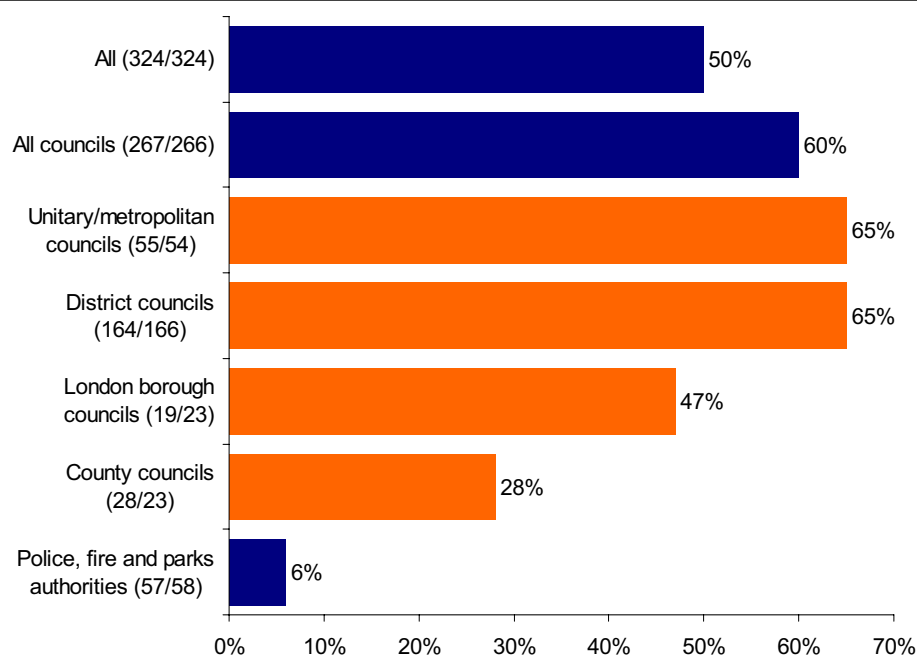
Local investigations

Previous local investigations

Undertaking local investigations

One half of authorities in the sample have undertaken local investigations in the past (50%), although significant variation is observed between local councils (60%) and police, fire and parks authorities (6%). This may to some extent reflect the fact that unitary, metropolitan and district councils also have arrangements in place for undertaking investigations on behalf of parish councils, rather than solely their own authority. The following figure highlights the wide differential between local council types in the proportion that have undertaken local investigations, district and unitary authorities having been most likely to have done so, county councils least likely to have.

Figure 8: Proportion of respondents who indicate that a local investigation has been undertaken within their authority (all respondents)



Figures in parentheses denote unweighted/weighted bases

No significant regional variation is noted in the proportion of authorities where a local investigation has taken place – 54% of Southern, falling to 51% of Midlands and 47% of Northern authorities.

With regards to the most recent investigation undertaken, for over half of authorities where an investigation has taken place, this was carried out by either the monitoring (21%) or deputy monitoring officer (31%), whilst one-quarter (24%) have utilised an external consultant.

For all types of local council, deputy monitoring officers were most likely to have carried out the most recent investigation, including within 83% of county councils, 45% of London

boroughs, 25% of district councils and 40% of unitary/metropolitan councils. As the following table demonstrates, both unitary/metropolitan and district councils have a greater reliance on the use of external consultants and/or other officers within their own authority in the administration of local investigations.

Table 14: Who carried out the most recent local investigation (where a local investigation has been undertaken in the authority since January 2005)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Monitoring officer	21	20	0	24	9	36	67
Deputy monitoring officer	31	32	83	25	40	45	0
External consultant	24	25	17	27	26	9	0
Another officer of the authority	15	15	0	15	23	0	33
Officer from a neighbouring authority	4	4	0	5	3	0	33
Other	5	5	17	5	3	9	0
Unweighted bases	166	162	9	106	37	9	4
Weighted bases	164	161	6	108	35	11	4

Monitoring officers who have been appointed more recently are more likely to have carried out a local investigation themselves: 28% of those who have been in their role for less than one year having done so, falling to 12% who have been in their role for one to five years, 9% who have been in their role for five to ten years, and 5% who have been in their role for ten years or more.

Operation of local investigations

Respondents from those authorities where a local investigation has taken place since January 2005 were asked to rate their level of agreement with six statements regarding the operation of the most recent investigation, and whether any problems were associated with it.

Perceptions of the investigation process are positive overall, with a majority of respondents registering agreement that the investigation was carried out to an acceptable standard (80%), or that the hearing was carried out similarly (65%). A majority of respondents disagree that specified difficulties or problems occurred during the investigation process, notably problems in understanding the investigation process (79% disagree), problems in finding someone to undertake the investigation (70% disagree), or problems in getting sufficient independent members for a Hearing (65% disagree). However, 18% of respondents agreed that they experienced problems in paying for the cost of the investigation, 9% that they experienced difficulties in deciding breach, and 8% that they experienced problems in finding someone to undertake the investigation. The issue of cost and finding someone to undertake the investigation could become more problematic as a greater number of cases will be decided at a local level.

Table 15: Agreement that specified statements apply to the conduct of the local investigations (where a local investigation has been undertaken in the authority since January 2005)

		Agree	Neither	Disagree	Unsure / not stated
The investigation was carried out to an acceptable standard	%	80	2	5	14
The hearing was carried out to an acceptable standard	%	65	2	2	31
We experienced problems in paying for the cost of this investigation	%	18	14	50	18
There were difficulties in deciding breach	%	9	5	57	28
We experienced problems in finding someone to undertake the investigation	%	8	9	70	13
We experienced problems in understanding the investigations process	%	5	6	79	11
We experienced problems in getting sufficient independent members for a hearing	%	4	3	65	28
Bases: 166 unweighted, 164 weighted					

The following figures are based on those authorities that have undertaken a local investigation since January 2005:

- Authorities in the Midlands (13%) and district councils (11%) are most likely to have experienced problems in finding someone to undertake the investigation. However, no London boroughs or police, fire and parks authorities experienced similar problems.
- London boroughs (22%) and authorities where the standards committee has met at least seven times since January 2005 (21%) are most likely to have experienced problems in paying for the cost of the investigation. County councils (10%) and police, fire and parks authorities (0%) are least likely to have experienced this difficulty.
- Police, fire and parks authorities are most likely to have experienced problems in understanding the investigations process (24%). In contrast, no county or London boroughs have done so.
- London boroughs are most likely to disagree that the investigation was carried out to an acceptable standard (11%), although no unitary/metropolitan and county councils, or police, fire and parks authorities experienced similar issues.
- Most likely to have experienced difficulty in recruiting independent members include county councils (10%), and those where standards committee meetings have been less frequent (11%).

- There is wide variation across authority types in terms of the proportions that have experienced difficulty in deciding breach, ranging from 24% of police, fire and park authorities, to 13% of county and unitary/metropolitan councils, 11% of London boroughs, and only 7% of district councils.

Impact of local investigations

Amongst those authorities where a local investigation has taken place since January 2005, 69% of respondents highlight a positive impact that has occurred, and 13% could highlight no positive impacts. Notably, at least one-half highlight three positive outcomes, that awareness on the standards committee has been raised within the authority (57%), that the importance of the Code of Conduct has been reinforced within the authority (52%), and/or that awareness of the Code of Conduct has been raised within the authority (51%). There has also been a raised awareness of monitoring officers and their role within the authority (42%). Of monitoring officers questioned 17% commented that local investigations had improved ethical conduct within the authority.

Amongst different types of local councils, respondents from London boroughs are most likely to report positive outcomes resulting from local investigations (78%), followed by unitary and metropolitan (71%), district (68%), and county (62%) councils. Unlike other authority types, respondents from London boroughs are more likely to have noted an increased awareness of the Code of Conduct and/or of the monitoring officer within the authority than they are to highlight raised awareness of the standards committee.

Table 16: Positive impacts of local investigations – prompted, multiple response (where a local investigation has been undertaken in the authority since January 2005)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Raised awareness of the standards committee in the authority	57	57	62	54	66	67	52
Reinforced the importance of the Code of Conduct in the authority	52	52	62	47	64	67	28
Raised awareness of the Code of Conduct in the authority	51	51	49	51	47	78	52
Raised awareness of the monitoring officer in the authority	42	42	49	43	29	78	24
Raised public awareness of the Code of Conduct	28	28	0	31	30	11	28
Improved ethical behaviour in the authority	17	18	23	18	15	22	0
Authority now more transparent / open	12	13	0	12	19	11	0
Other	6	6	0	8	3	0	0
No positive impacts	13	13	13	14	12	11	0
Unsure	7	7	15	7	7	0	0
Not stated	11	11	10	11	10	11	20
Unweighted bases	166	162	9	106	37	9	4
Weighted bases	164	161	6	108	35	11	4

Amongst those authorities where a local investigation has taken place since January 2005, more than one-third of respondents (36%) note any negative impacts that have occurred, the proportion ranging from 45% of London boroughs, to 38% of district, 36% of unitary/metropolitan, and 13% of county councils. Overall, the impact of the relationship between the monitoring officer and members has been highlighted by the largest proportion of respondents as being a negative impact (18%), followed by the image of the authority in the minds of the public (10%).

Table 17: Negative impacts of local investigations – prompted, multiple response (where a local investigation has been undertaken in the authority since January 2005)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Impact on relationship between monitoring officer and members	18	18	0	18	18	33	24
Impact on the image of the authority to the public	10	10	0	5	22	33	0
Impact on relationship between monitoring officer and officers	2	2	0	3	0	0	0
Impact on image of the standards committee in the authority	5	5	13	6	0	0	0
Other	12	12	0	15	9	0	0
No negative impacts	36	37	62	34	41	44	0
Unsure	10	9	15	8	11	0	56
Not stated	18	18	10	20	12	11	20
Unweighted bases	166	162	9	106	37	9	4
Weighted bases	164	161	6	108	35	11	4

In the table above, 12% of respondents give 'other reasons' on a spontaneous rather than prompted basis. The key issues highlighted include an increase in political partisanship⁴ (3%), a decline in the relationship with parish councils (2%), and an increase of what are seen as trivial complaints. The volume of trivial complaints is perceived to lead to a subsequent lack of staff resource (2%), and financial problems with authorities (2%).

The perception that local investigations have had a negative effect in terms of the impact on the image of the authority with the public does not differ significantly at a regional level – 11% of respondents in Northern and Midlands, and 9% in Southern authorities consider this to have been the case.

Contingency planning

Almost all respondents (93%) are aware of contingencies in place within their authority which provide another person who is able to undertake a local investigation should the monitoring officer be unable to proceed. From the following table, it can be seen that a large number of authorities have multiple contingencies in place to deal with the unavailability of their monitoring officer. Options include a deputy monitoring officer (64%) a monitoring officer from

⁴ Including the misuse of the procedure by making what are considered trivial complaints to meet political ends.

a neighbouring authority (50%), an external consultant (37%), and/or another officer within the authority (37%).

As the following table demonstrates, police, fire and parks authorities are less likely to have any procedures in place to deal with the absence of their monitoring officer (86% having a contingency plan, compared to 95% of local councils), and are the only type of authority that favour the use of monitoring officers from neighbouring authorities (57%) over an internal solution, particularly through the use of deputy monitoring officers (50%).

For all local council types, the largest proportion have deputy monitoring officers available to deal with the contingency, and this proportion is particularly high amongst county councils (86%). Overall however, unitary and metropolitan councils seem most likely to have adopted a multi-strand policy and have particularly strong internal resourcing, with a majority using deputy monitoring officers, other officers within their authority and/or external consultants.

Table 18: Who would carry out a local investigation in the event of the monitoring officer being unable to do so – prompted, multiple response (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Deputy monitoring officer(s)	64	67	86	62	72	74	50
A monitoring officer from a neighbouring authority	50	49	53	50	47	42	57
External consultant	37	39	33	38	51	21	27
Another officer within the authority	37	40	40	35	54	47	25
Other	4	5	6	6	1	5	3
Nothing in place	5	4	4	4	4	5	11
Unsure	1	1	0	1	0	0	3
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

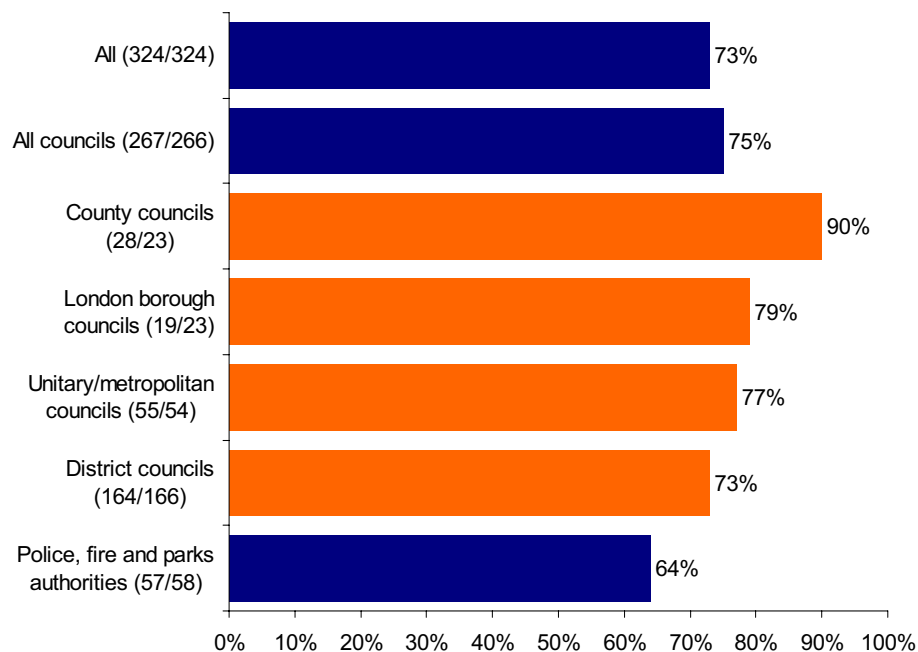
Training

Training on investigations

The majority of respondents indicate that they or other members of their standards committee have received training on how to undertake a local investigation (73%). By contrast, 26% have not received any such training.

As the following figure indicates, receipt of investigations training is more typical within local councils (75% receiving training, rising to 90% in county councils) than police, fire and parks authorities (64%). Over a quarter of district council respondents have not received any training on how to undertake a local investigation, whilst just over 20% of unitary/metropolitan councils and London boroughs, also have not received any training in this area. These results highlight the need for training provision, particularly amongst police, fire and parks authorities as well as district councils who, in terms of overseeing standards of conduct, incorporate parish/town councils.

Figure 9: Proportion of respondents who indicate that training on undertaking investigations is delivered within their authority (all respondents)



Figures in parentheses denote unweighted/weighted bases

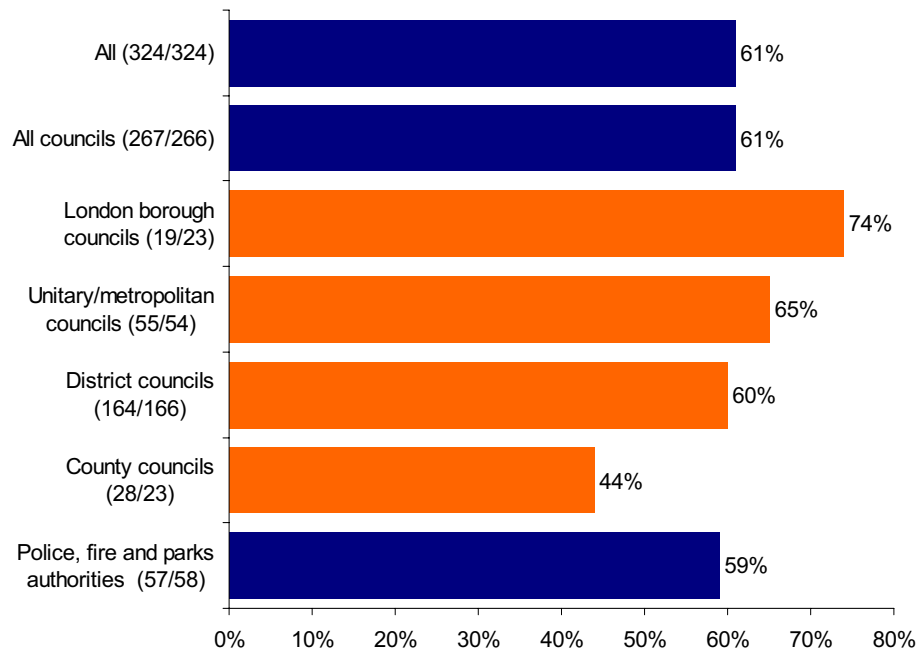
The receipt of training also varies to an extent at a regional level, with respondents or standards committee members who represent authorities in the Midlands being most likely to have received investigations training (79%, falling to 72% of Northern and 69% of Southern authorities).

Just over three in five respondents would like to receive training or additional training on how to conduct local investigations in the future (61%). Unsurprisingly, those yet to receive any

investigations training are more likely to express a demand for future training (73%, compared to 57% of those who have already received investigations training).

Whilst a consistent level of training demand is observed between local councils (61%) and police, fire and parks authorities (59%), between differing types of local councils, the proportion that would like (further) training varies notably, high demand being observed in London boroughs, and lower demand in county councils.

Figure 10: Proportion of respondents who would like (more) investigations training in the future (All respondents)



Figures in parentheses denote unweighted/weighted bases

Training demand is slightly higher within authorities in the North (67%) over the South (59%) and Midlands (57%).

Furthermore, training demand is unsurprisingly higher amongst those monitoring officers who have been in their role for shorter periods of time, with 77% of those working as a monitoring officer for up to a year highlighting a training demand, falling to 63% of those who have been in their role for one to five years, 55% of those in their role for five to ten years, and 58% of those in their role for ten or more years.

Training on ethics and the Code of Conduct

Training delivery and attendance

Over nine in ten respondents (94%) state that training on ethics, and/or the Code of Conduct has been delivered within their authority since the beginning of January 2005, although this proportion is higher within local councils (96%) than within police, fire and parks authorities (85%).

This training is most likely to have been delivered to standards committee members (87% of respondent authorities) and/or elected members who are not on a standards committee (78%), although notable minorities also highlight training being given to officers (37%) and/or parish and town councillors (36%). There is wide variation between local councils and police, fire and parks authorities, or even between differing types of local councils in terms of the proportion of authorities that deliver ethics/Code of Conduct training. The key points to note, highlighted in the following table include:

- A greater commitment of London boroughs in delivering training to officers.
- A greater involvement of district councils in delivering training to parish or town councillors.
- Fewer opportunities for standards committee members to benefit from training amongst police, fire and park authorities.

Table 19: Groups to which training on ethics and/or the Code of Conduct is delivered (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
standards committee members	87	89	93	88	94	79	77
Elected members who are not on a standards committee in your authority	78	82	93	79	86	89	59
Officers	37	37	45	31	40	68	34
Parish and town councillors (not on the standards committee)	36	44	5	57	40	0	0
None of the above	6	4	4	4	2	5	15
Unweighted bases	324	267	28	164	55	19	57
Weighted bases	324	266	23	166	54	23	58

At a regional level, the key differences from the headline sample are observed in the delivery of training to officers in the South (44% of respondent authorities), and to parish and town councillors in the Midlands (43%).

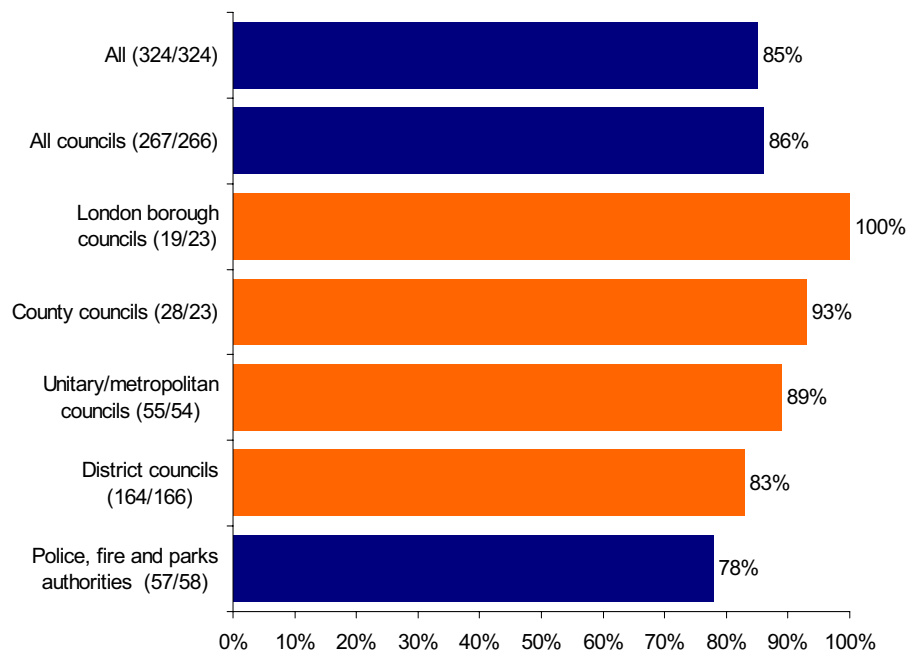
Attendance at training on ethics or the Code of Conduct varies significantly across the groups to which the training has been delivered. Where respondents indicate that training has been delivered to standards committee members, 96% state that the training has been fairly or very well attended by these members; in contrast 87% of officer training (which is compulsory), 80% of other elected member training, and 64% of parish and town councillor training has been similarly attended.

Table 20: Attendance levels at training on ethics or the Code of Conduct amongst specified groups (where training has been delivered to the specified groups)

	Standards committee members	Elected members who are not on a standards committee in your authority	Officers	Parish and town councillors
	%	%	%	%
Very well attended	65	22	38	15
Fairly well attended	31	58	49	49
Not well attended at all	2	17	7	32
Unsure / not stated	2	3	5	5
Unweighted bases	281	254	118	116
Weighted bases	281	254	119	117

Ethical governance toolkit

Over four in five respondents (85%) are aware of the ethical governance toolkit, developed by the Standards Board, Audit Commission and IDeA. Awareness is slightly higher amongst local councils (86%) than amongst police, fire and parks authorities (78%), although as the following figure demonstrates, awareness amongst local council respondents achieves even higher levels amongst London borough and county councils.

Figure 11: Proportion of respondents who are aware of the ethical governance toolkit (All respondents)

Figures in parentheses denote unweighted/weighted bases

Regional variance in terms of awareness of the ethical governance toolkit is also observed, with respondents in Midlands authorities (78% aware) less likely to be aware than those in the North or South (both 88%).

Over one-quarter of respondents (27%) have used some of the materials in the toolkit, although as the following table demonstrates, respondents from London borough and county authorities are far more likely to have done so (58% and 53% respectively).

Approaching a further half of respondents (47%) intend to use the toolkit in the future, rising to 57% of respondents from unitary authorities, whilst one in eight (13%) would like further information. This latter group includes 30% of those who have been in their position of monitoring officer for less than one year. Finally, 12% of respondents have no intention of using the toolkit, peaking at 15% of respondents from district authorities.

Table 21: Usage of the ethical governance toolkit (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Used the toolkit	27	28	53	22	22	58	25
Intend to use the toolkit	47	47	33	47	57	42	45
Would like further information on the toolkit	13	12	4	15	11	0	15
Does not intend to use the toolkit	12	12	7	15	9	0	12
Not stated	2	1	3	1	0	0	8
Unweighted bases	324	267	28	164	55	19	324
Weighted bases	324	266	23	166	54	23	324

Members of standards committees survey findings

Respondent's role within the standards committee

Length of membership

The majority of respondents (63%) have been serving on the standards committee for between one year and less than five years. This contrasts with 13% who have been serving for less than one year, and 24% who have been serving for five years or more.

Local councils on the whole differ from police, fire and parks authorities in terms of long-term standards committee members⁵, who represent 25% of the former group, but only 17% of the latter. Across local authorities, the time served on standards committees is fairly consistent with the exception of London boroughs, where a large proportion has served for less than one year (35%).

Table 22: Length of time that the respondent has worked as a standards committee member (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Less than one year	13	13	13	10	11	35	12
One year or more but less than five years	63	62	64	64	59	48	71
Five years or more	24	25	22	25	29	17	17
Not stated	1	1	1	1	1	0	<0.5
Unweighted bases	1,308	1,127	112	691	245	75	181
Weighted bases	1,742	1,477	114	939	302	117	265

⁵ That is, those who have been members of standards committees for at least five years.

With the publication of the White Paper *Strong and prosperous communities*, the workload of committee members may change to an extent within certain authorities. Respondents were asked to rate the impact that the content of the White Paper may have on their role.

Whilst committee members recognise that there will be negative impacts on committee members regarding workload (75% agree that this will increase), and the number of hearings that members will have to attend (66% agree), there is nevertheless a high degree of positivity that members will be able to meet these challenges, 68% agreeing that they are confident that they will be fully prepared, and 60% that the committee has sufficient support. By contrast, 14% disagree with the statement that the standards committee has sufficient support to manage the proposed changes.

Table 23: Agreement that specified changes will affect the respondent in their role as a result of the White Paper *Standards of Conduct in English Local Government* (all respondents)

		Agree	Neither	Disagree	Unsure / not stated
My workload will increase	%	75	17	2	6
I am confident that I will be fully prepared for these changes	%	68	18	8	6
The number of hearings I am required to attend will increase	%	66	21	2	11
The standards committee has enough support in order to manage these changes	%	60	17	14	9
Bases: 1,308 unweighted, 1,742 weighted					

Operation of the standards committee

All respondents were asked to rate their level of agreement with twenty statements regarding perceptions within their authority with regards to the standards committee, the impact that the committee has had within their authority, and how effective working relationships and lines of communication are. The full results are presented in Table 31 and Table 32 in Appendix 1.

From the table, it can be seen that the standards committee is perceived in the most positive terms with regards to having a good relationship with the monitoring officer (91% agree that this is the case), that the committee receives sufficient support from the monitoring officer (89%), and that the main function of the committee is to promote ethical behaviour within the authority (89%).

There is a variation in the extent to which standard committees provide an advisory role to members and officers. With 50% expressing disagreement that officers and 45% that elected members who are not on a standards committee regularly ask for ethical advice.

Training

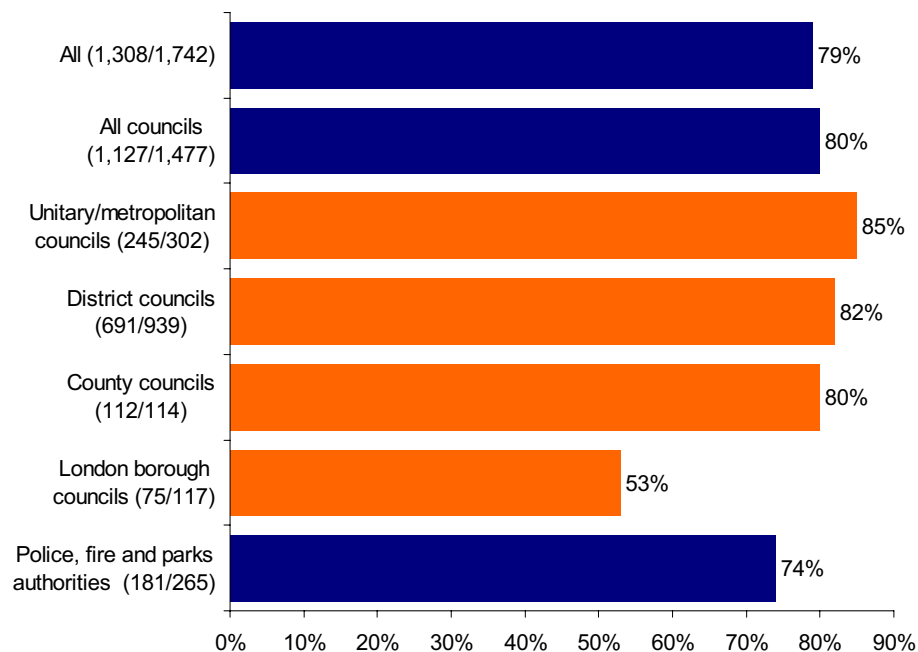
Training on hearings

Training received

Almost four in five of respondents indicate that they have received training on how to undertake a local hearing (79%). In contrast, 19% of respondents reported that they have received no such training.

As the following figure indicates, receipt of such training is more typical of local councils (80% receiving training) than police, fire and parks authorities (74%), although within local councils, a far smaller proportion of respondents in London boroughs received training (53%).

Figure 12: Proportion of respondents who indicate that they have received training on undertaking hearings (all respondents)



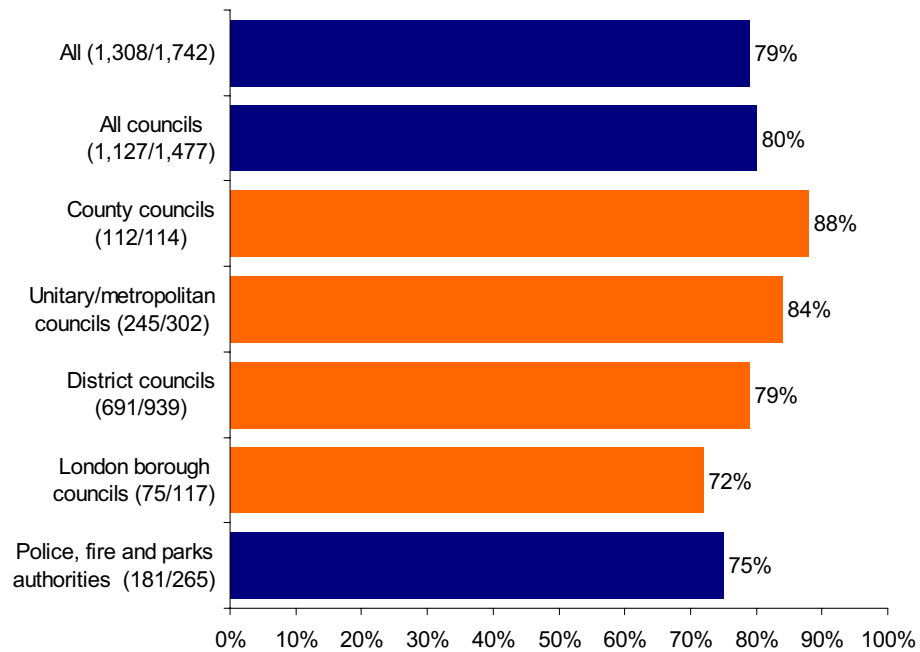
Figures in parentheses denote unweighted/weighted bases

The receipt of training also varies to an extent at a regional level, with respondents in the Midlands being most likely to have received hearings training (84%, falling to 83% in the North and 73% in the South).

As with training on local hearings, 79% of respondents have undertaken training related to other aspects of their role, and 18% report this not to be the case.

As the following figure indicates, receipt of training related to other aspects of the role is more typical of local councils (80% receiving training) than police, fire and parks authorities (75%). However, across local councils, whilst there is a divergence in the proportions receiving other training between 88% for county councils, falling to 71% for London boroughs, this differential is far smaller than that observed previously with regards to the receipt of training on hearings.

Figure 13: Proportion of respondents who indicate that they have received training related to other aspects of their role (All respondents)



Figures in parentheses denote unweighted/weighted bases

The receipt of training also varies to an extent at a regional level, with respondents in the North being most likely to have received other relevant training (83%, falling to 78% in the Midlands and 77% in the South).

The following table summarises the number of training days received on how to undertake hearings and other aspects of the respondent's role. The number of days delivered on either type of training is similar; for the majority of respondents training on either or both of hearings and other aspects of the role has been limited to one to three days (66% hearings; 61% other aspects of the role), although a notable proportion has received in excess of three days training (15% on hearings training, 21% on other aspects).

Table 24: Number of days training received (all respondents)

	Training on how to undertake hearings	Training on other aspects of their role
	%	%
None	19	18
Less than one day	22	21
1-3 days	44	40
4-6 days	10	11
7-9 days	1	3
10 days or more	2	3
Don't know	1	1
Not stated	1	2

Bases: 1,308 unweighted, 1,742 weighted

Where respondents have received training in relation to their role as a standards committee member, 51% indicate that the most recent training was delivered in-house, and 39% by an external provider. Local councils, in comparison to police, fire and parks authorities have a greater reliance on in-house provision (52%), particularly amongst London boroughs (64%). For police, fire and parks authorities, and also unitary/metropolitan authorities, there are approximately equal proportions of respondents who received the most recent training through in-house or external provision.

Table 25: Provider of the most recent training (all respondents)

	All	All councils	County councils	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
In house	51	52	54	52	48	64	46
An external provider	39	38	34	40	41	22	40
Don't know	1	1	1	1	2	1	1
Not provided	9	8	11	7	9	13	12
Unweighted bases	1133	986	103	607	219	55	147
Weighted bases	1513	1291	105	822	274	87	222

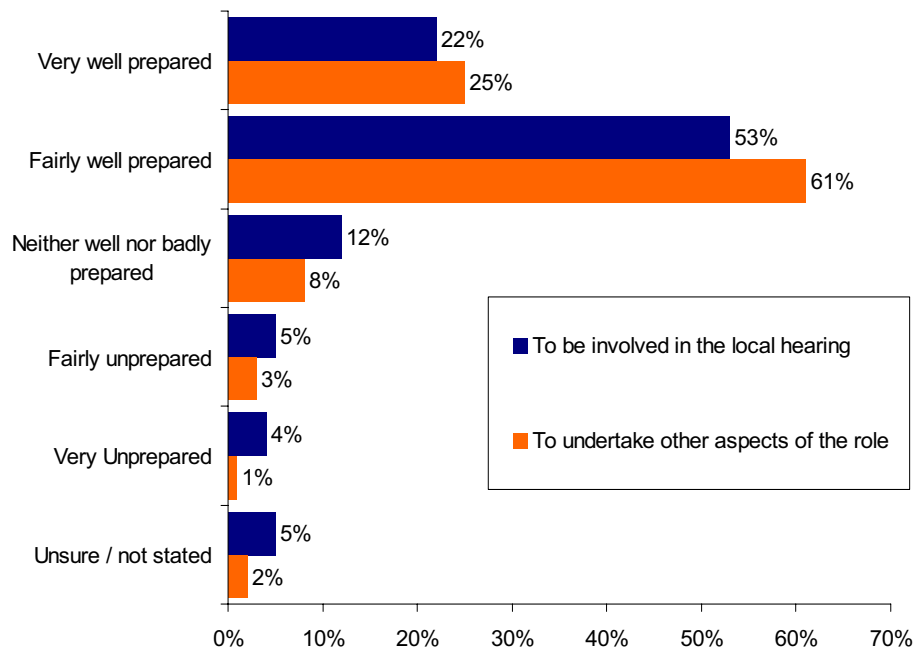
In terms of the themes covered in recent training, the key theme was holding/chairing meetings – in all, 26% of those who have received training were trained in this area. Other areas of training include their role (8%), role play and case study (7%) and the Code of Conduct (7%). The full list of training received is summarised below:

- 26% - holding/chairing meetings
- 8% - role of standards committee members
- 7% - Code of Conduct; role play
- 4% - complaints procedures
- 3% - ethical standards; declaration of interest; 'more of the same'; basic training; hearing procedures
- 2% - future changes; local determination; planning issues
- 1% - training session for parish councils; mediation; monitoring officer issues; adjudication issues

Preparedness for the role as a standards committee member

All respondents were asked to rate how prepared they feel in terms of being involved in a local hearing and in being able to undertake other aspects of their role. Overall, 75% of respondents feel well prepared for their involvement in local hearings (of which 22% were very well prepared), whilst 12% feel neither well nor badly prepared, and 9% badly prepared. In contrast, 86% feel well prepared to undertake other aspects of their role (of which 25% very well prepared), 8% neither well nor badly prepared, and 4% unprepared.

Figure 14: How prepared the respondent feels with regards to specified aspects of their role (All respondents)



Bases: 1,308 unweighted, 1,742 weighted

Perceptions of the training

Respondents who have received training related to their role within the standards committee were asked to rate their level of agreement with six statements relating to the training they received. The results in the table below do not highlight any particular deficiencies with the training provided, respondents being highly likely to agree that the training was relevant (86%), was of an appropriate standard (79%), fully met aims and objectives (79%), and was well organised (79%). The only aspect which raises a level of concern relates to the content of the training, for which a lower proportion of respondents (55%) express agreement that everything they needed to know was covered.

Table 26: Agreement with specified statements regarding the training received (all respondents)

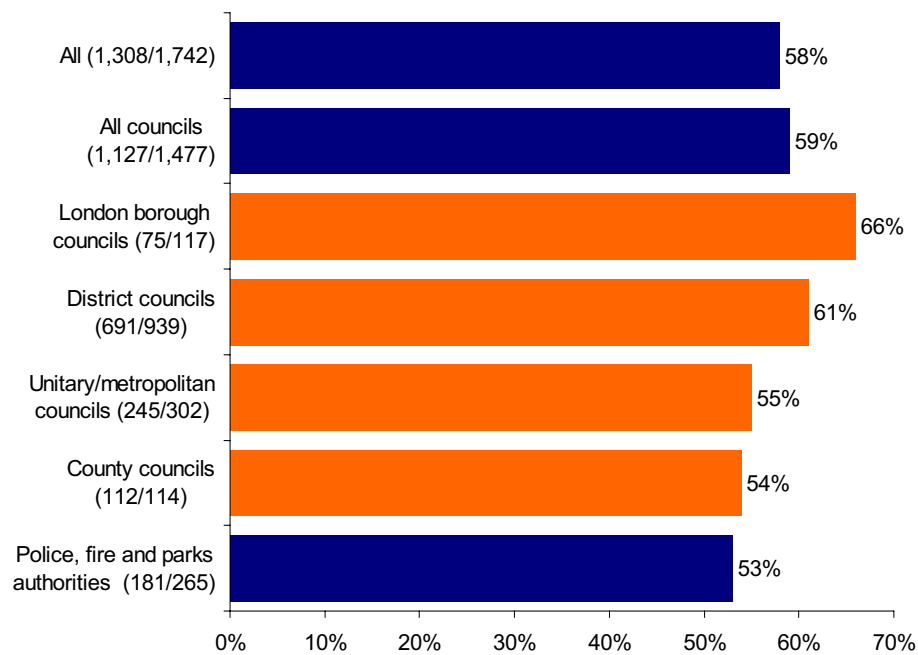
		Agree	Neither	Disagree	Unsure / not stated
Was relevant	%	86	4	1	9
Overall was of an appropriate standard	%	79	9	2	10
Fully met the aims and objectives	%	79	9	2	11
Was well organised	%	79	8	3	9
Was well structured	%	77	10	3	11
Covered everything I needed to know	%	55	24	9	12
Bases: 1,308 unweighted, 1,742 weighted					

Future training need

Approaching three in five respondents would like to receive training or additional training relevant to their role in the future (58%). Unsurprisingly, those who feel unprepared for their role are more likely to express a demand for future training (87%, compared to 56% of those who feel prepared for their role).

The proportion that would like to receive more training in the future is slightly higher within London boroughs (66%), unsurprising given the comparatively low proportion that have received training in the past.

Figure 15: Proportion of respondents who would like (more) training relevant to their role in the future (all respondents)



Figures in parentheses denote unweighted/weighted bases

Training demand is slightly lower within authorities in the North (85%) in comparison to the South (93%) and Midlands (92%).

Those respondents who would like to receive future training were further asked to highlight topic areas of the training they would like. The key areas include holding and chairing meetings (12%), the role of members on standards committees (12%), refresher courses of standards issues (12%), and role plays and case studies (11%). The full list of responses is as follows:

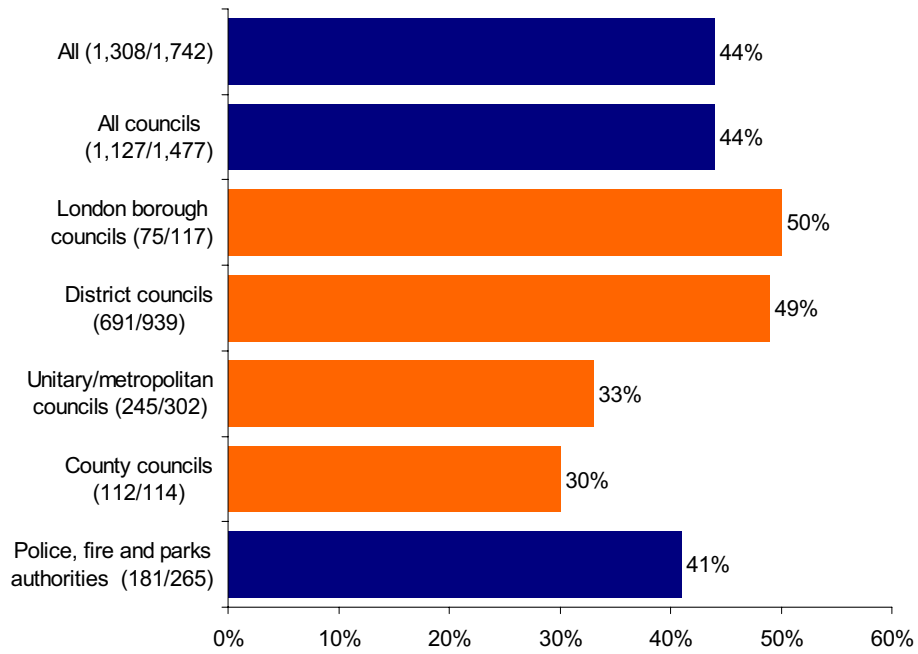
- 12% - holding and chairing meetings; role of members of standards committees; refresher courses on standards issues
- 11% - role plays and case studies
- 10% - hearings procedures
- 9% - 'more of the same'
- 5% - rules / Code of Conduct, ethical behaviour
- 4% - basic training
- 3% - investigations procedures; future changes to role; general legal issues
- 2% - communication
- 1% - mediation; local determination; auditing; monitoring officer roles; adjudication issues; decision-making

Ethical governance toolkit

Approaching one-half of respondents (44%) are aware of the ethical governance Toolkit, with no significant difference reported between local councils and police, fire and parks authorities. Across different types of local council, awareness levels do vary to a significant degree, those representing London boroughs being most likely to be aware of the toolkit (50%), those in county councils least likely to be aware (30%).

Interestingly, awareness of the ethical governance toolkit is far lower amongst standards committee members across all authority types than is the case amongst monitoring officers.

Figure 16: Proportion of respondents who are aware of the ethical governance toolkit (all respondents)



Figures in parentheses denote unweighted/weighted bases

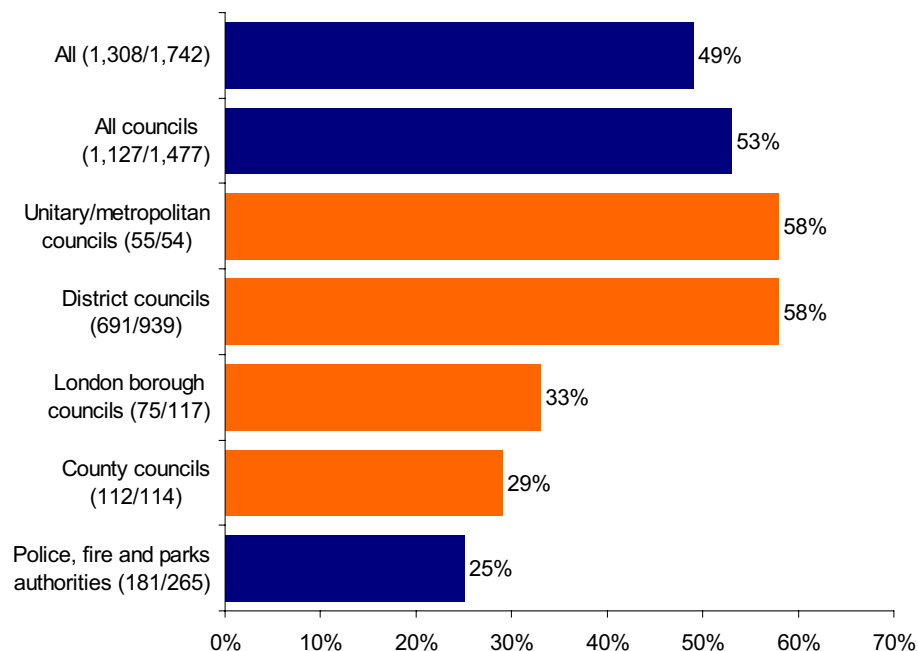
Impact of local hearings

Previous local hearings

Undertaking local hearings

Almost one half of authorities in the sample have undertaken local hearings in the past (49%), although significant variation is observed between local councils (53%) and police, fire and parks authorities (25%). The following figure also highlights a wide differential between local council types in the proportion that have undertaken local hearings, unitary and district authorities having been most likely to have done so, county councils least likely to have.

Figure 17: Proportion of respondents who indicate that a local hearing has been undertaken within their authority (All respondents)



Figures in parentheses denote unweighted/weighted bases

No significant regional variation is noted in the proportion of authorities where a local hearing has taken place – 50% of southern and northern authorities, falling to 47% of Midlands authorities.

Impact of local hearings

Amongst those authorities where a local hearing has taken place, 89% of respondents highlight a positive impact that has occurred. Three key positive impacts emerge – that the hearing has raised awareness of the standards committee within the authority (78%), raised awareness of the Code of Conduct within the authority (77%), and/or reinforced the importance of the Code of Conduct within the authority (72%). One-third (32%) of respondents consider that local hearings have improved ethical behaviour in the Authority.

Table 27: Positive impacts of local hearings – prompted, multiple response (where a local hearing has been undertaken in the authority since January 2005)

	All	All councils	County council	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Raised awareness of the standards committee in the authority	78	79	79	80	78	68	71
Raised awareness of the Code of Conduct in the authority	77	78	74	79	78	71	66
Reinforced the importance of the Code of Conduct in the authority	72	72	76	72	73	66	68
Raised public awareness of the Code of Conduct	41	43	38	45	43	21	18
Improved ethical behaviour in the authority	32	33	41	30	43	32	17
Authority now more transparent / open	27	26	26	26	26	24	38
Other	10	11	12	12	6	8	6
No positive impacts	3	3	0	2	2	8	8
Unsure	5	4	6	3	6	8	9
Not stated	3	4	12	4	3	0	0
Unweighted bases							
Weighted bases	854	789	34	542	176	38	65

Amongst those authorities where a local hearing has taken place, a third of respondents (31%) note negative impacts that have occurred, the proportion ranging from 33% of district, and 32% of unitary/metropolitan authorities, to 26% of county, 24% of London boroughs, and 23% of police, fire and parks authorities.

Overall, the impact of the relationship between the standards committee and members has been highlighted by the largest proportion of respondents as having a negative impact (14%), followed by the image of the authority in the minds of the public (11%).

Across authority types, members of standards committees within unitary authorities are most likely to have noted positive impacts of local hearings (83%, compared to 79% amongst district, 76% amongst London borough, 75% amongst police, fire and parks, and 70% amongst county authorities). There is some difference across authority types in terms of the proportions noting individual positive impacts, although the raising of awareness of both the standards committee and Code of Conduct and reinforcement of the Code of Conduct are frequently recognised as the key benefits across all authority types. Key differences to note are:

- Respondents from county councils are more likely to have noted improved ethical behaviour within their authority.
- Respondents from London boroughs are generally less likely to have noted individual positive impacts, but particularly raising awareness within the authority of standards committees, and raising public awareness of the Code of Conduct.
- Respondents from police, fire and parks authorities are less likely to have noted a raising in awareness of the standards committee within their authority, raised public awareness of the Code of Conduct, and improved ethical behaviour within their authority. They are more likely to feel that their authority has become more transparent or open however.

Table 28: Negative impacts of local hearings – prompted, multiple response (where a local hearing has been undertaken in the authority since January 2005)

	All	All councils	County council	District councils	Unitary / metropolitan councils	London boroughs	Police, fire and parks authorities
	%	%	%	%	%	%	%
Impact on relationship between standards committee and members	14	8	3	14	17	5	14
Impact on the image of the authority to the public	11	11	12	11	11	5	11
Impact on the image of the standards committee in the authority	8	2	6	9	8	0	8
Impact on relationship between standards committee and officers	6	9	6	6	7	0	6
Other	11	8	12	12	9	21	12
No negative impacts	48	54	50	47	47	47	47
Unsure	15	15	9	14	14	29	15
Not stated	6	8	15	6	7	0	6
Unweighted bases							
Weighted bases	854	789	34	542	176	38	65

Appendix 1: Tables of results

Table 29: How the respondent perceives aspects of their role within the authority (all respondents)

		Agree	Neither	Disagree	Unsure / not stated
As monitoring officer I have a good working relationship with the standards committee	%	97	2	0	2
The chief executive (or similar) is supportive of my work as monitoring officer	%	89	6	2	2
The chief finance officer is supportive of my work as monitoring officer	%	89	7	2	2
Members regularly ask me for monitoring officer advice	%	89	6	3	2
I am consulted on the legal implications of decisions made by the authority	%	88	6	3	2
My authority values what I do as a monitoring officer	%	87	7	5	2
My authority believes that my role as monitoring officer is part of its wider ethical framework	%	85	10	2	2
My work as a monitoring officer has a positive impact on the behaviour of members	%	81	16	2	2
I have had adequate training to undertake my current role of monitoring officer	%	80	12	7	1
As monitoring officer I have an appropriate influence over our corporate management team	%	80	8	10	2
Officers regularly ask me for monitoring officer advice	%	75	13	10	2
My work as a monitoring officer has a positive impact on the behaviour of officers	%	71	23	4	2
Officers are co-operative with my investigations	%	64	11	0	26
Members are co-operative with my investigations	%	59	12	2	27
I have a sufficient number of support staff	%	57	16	26	2
My role as monitoring officer is isolated within the authority	%	14	10	74	3
Bases: 324 unweighted & weighted					

Table 30: Activities of the standards committee (all respondents)

	Activities included in the standards committee's terms of reference	Activities that the standards committee has been involved in	Activities that have taken up most of the standards committee's time	Activities planned by the standards committee over the next twelve months
	%	%	%	%
Monitoring the effectiveness of the Code of Conduct	98	73	42	81
Training/arranging training/seminars on the Code of Conduct	97	77	35	85
Inclusion of code/ethics issues in the induction of new members	62	57	1	64
Providing advice/assistance to members/officers on the code /ethics	81	56	16	61
Overview of internal and/or external audit	13	11	4	9
Overview of whistle-blowing Code	46	29	1	33
Overview of constitution or relevant extracts	39	35	11	37
Responding to ombudsmen investigations	22	11	1	13
Hearings	87	36	18	54
Functions relating to authority's complaints procedure	29	23	3	21
Representing the council to other authorities with respect to standards issues	23	26	1	17
A role in employees' conduct (e.g. in appeals against disciplinary action)	6	5	1	7
Approving and reviewing of anti-fraud procedures	18	17	1	15
Determining disputes over special payments to members (e.g. dependents' allowance)	5	1	<0.5	2
Responding to / receiving feedback on national or governmental developments regarding ethical governance	71	74	38	66
Other	17	11	5	16
None/not stated	<0.5	<0.5	7	4
Bases: 324 unweighted & weighted				

Table 31: How the respondent perceives aspects of their role within the authority (all respondents)

		Agree	Neither	Disagree	Unsure / not stated
The standards committee has a good working relationship with the monitoring officer	%	91	3	1	5
The standards committee gets enough support from the monitoring officer	%	89	4	2	5
The main function of the standards committee is to promote ethical behaviour within the authority	%	89	5	3	3
My authority values what the standards committee does	%	79	12	3	5
My authority believes that the role of the standards committee is part of its wider ethical framework	%	78	11	3	8
The chief executive (or similar) is supportive of the work of the standards committee	%	78	11	2	9
Officers are co-operative with hearings of the standards committee	%	69	11	1	19
The work of the standards committee has a positive impact on the behaviour of members	%	63	23	5	8
The standards committee has a good working relationship with the deputy monitoring officer	%	61	13	1	25
The chief finance officer is supportive of the work of the standards committee	%	58	18	2	22
The standards committee receives an adequate level of financial support	%	56	19	9	15
The work of the standards committee has a positive impact on the behaviour of officers	%	53	28	5	15
I personally receive an adequate level of financial support for my work on the standards committee	%	45	24	19	12
The standards committee has an appropriate influence over our corporate management team	%	37	28	9	27
Bases: 1,308 unweighted, 1,742 weighted					

Table 32: How the respondent perceives aspects of their role within the authority (All respondents)

		Agree	Neither	Disagree	Unsure / not stated
The relationship of the standards committee with parish or town councils has improved since I have been on the standards committee	%	33	29	6	33
We have had difficulty in recruiting unelected independent members	%	21	16	44	19
The standards committee is isolated within the authority	%	19	18	55	8
Members regularly ask me and/or other members of the standards committee for ethical advice	%	16	23	45	15
The main function of the standards committee is to hold hearings	%	15	16	63	6
Officers regularly ask me and/or other members of the standards committee for ethical advice	%	10	25	50	16
Bases: 1,308 unweighted, 1,742 weighted					

This page is intentionally left blank



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Standards Committee Training Plan

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to seek Members' comments on the current Standards Committee training plan, and to inform the Committee of what progress has been achieved against the plan since January 2006.
2. Members of the Committee approved the draft training plan at their meeting on 19th January 2006. This training plan (attached as Appendix 1) contained details of training to be provided to new Members of the Committee as well as regular training for all Members.
3. Members of the Committee are asked to consider the updated training plan (Appendix 2) and offer any suggestions for additions or amendments, particularly in view of the changes outlined in the Local Government and Public Health Bill regarding local filtering of complaints.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to seek Members' comments on an updated version of the Standards Committee training plan, and to inform the Committee of what progress has been achieved against the existing plan since January 2006.

2.0 Background Information

- 2.1 The Ethical Audit undertaken by the Audit Commission in 2004¹ recommended that the Council improve learning and development opportunities for Members in relation to governance issues.
- 2.2 When the Committee approved and adopted their training plan in January 2006, it was also agreed that the plan be periodically reviewed, especially with reference to any future developments in role or functions of the Standards Committee.
- 2.3 At the Council's annual meeting on 24th May 2007, two additional City Councillors were appointed to the Standards Committee. In addition, both the former reserve members of the Committee were appointed as full members (able to vote).
- 2.4 Furthermore, the Council also adopted a new Code of Conduct for Members at the annual meeting on 24th May 2007. Therefore all Members of Standards Committee are in need of training on the provisions of the new Code.

3.0 Main Issues

Progress against the training plan since January 2006

Understanding of the Code of Conduct and protocols governing member and officer relations

- 3.1 As the new Code of Conduct is now in force, all Members of the Standards Committee required training, other than the training they received during their induction or through their briefing sessions on their appointment to the Committee.
- 3.2 All elected Members and Co-opted Members of the Committee were invited to attend any of the six update sessions held at Civic Hall in June. The Parish Members of the Committee were also invited to attend these sessions, along with one of the five local sessions held around Leeds.
- 3.3 All Members of the Committee have also been provided with updated guidance materials on the new Code of Conduct from the Standards Board for England, and a plain English guide to the local codes and protocols created by Leeds City Council.
- 3.4 Other training materials are also due to be released soon, and will be offered to Members of the Committee. These include a new e-learning module on the new Code and a Standards Board DVD.

To ensure all Members have the necessary skills to conduct a local hearing

- 3.5 On 16th February 2006, two representatives from the CIPFA Better Governance Forum provided a training course for the Standards Committee on how to conduct a

¹ Audit Commission report, "Setting High Ethical Standards: Leeds City Council".

local hearing, including a role play exercise. It is stated in the training plan that this exercise would be repeated every 6 months. However, as the cost of the training was £2038 this has not been carried out.

- 3.6 Since the expansion of the Committee membership, another session with the same external facilitators has been planned. This will take place in late July.
- 3.7 All Members of the Committee have watched the Standards Board DVD “Going Local: Investigations and Hearings” and the new Members will also been given the opportunity to do so.
- 3.8 The manuals of guidance referred to in the training plan were produced and used both in the role play exercise and in the real hearing carried out in May 2006. Extra copies will be made for the additional Members of the Committee, however as previously explained the manuals are to be retained in Civic Hall so that they can be updated easily.
- 3.9 Reports on notable cases and Adjudication Panel case tribunal decisions are brought to every Committee meeting for consideration, as stated in the training plan.
- 3.10 Finally, the briefing session referred to on the Standards Committee Procedure Rules is currently being organised with the new Members of the Committee.

To ensure all Members understand the Committee’s relationship with external bodies/agencies

- 3.11 All Bulletins issued by the Standards Board for England are sent to Members of the Committee as soon as they are released, along with a covering email or letter to summarise the main points of interest.
- 3.12 Members of the Committee have attended the Standards Board for England Annual Assembly, and the Standards Board for England Roadshow in Leeds (details in a separate agenda item). This year places at the Annual Assembly have already been booked by Members and three Members of the Committee will be attending.
- 3.13 The briefing session referred to on the overall relationship with outside bodies is currently being organised with the new Members of the Committee.

To ensure all Members of the Committee are aware of the role and function of the Monitoring Officer

- 3.14 The Monitoring Officer continues to attend every meeting of the Standards Committee, and is able to send the Deputy Monitoring Officer as a substitute should the need arise.
- 3.15 The briefing session referred to on the role of the Monitoring Officer is currently being organised with the new Members of the Committee. It is planned that all the briefing sessions for new Members referred to in the training plan are delivered in one session.

Possible amendments to the training plan

- 3.16 Members of the Committee are asked to review the training plan and consider whether any amendments or additions need to be made. A draft updated version of the Standards Committee training plan is attached as Appendix 2 to this report.

- 3.17 In relation to the Code of Conduct and local protocols, Members may wish to consider the addition of several other training methods, including the forthcoming Standards Board for England DVD on the provisions of the new Code of Conduct, the e-learning modules on the Code of Conduct and their relation to local codes and protocols issued by Leeds City Council, and the plain English guide to the local codes and protocols.
- 3.18 With regard to the local hearing skills, Members may wish to consider amending the timescales for repeating the training provided by an external facilitator to once every municipal year, or when necessary (for example if a hearing is imminent or there are new Members of the Committee).
- 3.19 Members of the Committee will note that further categories of skills have also been added to the training plan at Appendix 2. In anticipation of the changes in the Local Government and Public Health Bill due for implementation in April 2008, Members need to develop their skills in the area of filtering complaints. One of the methods through which this has been achieved is the Standards Board for England pilot project which provided Members of the Committee with real cases to work through and decide. As the timescales for completing this exercise were rather short, only a limited number of the Committee could attend. It is proposed therefore in the training plan that the exercise is repeated at a later date with similar cases for the remaining Members of the Committee. Another method will be the consideration of the complaints received at a local level and the decision of the Standards Board for England as to whether these should be referred for further investigation.
- 3.20 Finally, Members may wish to consider amending the training plan even further to include a category of skills relating to the conduct of meetings as a result of the BMG research report (detailed in a separate item on this agenda). The results of this research stated that members of standards committees considered training on the holding and chairing of meetings and the role of members on standards committees to be important in their role. It is possible that a briefing session on the role of the Committee and its terms of reference provided to Members on their appointment to the Committee may be a useful tool to address this issue. Also an e-learning module created by the IDeA Learning Pool is due to be released in October 2007 on the subject of meeting skills, which could be utilised as a method of addressing this training need.

4.0 Implications For Council Policy And Governance

- 4.1 Ensuring that the Committee is fully competent to carry out all of its activities supports the Council's governance arrangements, and is in line with the principles of the Member Development Strategy.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 There are resource implications to training carried out by external facilitators, however it is felt that these can be met from within existing budgets.

6.0 Conclusions

- 6.1 This report summarises progress against the Standards Committee Training Plan adopted in January 2006 (Appendix 1), and makes proposals for amendment to the Training Plan to incorporate new training needs and new training methods.
- 6.2 The proposed updated version of the training method with the additions listed above is attached as Appendix 2 to this report.

7.0 Recommendations

- 7.1 Members of the Committee are asked to consider the updated training plan (Appendix 2) and offer any suggestions for further additions or amendments, particularly in view of the changes outlined in the Local Government and Public Health Bill regarding local filtering of complaints.

This page is intentionally left blank

Standards Committee Training Plan (approved January 2006)

AIM	ACTION	TIME	COMPLETED
<p>To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations</p>	<p>Briefing session during induction for Leeds City Councillors and Parish Councillors</p>	<p>On election</p>	<p>May 2006 / May 2007</p>
	<p>Briefing session for independent members</p>	<p>On appointment to committee</p>	<p>Not required</p>
	<p>Briefing session on Standards Committee Procedure Rules</p>	<p>On appointment to committee</p>	<p>Not completed</p>
<p>To ensure all members have the necessary skills to conduct a local hearing</p>	<p>Manual of guidance</p>	<p>Issued to the committee in January 2006 and all new members on appointment to the committee</p>	<p>January 2006</p>
	<p>Standards Board for England DVD 'Going Local: Investigations and Hearings'</p>	<p>When released and all new members on appointment to the committee</p>	<p>January 2006</p>
	<p>Training day with an external facilitator (including mock hearing exercise)</p>	<p>February 2006 and every 6 months following</p>	<p>February 2006</p>
	<p>Regular reports on Adjudication Panel for England cases and decisions</p>	<p>Every committee meeting</p>	<p>Every Committee meeting</p>

Appendix 1

To ensure all members understand the committee's relationship with external bodies/agencies	Distributing newsletters released by the Standards Board for England	Within a week of release date	Bi monthly
	Attendance at conferences organised by external bodies	When they arise	When they arise
To ensure all members of the committee are aware of the role and function of the Monitoring Officer	Briefing session on overall relationship with outside bodies	On appointment to committee	Not completed
	Briefing session on role of monitoring officer	On induction / appointment to committee	Not completed
	Attendance at committee meetings by monitoring officer	Every committee meeting	Every Committee meeting

Draft Standards Committee Training Plan (revised July 2007)

AIM	ACTION	TIME	RESPONSIBILITY
<p>To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations</p>	<p>Briefing session during induction for Leeds City Councillors and Parish Councillors</p>	<p>On election</p>	<p>Chief Democratic Services Officer</p>
	<p>Briefing session for independent members</p>	<p>On appointment to Committee</p>	<p>Chief Democratic Services Officer</p>
	<p>Standards Board for England DVD on the new Code of Conduct</p>	<p>When released and all new Members on election or appointment to the Committee</p>	<p>Chief Democratic Services Officer</p>
	<p>E-learning Modules "Cracking the Code" on the new Code of Conduct</p>	<p>When released and all new Members on election or appointment to the Committee</p>	<p>Chief Democratic Services Officer</p>
	<p>The Local Codes and Protocols: A guide for Leeds City Council Members</p>	<p>On election or appointment to Committee</p>	<p>Chief Democratic Services Officer</p>
	<p>To ensure all members have the necessary skills to conduct a local hearing</p>	<p>Briefing session on Standards Committee Procedure Rules</p>	<p>On appointment to Committee</p>
<p>Manual of guidance</p>		<p>All new members on appointment to the Committee provided with a copy for use during training / hearings.</p>	<p>Chief Democratic Services Officer</p>

Appendix 2

	Standards Board for England DVD 'Going Local: Investigations and Hearings'	All new members on appointment to the Committee	Chief Democratic Services Officer
	Training day with an external facilitator (including mock hearing exercise)	Annually or earlier if necessary	Chief Democratic Services Officer
	Regular reports on Adjudication Panel for England cases and decisions	Every committee meeting	Chief Democratic Services Officer
To ensure all members understand the committee's relationship with external bodies/agencies	Distributing newsletters released by the Standards Board for England	Within a week of release date	Chief Democratic Services Officer
	Attendance at conferences organised by external bodies	When they arise	Chief Democratic Services Officer
	Briefing session on overall relationship with outside bodies	On appointment to committee	Chief Democratic Services Officer
To ensure all members of the committee are aware of the role and function of the Monitoring Officer	Briefing session on role of monitoring officer	On induction / appointment to committee	Chief Democratic Services Officer
	Attendance at committee meetings by monitoring officer	Every committee meeting	Director of Legal and Democratic Services

Appendix 2

<p>To ensure all members of the Committee have the necessary skills to consider/ filter local complaints</p>	<p>Consideration of six monthly complaints report</p> <p>Consideration of example cases (mock filtering exercise)</p>	<p>Every six months</p> <p>3rd July 2007 and when convenient for remaining members</p> <p>All new members on appointment to the Committee</p>	<p>Chief Democratic Services Officer</p> <p>Chief Democratic Services Officer</p>
--	---	--	---

This page is intentionally left blank



Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Standards Committee Work Programme

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 To notify Members of the Committee of the work programme for the remainder of this 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 2007/8 is attached at Appendix 1.

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 1 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 work programme and advise officers of any items they wish to add.

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Meeting date: 10th October 2007 – The deadline for reports for this meeting is 17th September 2007			
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Kelly	
Members' register of interests	To receive a report of the Director of Legal and Democratic Services regarding a review of the arrangements in place for the register of Members' interests.	Corporate Governance Officer Amy Kelly	
Protocol for Elected Members/Officer Relations	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	Principle Corporate Governance Officer Kate Sadler	
Training on the new Code of Conduct	To receive a report outlining the training which has been provided for Leeds City Councillors and Parish Councillors on the new Code of Conduct.	Amy Kelly Corporate Governance Officer	
Standards Committee Communications Plan (to raise the profile of the Committee)	To consider a draft communications plan for the Standards Committee, which identifies audiences and objectives and appropriate media for communication.	Head of Corporate Communications Louise Tonkinson	

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Comprehensive Performance Assessment	To receive a report outlining the requirements of the Use of Resources assessment for 2007/08.	Chief Officer Financial Management Doug Meeson	
Officer declarations of interest and gifts and hospitality	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	
Meeting date: 5th December 2007 – The deadline for reports for this meeting is 12th November 2007			
Standards Committee Independent Members' Forum	To receive the minutes from the October meeting of the Independent Members Forum.	Corporate Governance Officer Amy Kelly	
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Kelly	
Complaints referred to the Standards Board for England in the period April 2006 to October 2007	Regular item every 6 months detailing the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, and the outcome of those complaints.	Corporate Governance Officer Amy Kelly	

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Ethical Framework and Awareness Programme for officers	To receive a report outlining work which has been done to further analyse the results of the ethical audit, and details of the new ethical framework and awareness programme for officers.	Head of Human Resources Strategy Helen Grantham	
Consultation with Members regarding the additional of local provisions to the Code of Conduct	To receive a report outlining the results of the consultation with Members regarding whether additions need to be made to the Code of Conduct.	Principle Corporate Governance Kate Feltham	
Local Filtering of Complaints	To receive a report outlining the new arrangements for local filtering of complaints due for implementation in April 2008, including the creation of a filtering panel.	Principle Corporate Governance Officer Kate Feltham	
Meeting date: 13th February 2008 – The deadline for reports for this meeting is 21st January 2008			
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 Kelly	
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 Kelly	

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Kelly	
Annual report on the Monitoring Officer Protocol	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	Assistant Chief Executive (Corporate Governance) Nicole Jackson	
Ethical Audit Action Plan – Progress Report	To receive a report outlining the progress so far against the Ethical Audit Action Plan.	Principle Corporate Governance Officer Kate Feltham	
Meeting date: 2nd April 2008 – The deadline for reports for this meeting is 10th March 2008			
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 Kelly	
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Amy Kelly	

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
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 that have arisen during the year.	Assistant Chief Executive (Corporate Governance) Nicole Jackson	

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<u>Unscheduled Items</u>		
Draft Code of Practice for the Determination of Licensing and Planning Matters	Consideration of a new draft code of practice for the determination of licensing and planning matters, to replace the two separate codes and to include provisions in relation to the Gambling Act.	Lead Officer: Robert Wade
Officer Code of Conduct	Approval of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code. ¹	Lead Officer: Stuart Turnock

¹ The Department for Communities and Local Government will not resume work on the officer code of conduct until late 2007.

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
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
Membership of Standards Committee	To receive a report comparing the membership of the Standards Committee in Leeds with other Local Authorities, and considering any lesson for Leeds. (Minute 84)	Lead Officer: Andy Hodson
Members' Register of Gifts and Hospitality	To receive a report summarising the recent review of the Members' register of gifts and hospitality and outlining any trends. (Minute 98)	Lead Officer: Amy Kelly