



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 5th December, 2007
at 2.00 pm

MEMBERSHIP

Independent Members

Mike Wilkinson (Chair)	(Independent Member)
Rosemary Greaves	(Independent Member)
Vacancy	(Independent Member)

Councillors

D Blackburn
JL Carter
J Elliott
G Kirkland
E Nash

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 MEETINGS</p> <p>To approve the minutes of the Standards Committee meetings held on 10th October 2007 and 7th November 2007 and consider any matters arising.</p>	1 - 12
6			<p>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</p> <p>To note the minutes of the Corporate Governance and Audit Committee meeting held on 27th September 2007.</p>	13 - 20

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7			<p>UPDATE: INFORMED, TRANSPARENT DECISION MAKING - OFFICER DECLARATION</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) on the progress achieved in ensuring transparent employee decision making.</p>	21 - 58
8			<p>ETHICAL AUDIT ACTION PLAN: ETHICAL FRAMEWORK AND AWARENESS PROGRAMME FOR OFFICERS</p> <p>To consider a report of the Chief Officer (Human Resources) addressing issues surrounding the findings of the Ethical Audit 2006, in particular the development of key competencies and behaviours for managers, and an ethical framework and awareness programme for officers.</p>	59 - 62
9			<p>MEMBER DEVELOPMENT ISSUES ARISING FROM THE ETHICAL AUDIT 2006</p> <p>To consider a report of the Chief Democratic Services Officer setting out how the Head of Scrutiny and Member Development has fulfilled certain actions required in the ethical audit action plan 2007-08.</p>	63 - 66
10			<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>	67 - 74

Item No	Ward/Equal Opportunities	Item Not Open		Page No
11			<p>COMPLAINTS REFERRED TO THE STANDARDS BOARD FOR ENGLAND IN THE PERIOD APRIL 2007 TO OCTOBER 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>	75 - 86
12			<p>SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES: 'DOWN TO DETAIL'</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising Members of the Sixth Annual Assembly of Standards Committees which took place on 15th & 16th October 2007 at the International Conference Centre (ICC) in Birmingham.</p>	87 - 100
13			<p>CONSULTATION WITH MEMBERS REGARDING THE ADDITION OF LOCAL PROVISIONS TO THE CODE OF CONDUCT</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) proposing a consultation with Members regarding whether additions need to be made to the Code of Conduct.</p>	101 - 104
14			<p>STANDARDS COMMITTEE HALF YEAR PROGRESS REPORT</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) on the work completed by the Standards Committee in the last six months to be reported to the Corporate Governance and Audit Committee in February 2008.</p>	105 - 112

Item No	Ward/Equal Opportunities	Item Not Open		Page No
15			<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>	113 - 118
16		10.4(1, 2)	<p>REVIEW OF LOCAL INVESTIGATION INTO COMPLAINT AGAINST MEMBER REF SBE16721.06</p> <p>To receive a report of the Chief Officer (Legal, Licensing and Registration) reviewing the recent local investigation, considering general difficulties with such investigations, examining concerns raised by the Committee in respect of this specific investigation, and establishing what lessons there are to be learned in respect of future investigations.</p>	119 - 138

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Standards Committee

Wednesday, 10th October, 2007

PRESENT:

Independent Members

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

Councillors

E Nash J L Carter
G Kirkland D Blackburn

Parish Members

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

APOLOGIES:

J Elliott

17 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.

18 Exclusion of public

There were no resolutions to exclude the public.

19 Late items

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

20 Declaration of interests

Councillor J Priestley declared a personal interest in item 13 of the agenda as he is a retired lawyer, and could benefit from the President's recommendation that Standards Committees should be chaired by lawyers.

21 Minutes of the previous meeting

Draft minutes to be approved at the meeting
to be held on Wednesday, 5th December, 2007

The minutes of the Standards Committee meeting on 12th July 2007 were approved as a correct record.

22 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meeting on 29th June 2007 were received and noted.

23 Officer declarations of interests and gifts and hospitality

The Chief Officer Human Resources submitted a report which informed the Committee of the steps the Council has taken to embed existing arrangements for officers to register their interests. In particular the ongoing steps to inculcate high standards of awareness and adherence to the requirement for completion and return by all employees.

During the discussion, Members made the following points:

- Their concerns over certain of the percentage returns identified in the appendix to the report;
- That the barriers to officers completing their register need to be identified and overcome;
- That Councillors and officers with delegated decision making authority should be equal in what they have to declare. Members were of the view that steps should be taken to put in place a public register of interests for such officers to support open, transparent and accountable decision making.

RESOLVED – Members of the Committee resolved to:

- Note the progress achieved with regard to the overall system for all employees' completion of the Register of Interests; and
- Note the proposal to undertake further work and to receive a further report at the next Committee meeting 5th December 2007.

24 Ethical Audit Action Plan: Communications Actions 2a and 2g

The Assistant Chief Executive (Policy, Planning and Improvement) submitted a report outlining how communications methods could address issues surrounding the promotion of the ethical agenda and the profile of the Standards Committee.

Members of the Committee discussed this item together with the report at item 12 of the agenda (see minute 28 for further details), as they were seeking to address similar issues identified as a result of the ethical audit 2006.

During the discussion, Members made the following points:

- Although the report explained the process for using communication methods, such as the intranet portal and Team Talk, it did not explain who would be responsible for carrying out these actions. It was reported that

- Communications officers and Corporate Governance officers would work together to identify key messages for communication; and
- That the group whips should be utilised more as a means of communication with Members.

RESOLVED – Members resolved to:

- Note the information in the first report regarding the use of the Council values, Team Talk and the Internet Portal; and
- Request that two or three examples of Team Talk be circulated to the Members of the Committee.

25 Ethical Audit Action Plan 16a and 18a – Decision Making

The Assistant Chief Executive (Corporate Governance) submitted a report recommending amendment to the Ethical Audit Action Plan, as a piece of work requested by Full Council on 20th June 2007 would in many respects duplicate the proposed scrutiny inquiry identified in the Ethical Audit Action Plan.

During the discussion, Members expressed a concern that the work requested by Full Council did not appear to cover all the areas for improvement identified by the Standards Committee in enough detail.

RESOLVED – Members of the Committee resolved to request another report on the work requested by Full Council and its progress, including an indication of how to encompass the concerns previously expressed by the Standards Committee, as soon as reasonably practicable.

26 Comprehensive Performance Assessment - Use of Resources

The Director of Resources submitted a report providing Members of the Committee with a summary of the Use of Resources assessment which is part of the Comprehensive Performance Assessment. The report also provided a commentary on the current position in the Council against some of the Use of Resources Key Lines of Enquiry.

During the discussion, Members made the following points:

- That the Comprehensive Performance Assessment did not appear to take into account whether the Council was achieving its strategic priorities; and
- That the Committee was working towards achieving the Key Lines of Enquiry detailed in the report, and that further work will have been completed once the assessment takes place.

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

27 Adjudication Panel for England - Decisions of Case Tribunals

The Assistant Chief Executive (Corporate Governance) submitted a report providing summaries of the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members.

Members particularly discussed the appeal case involving Shrewsbury & Atcham Borough Council.

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

28 Standards Committee Communications Plan

The Assistant Chief Executive (Corporate Governance) submitted a report which advised Members of the updated communications plan for the Standards Committee and conduct issues.

Members of the Committee discussed this item together with the report at item 8 of the agenda (see minute 24 for further details), as they were seeking to address similar issues identified as a result of the ethical audit 2006.

During the discussion, Members made the following points:

- As many of the methods identified in the draft communications plan relied on Members, officers and the public having access to the Council's website, the search engine should be improved to enable much simpler access to matters relating to corporate governance. It was reported that this issue was currently being discussed at Corporate Governance and Audit Committee; and
- That the group whips should be utilised more as a means of communication with Members.

RESOLVED – Members resolved to approve the communications plan attached at Appendix 1.

29 Adjudication Panel for England Annual Report 2006/7

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the Committee of the contents of the Adjudication Panel's Annual report for the year ending 31st March 2007.

Members particularly discussed the President of the Adjudication Panel's recommendation that Standards Committees should be chaired by lawyers or Chairman familiar with the competency framework set out by the Judicial Studies Board. During the discussion, Members made the following points:

- That it had been confirmed in previous correspondence that the Standards Board for England did not share these views; and
- That several monitoring officers are not lawyers.

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

30 Review of Members' Register of Interests from May 2007

The Assistant Chief Executive (Corporate Governance) submitted a report informing Members of the arrangements in place for reviewing the Members' register of interests.

During the discussion, Members made the following points:

- That the register of interests was easier to view and update since being published on the internet;
- That the detail of the requirement to register the receipt of gifts and hospitality in the register of interests was onerous, but that representations on this subject had already been made to the Department for Communities and Local Government during the consultation period on the new Code of Conduct.

RESOLVED – Members of the Committee resolved to note the review procedures in place.

31 Review of Members' Register of Gifts and Hospitality May 2002 - May 2007

The Assistant Chief Executive (Corporate Governance) submitted a report presenting the Committee with statistical data in relation to declarations of gifts and hospitality recorded by Member during the period 2002-2007.

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

32 Annual Report regarding the Protocol on Member Officer Relations for the 2006/2007 Municipal Year

The Assistant Chief Executive (Corporate Governance) submitted an annual report in relation to the Protocol on Member Officer Relations.

During the discussion, Members requested further information on the following points:

- The current custom and practice in Leeds City Council regarding the timescales for officers responding to Members' queries; and
- The reasons behind the officer recommendation to amend the Protocol to include guidance about Member involvement in commercial transactions.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- Note that a further report will be brought back to the Standards Committee containing the results of the consultation; and
- Request that further details of the proposed amendment at paragraph 2.16 of the Protocol be provided to those Members of the Committee who requested it.

33 Training on the new Members' Code of Conduct

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the Committee of what training has taken place for Leeds City Councillors, voting co-opted members, and Parish and Town Councillors in Leeds, following the adoption of the new Code of Conduct.

It was reported at the meeting that there were 37 Leeds City Councillors still requiring training, but that a series of training sessions were scheduled prior to the end of October 2007. It was also reported that Parish and Town Councillors may have received training from other sources such as the Yorkshire Local Councils Association, but full details would be available after the annual audit of Parish Councils and these would be reported to the Committee at the next meeting.

During the discussion, Members made the following points:

- That the Members of the Committee were concerned about those Councils who had received no training at all, and that these should be the focus of further training sessions;
- That it may assist Parish and Town Councils if the Parish representatives on the Standards Committee were to visit them and explain the importance of training on the Code;
- That training provided through other sources needed to be of an acceptable standard in order to satisfy the Committee's requirements; and
- Whether the numbers in the appendix could be updated to show the number of dual-hatted Members who may have been trained at City Council level.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report; and
- To hold an additional meeting between all Parish and Town Council Clerks, the Chair and Parish Members of the Committee, and the Monitoring Officer, to discuss the evidence once the information about further training has been collated.

34 Standards Committee Training Plan

The Assistant Chief Executive (Corporate Governance) submitted a report seeking the Committee's approval of the amended Standards Committee training plan.

During the discussion, Members made the following points:

- New Members of the Committee should be strongly advised to attend meetings of other Committees, but not required to;
- The most useful meetings for Members to attend would be the Executive Board, a Plans Panel or Licensing Committee, Full Council, and a Scrutiny Board;
- That Members may not feel it necessary to attend the whole meeting, and that it would be helpful for officers to explain the role of the Committee and how it functions beforehand as well as provide papers in advance of the meeting.

RESOLVED – Members of the Committee resolved to:

- Include the additional training suggested in the report, but that the additional training should be offered to all, not just independent members; and
- Approve the amended plan attached at Appendix 1 to the report.

35 Ethical Audit for Junior Employees of Leeds City Council

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the Committee of the progress of the ethical audit for junior employees, and the approach taken so far.

RESOLVED – Members of the Committee resolved to note the contents of the report and the progress made on the ethical audit for junior employees so far.

36 Local Investigation into a Complaint against a Member - SBE 16721.06

The Chief Officer (Legal, Licensing and Registration) submitted a report updating Members of the Committee on the progress of the local investigation.

Members of the Committee were reminded that they could not discuss the nature of the complaint. During the discussion of the chronology, some Members made the point that it was unacceptable that the investigation had taken so long and that there were such lengthy periods of inactivity in the chronology.

RESOLVED – Members of the Committee resolved to:

- Note the contents of the report;
- To hold an additional meeting to consider the final report as soon as possible; and
- To receive a report reviewing the investigation after the disposal of the case.

37 Standards Committee Work Programme

Members discussed the issue of Independent Member recruitment to the Standards Committee, and whether an item on this issue should be included in the Committee's work programme.

RESOLVED – Members of the Committee resolved to:

- Note the updated work programme; and
- Consider the issue of Independent membership of the Committee in a future report.

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Standards Committee

Wednesday, 7th November, 2007

PRESENT:

Independent Members

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

Councillors

E Nash J L Carter D Blackburn
G Kirkland J Elliott

Parish Members

Councillor John C East Keswick Parish Council
Priestley

APOLOGIES:

Councillor Mrs P Walker

38 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.

39 Exclusion of public

The following item was identified where a resolution may be moved to exclude the public:

Local investigation into a complaint against a Member (Reference: SBE 16721.06), excluded under Access to Information Procedure Rule 10.4 (1, 2) (minute 43 refers).

40 Late items

The Chair indicated that, in accordance with his powers under the Local Government Act 1972, he had agreed to accept for inclusion on the agenda one Late Item (minute 43 refers). The appendix in question was not available at the time of the agenda despatch and required urgent consideration for the following reason:-

The information contained in the appendix was not available at the time of the agenda dispatch and was integral to the consideration of the complaint against the Member.

41 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 8 to 12 of the Members' Code of Conduct.

42 Exclusion of the public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of the exempt information so designated as follows:

The report and appendices referred to in minute 43 under the terms of Access to Information Procedure Rule 10.4 (1, 2) and on the grounds that the public interest in maintaining the information as exempt, outweighs the public interest in disclosing the information.

43 Local Investigation into a Complaint against a Member (Reference: SBE 16721.06)

The Committee considered a report and the late information referred to in minute 40 from the Chief Officer (Legal, Licensing and Registration) detailing his findings on completing an investigation into a Leeds City Councillor in respect of an allegation of misconduct. The investigation followed the submission of a complaint to the Standards Board for England which was subsequently referred back to the authority.

The report was designated as exempt under Access to Information Procedure Rule 10.4 (1, 2).

Members of the Committee specifically took account of:

- the fact that Councillors are unable to intervene in housing allocation decisions as these are carried out in accordance with the relevant ALMO's housing allocation policy;
- the case law from the Standards Board for England shows that they do not consider that Members have an obligation to respond to constituents and that these are matters for the ballot box rather than the Code of Conduct; and
- the apparent confusion between processes for different types of complaints i.e. those about the behaviour of Councillors, and those about the actions of the Council as a whole.

RESOLVED – Members of the Committee resolved:

- That the investigating officer's finding of no failure to comply with the Code of Conduct be accepted;
- That the Assistant Chief Executive (Corporate Governance) be instructed to clarify the two complaints processes, and that this information be distributed to all Members, senior officers, One Stop Shops and ALMOs;
- That a further report from the Chief Officer (Legal, Licensing and Registration) on the chronology of the investigation, including details of lessons to be learnt and proposals for improvements to the process, be brought to the Committee for consideration at the meeting on 5th December 2007; and
- That a letter be sent to the complainant by the Chief Officer (Legal, Licensing and Registration) to address any outstanding concerns in her subsequent correspondence. (Under the provisions of Council Procedure Rule 16.5, Councillor J L Carter required it to be recorded that he voted against this specific part of the resolution of the Committee).

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Agenda Item 6

Corporate Governance and Audit Committee

Thursday, 27th September, 2007

PRESENT: Councillor J Bale in the Chair
Councillors D Blackburn, E Minkin,
C Campbell, G Driver and B Gettings

Co-optee Mike Wilkinson

Apologies None

25 Appeals Against Refusal of Inspection of Documents

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

26 Exclusion of Public

There were no resolutions to exclude the public.

27 Late Items

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

28 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 8 to 12 of the Members' Code of Conduct.

29 Minutes

Members requested feedback on minute 15 (governance of partnerships) and minute 20 (in relation to the accessibility of governance information on the Council's website). Reports back to the Committee on both these issues are scheduled for the November meeting.

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

Draft minutes to be approved at the meeting
to be held on Wednesday, 28th November, 2007

30 Minutes of the Standards Committee

RESOLVED – Members resolved to note the minutes of the Standards Committee meeting held on the 12th July 2007.

31 Local Government Ombudsman's Annual Letter - 2006/07 Report

The Chief Customer Services Officer submitted a report discussing the findings of the Local Government Ombudsman's (LGO) Annual Letter and considering what service or performance improvement may be required.

The Local Government Ombudsman (LGO), Anne Seex, was present at the meeting to comment on the letter and respond to any questions from Members.

Members particularly discussed the issues outlined below.

- The LGO commented that Members should not rely on the statistics provided in the letter as a general indicator of service quality. Many members of the general public are not aware of the Ombudsman, therefore, these complaints only represent those matters where the complainant is sufficiently aware and sufficiently aggrieved to make a formal complaint to the Ombudsman.
- Members asked whether all written responses to the Ombudsman are seen by 'fresh-eyes' prior to being sent. Officers confirmed that there is a process in place to ensure that Customer Services reviews all responses. The Ombudsman confirmed that this process has led to an improvement in the quality of responses, which are generally good. In the long-term senior managers within services will take on this 'fresh-eyes' role.
- Officers confirmed that case conferences will take place where complaints are cross-service, or concern more than one issue, to ensure that information provided to the Ombudsman is accurate and consistent.
- The Ombudsman drew attention in the letter to the issue of the provision of care to vulnerable adults. In the cases investigated the complaints had occurred where the provision of care was contracted out of the Authority, however, the Ombudsman confirmed that cases can occur where care is contracted out or provided in-house. Officers informed Members that Adult Social Services have been reminded of the 'adverse performance procedure' which enables them to raise any issues of concern with certain providers and, if necessary, remove them from the list of approved providers.

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

32 Local Government Ombudsman Performance Report: March - June 2007

The Chief Customer Services Officer submitted a report updating Members on complaints received from the Local Government Ombudsman (LGO) for the period March to June 2007 and considering what service improvement may be required.

The Local Government Ombudsman was also present for this item.

Members discussed the high number of cases received in one month from the planning department and it was confirmed that this was a one-off situation, linked to the backlog of cases that had occurred at the Ombudsman's office. The Ombudsman informed Members that this backlog was a result of implementing new, improved procedures and has now been cleared.

Members also discussed the number of local settlements, which is an issue being looked at by officers.

RESOLVED – Having considered the performance information in relation to Ombudsman complaints, particularly in relation to the impact on the Council's control environment, Members resolved to receive the report.

33 External Audit and Publication Of The Accounts 2006/07

The Director of Resources submitted a report informing Members as to amendments to the approved accounts which have been agreed with the Council's external auditors.

Kevin Wharton and Heather Thornton from KPMG were present.

Officers outlined that no material errors had been identified and also explained a technical adjustment that had been made in relation to Private Finance Initiative (PFI) accounting and a minor amendment linked to equal pay claims. They also explained the content and purpose of the management representation letter.

The auditors commented on the smooth running of the audit and quality of the accounts. Members congratulated officers on this.

Members also discussed some future changes to PFI accounting and how this may affect PFI schemes generally in the future.

RESOLVED – Members resolved to:

- receive the report of the Council's external auditors on the 2006/07 accounts and to note the minor amendment and the post balance sheet adjustment made to the 2006/07 Statement of Accounts; and
- agree, on the basis of assurances received, that the Chair sign the management representation letter on behalf of the Corporate Governance and Audit Committee.

34 Annual Audit and Inspection Letter – June 2007

The Head of Scrutiny and Member Development submitted a report updating members of the Corporate Governance and Audit Committee on discussions held at Overview and Scrutiny Committee regarding the Annual Audit and Inspection Letter June 2007.

Members particularly discussed the positive relationship being developed with Scrutiny.

RESOLVED – Members resolved to note:

- the comments of the Overview and Scrutiny Board in relation to the Annual Audit and Inspection Letter; and
- the specific action proposed in relation to teenage pregnancy.

35 External Audit Report – Identification of non-priorities and distribution of resources August 2007.

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report introducing the external audit report, explaining the council's work on 'Service Prioritisation' and 'Project Prioritisation' including the two models underpinning these workstreams, and outlining the Council's response to KPMG.

Lynsey Simenton from KPMG was present for this item.

Members particularly discussed the following issues:

- The involvement Elected Members will have in setting priorities. At a city-wide level this will be through involvement in developing the Leeds Strategic Plan via consultation with Area Committees and Scrutiny Boards.
- Demonstrating the benefits of reprioritising services. Officers reported that a report had been taken to Executive Board regarding the impact of additional funds on services.
- Defining projects and the role of Delivering Successful Change in supporting project prioritisation.
- The need to consider making efficiencies in services in addition to reallocating resources.

RESOLVED – Members resolved to:

- note the audit report; and
- receive a further report applying the model and the Delivering Successful Change methodology to a case-study.

36 Corporate Assessment and Joint Area Review

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report providing the Corporate Governance and Audit Committee with an overview of the Corporate Assessment and Joint Area Review processes, to

set out what has been done so far and to identify the key activities planned for the next few months.

Members discussed the importance of relevant partners and Members being kept informed of developments in relation to the assessments, in particular in relation to the content of the self-assessment. The Committee expressed concern that a single seminar for Members would not be sufficient to enable them to be well-informed for the assessments. Members were assured that the seminar has been supplemented by a range of specific briefings for particular groups of Members who would be involved in the assessment process.

Members also discussed the issues that these kinds of inspections pose for larger authorities as compared to smaller districts.

RESOLVED – Members resolved to note the report and to request that the committee receives further updates on the progress of these assessments.

37 Comprehensive Performance Assessment Use of Resources 2008

The Director of Resources submitted a report setting out the main changes to be introduced for the 2008 Comprehensive Performance Assessment (CPA), use of resources component.

Members particularly discussed how the Council can ensure that it secures improvement in the Use of Resources area of CPA. It was acknowledged that the criteria for achieving a level 4 is somewhat qualitative – concerning the ‘embedding’ of ‘good practice’. This year Leeds City Council has highlighted a number of areas to the auditors where it believes it demonstrates best practice

RESOLVED – Members resolved to:

- note the changes for the 2008 use of resources framework; and
- agree that presentations on each of the five areas of the Use of Resources assessment be incorporated into the committee’s work programme.

38 Review of the Effectiveness of the Corporate Governance and Audit Committee

The Director of Resources submitted a report reviewing the effectiveness of the Corporate Governance and Audit Committee. Primarily the review was conducted in accordance with the publication from the Chartered Institute of Public Finance and Accountancy (CIPFA). “Audit Committees; practical guidance for local authorities.”

Members particularly discussed:

- the role of the Committee in approving amendments to the Constitution and the need to ensure that any amendments have the support of party leaders before they are recommended to Council;

- the need to ensure that the Committee challenges officers on the content of their reports and that reports are clear as to what action is required of the Committee; and
- the need to identify the relevant skills and knowledge required by Members of the Committee.

RESOLVED – Members resolved to approve that:

- officers develop a knowledge specification for audit committee members and self assessments are completed to inform the Member Development Strategy;
- proposals for benchmarking and / or peer review are presented to a future meeting of the Committee; and
- Corporate Governance and Audit Committee should produce an annual report of their work, focussing on the impact of that work.

39 Council's Corporate Planning Framework and Amendments to the Budget and Policy Framework

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report setting out a number of recommendations in respect of the changes to the Council's Budget and Policy Framework, as a result of the approval of the new corporate planning framework.

Councillor Driver left the meeting before the presentation of this item.

Members particularly discussed:

- the need for there to be proper scrutiny of those plans / strategies included in the Budget and Policy Framework at the meetings of Full Council where they are approved; and
- the specific processes by which the Leeds Strategic Plan and Council Business Plan will be drawn-up, consulted on and approved.

RESOLVED – Members resolved to recommend to Council the following amendments to Article 4 (Budget and Policy Framework) of the Constitution:

- The removal from Article 4 of the Constitution of the Corporate Plan
- The addition of the Leeds Strategic Plan to Article 4 of the Constitution
- The addition of the Council Business Plan to Article 4 of the Constitution

Members also resolved to:

- request a report to the next meeting regarding the process for drawing up the Leeds Strategic Plan; and
- request a report to a future meeting of the Committee regarding proposals for improving the scrutiny of plans, such as the Leeds Strategic Plan, at Full Council.

40 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying the Committee of the draft work programme for 2007 / 08.

RESOLVED – Members resolved to:

- note the content of the work programme; and
- request the addition of a report to the next meeting of the Committee regarding progress with the preparation for the Corporate Assessment and the Joint Area Review.

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Originator: Christine Atkinson

Tel: 0113 24 74177

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 2007

Subject: Update: Informed, Transparent Decision Making – Officer Declarations

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. Members of the Standards Committee have considered a sequence of reports regarding the progress achieved in ensuring transparent employee decision making which can be shown to be free from bias on the occasions when private life and public interest are linked.
2. The reports have particularly focused on two elements. The first on the Register of Employee Interests and ongoing steps to achieve high levels of awareness and adherence to the requirements for completion and return. The second has concentrated on Members' requests to further consider those with responsibility for delegated decisions and whether the current provisions are appropriate.
3. This report outlines briefly the decision making protocols in the council and the range of checks and balances that have been developed in situations where decisions are being made both relating to Executive functions and non-executive functions.
4. The report goes on to consider, in addition to the existing provisions, the case for an externally published Register of Interests.

1.0 Purpose Of This Report

- 1.1 Following the report submitted in October the Standards Committee noted the progress achieved in embedding an overall system of registration of interests.
- 1.2 A further report was requested to consider what additional steps should be put in place to support delegated decision making that is open, transparent and accountable.
- 1.3 It is evident that achieving transparency in decision making and identifying those situations where impartiality may be compromised will not be achieved solely by use of a register of interests. It is proposed to consider below the extent of the potential for conflicts of interests and how best these issues can be dealt with.

2.0 Background Information

- 2.1 Previous reports to Members have focused on two elements. The first relates to the Register of Interests and ongoing steps to achieve high standards of awareness and adherence to the requirements for completion and return by all employees. The second has concentrated on Members' requests to further consider those with responsibility for delegated decisions, particularly senior managers and whether current provisions are appropriate.
- 2.2 An electronic Register of Interests system covering approximately 9,500 employees has been rolled out with a similar number using a paper based symptom. Return rates are less where electronic systems have not been established. All departmental contacts have been asked to identify and implement action plans to maintain and improve return rates

3.0 Main Issues

Employee Decision Making - Context

- 3.1 Every day across the council, employees are making decisions. They do this in relation to executive and non-executive functions and the functions delegated are set out transparently in the Officer Delegation Scheme which is in the Constitution. The Constitution also allows Officers to whom decision making authority has been delegated, to sub-delegate their authority to officers of sufficient expertise and seniority, although the Director remains accountable. Such arrangements are set down in sub-delegation schemes. For example, in Legal and Democratic Services, the Assistant Chief Executive has sub-delegated areas of her authority to a range of officers, including at Scale 5 level (Appendix A).
- 3.2 Officer decisions are open to challenge and review in a number of ways e.g. judicial review, Ombudsman, appeal processes, call in through Scrutiny Boards, Scrutiny Board enquiries etc. and it is important to be able to demonstrate that they have been taken in a manner that shows their procedural regularity and thus defends any legitimate challenge.
- 3.3 As stated, this challenge can be avoided by making decisions in a procedurally correct way, i.e. in accordance with the established decision making framework and

also in a transparent and open way – i.e. recording and establishing the basis upon which decisions have been made.

- 3.4 Employees may be accused of bias or favouritism or making decisions for their own pecuniary (financial benefit) interests or taking other factors into account. This would mean that it is difficult to defend a charge of lack of neutrality, which is always necessary to make clear and robust decisions, or even worse potential corruption.
- 3.5 We must therefore consider what steps, in what situations, are necessary to protect employees from false charges of bias or corruption and how best to protect the council from those few employees who would, with the opportunity, use their decision making powers to benefit themselves or others contrary to the established rules.

Existing Controls

Employee Register of Interests

- 3.6 Employees are now required, as a minimum annually, to confirm their relevant external interests. This serves a general purpose of drawing to the attention of employees that private life and public interest are linked and may affect the perceived quality of decision making. Also Chief Officers will be aware of the declarations made by their staff and when allocating work can avoid obvious conflict of interests. This will obviously not preclude an employee withdrawing from decision making where conflict is identified e.g. the employee has noted on the register that they own land which is to be affected by council redevelopment. It may be possible to allocate work in a way which avoids this conflict rather than the employee realise the conflict and withdraw.
- 3.7 As additional layers of control, employees in certain service areas may be required to complete a declaration of their interests more frequently than once a year and there is also an independent level of scrutiny by the Chief Officer HR over and above Directorate level monitoring.

Recruitment/ Employment

- 3.8 The Recruitment and Selection procedures relate to those of the employee Register of Interests. Job applicants completing an application form must therefore declare their relationship to any employee over grade SO2 and to Members. Similarly, employees, when completing the Register of Interests declare their relationships to SO and above graded employees and to Members.
- 3.9 The Employee Code of Conduct also specifically requires that employees should not be involved in recruitment processes where accusations of bias could be made as a result of a personal relationship with an applicant. Similarly employees should not be involved in decisions relating to discipline, promotion or pay for relatives, partners, etc.
- 3.10 The Employee Code of Conduct also recognises that outside employment could lead to a conflict with the council's interests. To avoid such conflict employees paid over S6 are required to seek consent to take outside employment. In this vein employees must also declare to the Chief Officer any other financial interests which could

conflict with the council's interest, e.g. work for which a fee is received. This information should be provided using the Register of Interests form (in addition to any relevant HR approval processes).

The Officer Code relating to External Contractors

- 3.11 Another aspect of control requires employees to make known to their Chief Officers relationships of a business or private nature with contractors or potential contractors in order that no special favour be afforded, for example, in the tendering processes.
- 3.12 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors must declare this. Information relating to contractors must be disclosed using the Register of Interests form as soon as possible.

Decisions relating to Executive Functions

- 3.13 Employees who make key, major or significant operational decisions in accordance with the Officer Delegation Scheme must record those decisions using the delegated decision form attached at Appendix B. Summarised sets of these executive function delegated decisions are made available to each of the Council's Members at each meeting of full council.
- 3.14 The form includes a section for the recording of interests by officers. It is important that where officers making decisions have an interest, this is declared on the form to preserve the integrity of the process. The form states no officer having a pecuniary interest in any matter should take a decision in relation to that matter. It further states that other interests of a non-disqualifying nature should be recorded on the form.
- 3.15 The monthly Forward Plan includes advance notice of key decisions over a four month period. The publication of the forward plan is a requirement of the Local Government Act 2000 and is central to achieving transparency and accountability in decision making. The plan documents details of the proposed decisions, who the decision takers will be, the date of decisions and the method by which the decision will be taken, proposals for consultation, what documents will be considered and where representations should be made.
- 3.16 The Chief Democratic Services Officer maintains a record of all key, major and significant operational decisions including any report upon which each decision is made and, subject to any requirement for confidentiality (which is in exceptional circumstances only) ensures that the decision is recorded by the council. Key and Major decisions are subject to Scrutiny Board Call-In. The record of decisions is available for public inspection during all normal office hours and via the internet and the public has the right to copy or be provided with a copy of any part of that record upon payment of a reasonable charge.

Decisions relating to non- executive functions (e.g Planning and Licensing)

- 3.17 Employees who are making decisions within the non- executive functions may encounter situations of conflict concurrent with their decision making e.g. at the time of the receipt of application or issue of a license or when dealing with a planning application the employee concerned has to consider whether the applicant, e.g.

neighbour, friend or relative - is known to them and if this is the case withdraw from the transaction. These considerations are not covered or accommodated by the Register of Interest declaration and protocols should therefore ensure that neutrality and transparency are maintained.

- 3.18 These Regulatory functions are also subject to formal audit processes as another source of control and also to statutory consultation periods. Members of the public can directly intervene by making objections to the application that has been placed.
- 3.19 Checks with both Planning and Licensing have confirmed that there are no formal written protocols in existence. Managers were clear that employees with responsibilities in these services were, however, instructed to immediately withdraw from any situation where decision making neutrality or transparency of decision making may be compromised. It was agreed that formal guidance should be in place and this will therefore be taken forward.
- 3.20 Very specific controls relate to the application of the scheme of delegation in the case of plans approval. Any applications which are submitted by the Chief Executive, Deputy Chief Executive, Directors, Chief Officers or **any Officer** who carries out development control functions must be submitted to the relevant Plans Panel and may not be the subject of delegated decisions. This is an important control of sources of potential conflict of interest.

Consideration of a Public Register of Employee Interests

- 3.21 Members of the Standards Committee have asked that further consideration be given to the option of a public Register being available with the objective of ensuring transparent decision making.
- 3.22 In completing their Declaration of Register of Interests, (Appendix C) employees are required to divulge a range of information which in some cases will involve the publication of third parties' information. Appendix C has been completed to illustrate this and the information, although anonymised is based on actual employee information. This is in contrast to the Members' register which does not require publication of third party information in this way- this is shown at Appendix D.
- 3.23 There are a range of issues and relevant considerations regarding the register being made public, as follows.

Proportionality

- 3.24 In 2004 the Employers Organisation co-ordinated consultation responses to the (then) Office of the Deputy Prime Minister regarding the proposed, revised draft Employee Code of Conduct. The issue of public release of information was one of the consultation points and the Employers Organisation noted as follows:

“Allowing the public access to these details could be seen as being disproportionate to the aim that is sought to achieve. The register of Members' interests is available to the public but there is a difference between the degree of privacy expected by a person who has entered public life and that expected by an employee. It is presumed that the management of such a list would be the responsibility of the authority's monitoring officer, with Members possibly having rights of access. The public's confidence in the integrity of the authority should be secured by the

knowledge that an adequate system is in place to ensure that conflicts of interest are identified and appropriate action taken. Further more, managing public access to the list could lead to unwarranted bureaucracy for authorities. “

Legal Advice regarding the application of the Freedom of Information Act, Human Rights Act and the Data Protection Act.

- 3.25 Members may recall similar advice (from a previous report) received from the Chief Officer, Legal, Licensing and Registration Services, that this type of information would not be accessible by members of the public under the Freedom of Information Act 2000. It is considered highly likely that disclosing this information to the public (and elected Members) without the prior informed consent of the officers concerned would amount to unfair processing of personal data and so would be a breach of the data protection rules, and a breach of the officers' right to respect for their private and family life.
- 3.26 The Register of Interest form may include information regarding third parties (not Leeds City Council employees) release of this information may breach their rights and be disproportionate to the objective sought.
- 3.27 In terms of a voluntary agreement to publish, it would be necessary to be clear about how the information might be disclosed and the Employee Code of Conduct would need to be amended to reflect this revised requirement.
- 3.28 Legal Services have considered the question as to whether the Register of Interest declarations should be accessible under the Freedom of Information rules and have advised that as things stand, these declarations are exempt as 'personal information' under sec 40(2) of the FOI Act 2000, on the basis that disclosure to a member of the public would contravene the data protection principles, specifically the first data protection principle. Also that these declarations are exempt under sec 44 of that Act on the basis that disclosure would be prohibited under the Human Rights Act 1998.

Research

- 3.29 In summary, research has been carried out to establish the practice regarding the publishing of the Register of Interests in Authorities in the Yorkshire and Humberside area, the Core Cities and in Wales. Each of these Authorities has confirmed that their records are confidential and are not made open to the public.
- (York, North Yorkshire, Bradford, Hull, Wakefield, East Riding and Kirklees).
- (Bristol, Birmingham, Manchester, Liverpool, Nottingham, Newcastle and Sheffield)
- 3.30 As Welsh local authorities have introduced revised provisions (arising from the 2001 Statutory Instrument) enquiries have been made with the Welsh Assembly, the Welsh Local Government Association and with a range of individual Welsh local authorities. At the time of writing although a more recent code has been introduced, which has formed part of Welsh employees' contracts, it does not require a register of interests be made publicly available.
- 3.31 At the time of writing no further information has been forthcoming regarding the proposed revised code provided for within the 2000 Local Government Act. The

introduction of an officer code which had a similar basis to the Welsh model would not appear to enforce specific rules regarding publication of a register.

Voluntary Disclosure

- 3.32 Consideration has been given to seeking a voluntary agreement from specific employees to publish their completed Register of Interests. However the issue of to exactly whom this should apply is not fully clear. Seeking the voluntary agreement of the council's most senior officers however this would only cover a small proportion of the decisions made, and would focus on areas that are already subject to a range of checks and balances commensurate with the significance of decisions made at this level.
- 3.33 It would also be difficult to achieve voluntary agreement with a wider cohort of employees and as was initially noted at paragraph 3.1 in some services decision making has been delegated to levels below senior officer.

4.0 Implications for Council Policy and Governance

- 4.1 Each Department has identified dedicated resources to maintain and report on the system for recording Officer Declarations. The Chief Officer HR will continue to report annually to Corporate Governance Officer Group identifying returns and issues for ongoing learning and improvement.
- 4.2 The Council's Constitution contains a number of checks and balances to provide assurance that decision making is impartial and transparent.

5.0 Legal and Resource Implications

- 5.1 The possible legal implications of publicising the officer register of interests are outlined in paragraph 3.28.
- 5.2 There are no resource implications to this report.

6.0 Conclusion

- 6.1 The Assistant Chief Executive (Corporate Governance) is of the view that a wide range of existing checks and balances are in place to ensure transparency and impartiality. These range from opportunities for public representation to availability of records and reports of decisions on the intranet. A range of individual controls and protocols have been developed to meet the requirements of particular specialised services and where there are non this will be dealt with and bespoke protocols developed.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to consider this report, and identify whether further improvements to the arrangements described might be possible.

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APPENDIX A

SCHEME OF SUB-DELEGATION:

ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)

Introduction

The Assistant Chief Executive (Corporate Governance) may sub-delegate to another officer or officers of suitable experience and seniority any function which has been delegated to her under the Council and Executive Officer delegation schemes.

This scheme sets out how decisions are made within Legal and Democratic Services. It sets out which officers have authority to make decisions under the Assistant Chief Executive (Corporate Governance)'s delegated powers, and subject to which terms and conditions.

Although the Assistant Chief Executive (Corporate Governance) authorises other officers to take delegated decisions, each decision is still the personal responsibility of the Assistant Chief Executive (Corporate Governance).

Definitions:

For the purpose of this sub-delegation scheme the following definitions apply:

Chief Officers	<ul style="list-style-type: none">• Chief Democratic Services Officer• Chief Legal Services Officer• Chief Procurement Officer.
Managers	<ul style="list-style-type: none">• Head of Development and Regulatory Unit• Head of Community Services and Litigation• Head of Property Finance and Technology• Head of Public Services

Authority of the Chief Legal Services Officer

The Chief Legal Services Officer may exercise the delegated authority of the Assistant Chief Executive (Corporate Governance) in her absence, in respect of all functions delegated to her.

The Assistant Chief Executive (Corporate Governance) has also nominated the Chief Legal Services Officer to act as deputy Monitoring Officer where she is unable to act owing to absence or illness¹.

¹ Section 5(7) Local Government and Housing Act 1989

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Sub-delegation by the Assistant Chief Executive (Corporate Governance)

In addition, the Assistant Chief Executive (Corporate Governance) sub-delegates her authority as set out below:

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS DELEGATED TO ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)

Table 1

Local Choice Functions²	Decision Making Body	Sub-delegation of functions to officers
Functions under a local Act	Executive Board	Chief Legal Services Officer
To appoint review boards under the Social Security Act 1998 ³	Full Council	Chief Democratic Services Officer
To make arrangements for appeals against exclusion of pupils ⁴	Full Council	Chief Democratic Services Officer
To make arrangements for appeals regarding school admissions ⁵	Full Council	Chief Democratic Services Officer
To make arrangements for appeals by governing bodies ⁶	Full Council	Chief Democratic Services Officer
To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority ⁷	Full Council	Chief Democratic Services Officer

² Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 2

³ S34(4) Social Security Act 1998

⁴ S67(1) and Schedule 18 Education Act 1998

⁵ S94(1)(1A) and (4) School Standards and Framework Act 1998

⁶ S95(2) School Standards and Framework Act 1998

⁷ S20 Police Act 1996

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SECTION 2: COUNCIL (NON-EXECUTIVE) FUNCTIONS:

SPECIFIC DELEGATIONS:

1. Licensing and Regulatory

Table 2

	Function⁸	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
(a)	To license hackney carriages and private hire vehicles	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager • Principal Officers • Licensing Officers 	<ul style="list-style-type: none"> • Renewals only
(b)	To license drivers of hackney carriages and private hire vehicles	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager • Principal Officers • Licensing Supervisors 	<ul style="list-style-type: none"> • In absence of Taxi and Private Hire Licensing Section Manager only • To issue only in the absence of Principal Officers where the CRB is clean or application has been approved by

⁸ Under the Officer Delegation Scheme (Council (non-executive) functions, the Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked * where objections have been received.

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			Principal Officers or Section Manager where there are convictions
(c)	To license operators of hackney carriages and private hire vehicles	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager • Principal Officers • Licensing Officers 	<ul style="list-style-type: none"> • Renewals only
(d)	*To register pool promoters	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(e)	*To grant track betting licences	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(f)	*To license inter-track betting schemes	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(g)	*To grant permits in respect of premises with amusement machines	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(h)	*To register societies wishing to promote lotteries	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services 	

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		<ul style="list-style-type: none"> • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(i)	*To grant permits in respect of premises where amusements with prizes are provided	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(j)	*To license sex shops and sex cinemas	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(k)	*To license performance of hypnotism	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(l)	*To issue cinema and cinema club licences ⁹	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and 	

⁹ Under the Licensing Act 2003 this will be a licensable activity and the function of granting or varying a licence to authorise this activity will be discharged by the Licensing Committee. Between 7 February 2005 and a date to be appointed by the Secretary of State, the Licensing and Regulatory Panel will deal with new applications or requests for immediate variations for these types of licence, and the Assistant Chief Executive (Corporate Governance) may do so under delegated authority. The Licensing Committee will deal with conversions to and variations of licences under the Licensing Act 2003. Licences granted by the Licensing Committee will come into force from the appointed date and licences granted by the Licensing and Regulatory Panel or the Assistant Chief Executive (Corporate Governance) under delegated authority will then lapse.

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		<ul style="list-style-type: none"> • Enforcement Officer • Licensing Officer 	
(m)	*To issue theatre licences ¹⁰	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(n)	*To issue entertainments licences ¹¹	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Senior Liaison and Enforcement Officer 	
(o)	*To license night cafes ¹²	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(p)	*To license dealers in game and the killing and selling of game	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(q)	*To license scrap yards	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer 	

¹⁰ see footnote above

¹¹ see footnote above

¹² see footnote above

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		<ul style="list-style-type: none"> • Principal Liaison and Enforcement Officer • Licensing Officer 	
(r)	*To approve premises for the solemnisation of marriages	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(s)	*To license persons to collect for charitable and other causes	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	
(t)	To register motor salvage operators	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager • Principal Licensing Officer • Principal Liaison and Enforcement Officer • Licensing Officer 	

Licensing Functions delegated by Licensing Committee:

Functions	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
The licensing functions ⁸ of the licensing authority which are delegated to the Assistant Chief Executive (Corporate Governance) ¹³	<ul style="list-style-type: none"> • Head of Public Services • Section Head Entertainment Licensing • Principal Licensing Officer 	<ul style="list-style-type: none"> • All functions • To issue licences only • To issue

⁸ "Licensing functions" means functions under the 2003 Act

¹³ Exceptions to the authority of the Assistant Chief Executive (Corporate Governance) are set out in Section 2C of Part 3 of the Constitution

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	<ul style="list-style-type: none"> Senior Licensing Officer 	<p>licences only</p> <ul style="list-style-type: none"> To issue licences only
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2. Functions relating to elections

Table 3

	Functions	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
(a)	Functions in relation to parishes and parish councils	<ul style="list-style-type: none"> Chief Legal Services Officer Head of Public Services Electoral Services Manager 	<ul style="list-style-type: none"> Consultation processes only Consultation processes only Consultation processes only
(b)	To dissolve small parish councils	<ul style="list-style-type: none"> Chief Legal Services Officer Head of Public Services Electoral Services Manager 	<ul style="list-style-type: none"> Consultation processes and publication of statutory notices only Consultation processes and publication of statutory notices only Consultation processes and publication of statutory notices only
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	<ul style="list-style-type: none"> Chief Legal Services Officer Head of Public Services 	<ul style="list-style-type: none"> Consultation processes and publication of statutory notices only Consultation processes and publication of statutory notices only

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		<ul style="list-style-type: none"> Electoral Services Manager 	<ul style="list-style-type: none"> notices only Consultation processes and publication of statutory notices only
(d)	To make temporary appointments to Parish Councils	<ul style="list-style-type: none"> Chief Legal Services Officer Head of Public Services Electoral Services Manager 	<ul style="list-style-type: none"> Consultation processes only Consultation processes only Consultation processes only

3. Functions relating to Standing Orders

Table 4

	Functions	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
(a)	To make standing orders	Not delegated	
(b)	To make standing orders as to contracts	Not delegated	

GENERAL DELEGATIONS:

1. In relation to approvals, licences, permissions or registrations which come within the terms of the Assistant Chief Executive (Corporate Governance) authority: (see Table 2 above):

Table 5

Function	Approval, licence, permit or registration - see Table 2 above	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation

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(a)	To impose conditions, limitations or restrictions	(a) - (c) • (d) - (t)	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager <ul style="list-style-type: none"> • As set out in Table 2 	
(b)	To determine any terms to which they are subject	<ul style="list-style-type: none"> • (a) - (c) • (d) - (t) 	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager <ul style="list-style-type: none"> • As set out in Table 2 	
(c)	To determine whether and how to enforce any failure to comply	<ul style="list-style-type: none"> • (a) - (c) • (d) - (t) 	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager • Enforcement Officers • City Centre Wardens¹⁴ • Vehicle Inspectors <ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager 	<ul style="list-style-type: none"> • (a) only
(d)	To amend, modify or vary	<ul style="list-style-type: none"> • (a) - (c) • (d) - (t) 	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire Licensing Section Manager <ul style="list-style-type: none"> • As set out in Table 2 	
(e)	To revoke	<ul style="list-style-type: none"> • (a) - (c) 	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Taxi and Private Hire 	

¹⁴ Where authorised by the Taxi and Private Hire Licensing Section Manager

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		<ul style="list-style-type: none"> • (d) - (t) 	<p>Licensing Section Manager</p> <ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Public Services • Entertainment Licensing Section Manager 	
(f)	To determine whether a charge should be made or the amount of such a charge	<ul style="list-style-type: none"> • (a) - (t) 	<ul style="list-style-type: none"> • Chief Legal Services Officer 	

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2. Maladministration payments/Health and Safety

Table 6

	Function	Sub-delegation of function to Officer	Terms and Conditions of sub-delegation
(a)	To make payments or provide other benefits in cases of maladministration ¹⁵	<ul style="list-style-type: none"> • Chief Officers • Managers 	<p>In respect of functions within their remit up to £10,000</p> <p>In respect of functions within their remit up to £1000</p>
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer.	<ul style="list-style-type: none"> • Chief Officers • Managers • Head of Scrutiny and Member Development • Head of Governance Services • Head of Civic and Ceremonial Support • Group Support Managers • Democratic Services Officer 	In respect of functions within their remit

3. Personnel Matters:

Table 7

	Function	Sub-delegation of function to Officer	Terms and Conditions of sub-delegation
(i)	To appoint staff within the approved establishment - i.e. to approve the filling of a vacancy and instigate the recruitment process	<ul style="list-style-type: none"> • Chief Officers 	In respect of functions within their remit
(ii)	To appoint staff on a temporary basis	<ul style="list-style-type: none"> • Chief Officers • Managers 	<p>In respect of functions within their remit</p> <p>In respect of functions</p>

¹⁵ Item 48 of Schedule 1 Local Authorities (Functions and Responsibilities) Regulations 2000

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			within their remit
(iii)	To determine issues relating to officers' terms and conditions of employment and enter into such agreement as may be required to give effect to such determinations	As set out in the Schedule of General Authorisations for the Chief Executive's Department (Legal and Democratic Services) ¹⁶	

¹⁶ As amended by Chief Officers from time to time.

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SECTION 3: EXECUTIVE FUNCTIONS:

GENERAL DELEGATIONS:

Financial

Table 8

	Function	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
1.	<p>Revenue Expenditure</p> <p>(a) Following approval of departmental revenue budgets, Directors have authority to incur expenditure within those estimates with the exception of items being subject to separate release in accordance with Appendix B to Financial Procedure Rules.</p> <p>(b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in Financial Procedure Rules.</p> <p>(c) In an emergency to incur immediately necessary expenditure which shall be reported to the Director of Resources at the first opportunity.</p>	<ul style="list-style-type: none"> • Chief Officers • Chief Officers • Chief Officers 	<p>In respect of functions within their remit</p> <p>In respect of functions within their remit</p> <p>In respect of functions within their remit</p>
2.	<p>Capital Expenditure</p> <p>(a) To incur expenditure on capital schemes in accordance with the arrangements set out in Financial Procedure Rules.</p> <p>(b) To accept tenders for construction works within specific limits as set out in Financial Procedure Rules.</p>	<ul style="list-style-type: none"> • Chief Officers • Chief Officers 	<p>In respect of functions within their remit</p> <p>In respect of functions within their remit</p>
3.	<p>Debts</p>		

APPENDIX A

	To write off debts (other than local taxation) in accordance with the procedures and maximum values set out in Financial Procedure Rules.	<ul style="list-style-type: none"> Chief Officers 	In respect of functions within their remit
4.	<p>Disposal of Property</p> <p>To dispose of property (including obsolete vehicles and plant, stores, old materials and scrap), other than property for resale, in accordance with the requirements of Financial Procedure Rules and Contracts Procedure Rules.</p>	<ul style="list-style-type: none"> Chief Officers 	In respect of functions within their remit
5.	<p>Payments</p> <p>To approve payments to suppliers prior to the receipt of goods in accordance with the limits set out in Financial Procedure Rules.</p>	As set out in the Schedule of General Authorisations for the Chief Executive's Department (Legal and Democratic Services) ¹⁷	
6.	<p>Cash Imprests and Disbursements</p> <p>(a) To authorise individual establishment cash imprests in accordance with the limits set out in Financial Procedure Rules.</p> <p>(b) To approve individual payments from cash imprests in excess of the limit set out in Financial Procedure Rules.</p>	<ul style="list-style-type: none"> Chief Officers Chief Officers 	<p>In respect of functions within their remit</p> <p>In respect of functions within their remit</p>
7.	<p>Stores Deficiencies and Surpluses</p> <p>To authorise the making good or otherwise of stores deficiencies up to the limit</p>	<ul style="list-style-type: none"> Chief Officers 	In respect of functions within their remit

¹⁷ As amended by Chief Officers from time to time.

APPENDIX A

	specified in Financial Procedure Rules.		
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General

Table 9

8.	<p>Lost Property -</p> <p>To take responsibility for lost property found on council premises, including the registration of found items and the designation of a responsible officer</p>	<ul style="list-style-type: none"> Chief Officers 	In respect of functions within their remit
9.	<p>Data Protection, Human Rights, Surveillance activities, and Freedom of Information</p> <p>a) To implement and ensure compliance with:</p> <ul style="list-style-type: none"> the rules on data protection, human rights, surveillance activities, and freedom of information the Council's policies on these matters guidance and advice from the Assistant Chief Executive (Corporate Governance) on these matters. <p>b) To designate officers with specific responsibilities for these matters</p>	<ul style="list-style-type: none"> Chief Officers Chief Officers 	<p>In respect of functions within their remit</p> <p>In respect of functions within their remit</p>
10.	<p>Media</p> <p>To issue statements to the press and other news media about their delegated functions within the settled framework of Council policy</p>	<ul style="list-style-type: none"> Chief Officers Managers Head of Scrutiny and Member Development 	In respect of functions within their remit
11.	<p>Authorising Officers</p>		

APPENDIX A

	<p>To authorise officers possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority</p>	<ul style="list-style-type: none"> Chief Officers 	<p>In respect of functions within their remit</p>
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12.	Corporate procedures	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
	<p>To take any action remitted to the Assistant Chief Executive (Corporate Governance) under corporate procedures</p>	<p>As set out in the Schedule of General Authorisations for the Chief Executive's Department (Legal and Democratic Services)¹⁸, and as set out below:</p>	
	<p><u>Contract Procedure Rules</u></p>		
	<p>2(5), 3.1(4)(ii) 10(1) 12(6) 13(1) 16(6) 20(8)</p>	<p>Chief Procurement Officer in respect of all functions listed in column 2</p>	
	<p><u>Contracts Procedure Rules - Code of Practice</u></p>		
	<p>16.2 17.1(b) 20.1 22.3 25.1 26.1 27.2</p>	<p>Chief Procurement Officer in respect of all functions listed in column 2</p>	

¹⁸ As amended by Chief Officers from time to time.

APPENDIX A

	28.3 29.1 36.1 37.1		
	Financial Procedure Rules		
	10.5 10.6 15.5 Appendix R-3.4	<ul style="list-style-type: none"> • Chief Procurement Officer • Chief Procurement Officer • Chief Procurement Officer • Head of Community Services and Litigation 	
13.	<p>Local Choice Functions (see Section 1, Part 3 of the Constitution) (a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000</p> <p>(b) To obtain particulars of persons interested in land</p>	<ul style="list-style-type: none"> • Chief Legal Services Officer • Chief Officers • Managers 	
14.	<p>Signature of Contracts - Local Government (Contracts) Act 1997 To sign certificates for contracts</p>	<ul style="list-style-type: none"> • Not delegated 	
15.	<p>Budget and policy framework</p> <p>To formulate initial proposals within the budget and policy framework</p>	<ul style="list-style-type: none"> • Chief Officers • Managers 	

Personnel issues

16.	Miscellaneous employment issues	As set out in the Schedule of General Authorisations for the Chief Executive's Department (Legal and Democratic Services) ¹⁹	
17.	Changes to Staff structure	Chief Officers	

¹⁹ As amended by Chief Officers from time to time.

APPENDIX A

SPECIFIC DELEGATIONS²⁰

With the exception of those matters where the Assistant Chief Executive (Corporate Governance) has directed that the delegated authority should not be exercised, the authority of the Assistant Chief Executive (Corporate Governance) in relation to discharging executive functions is delegated as follows:

Table 9

	Function	Sub-delegation of function to Officer	Terms and Conditions of Sub-delegation
(a)	To act as Solicitor to the Council To take any action intended to give effect to a decision of the executive or an officer including the commencement defence, withdrawal or settlement of proceedings	<ul style="list-style-type: none"> • Chief Legal Services Officer • Director of Environment and Neighbourhoods • Director of City Development 	<ul style="list-style-type: none"> • To issue particulars of claim for rent arrears and warrant applications; and to complete standard shop tenancies only • To renew tenancies under Landlord and Tenants Act 1954 - section 25 only
(b)(i)	Procurement and purchasing	<ul style="list-style-type: none"> • Chief Procurement Officer 	
(ii)	Land charges	<ul style="list-style-type: none"> • Chief Legal Services Officer 	
(iii)	Vehicle, public entertainment and related licensing and enforcement	<ul style="list-style-type: none"> • Chief Legal Services Officer 	
(iv)	Elections	<ul style="list-style-type: none"> • Chief Legal Services Officer 	
(v)	Data protection, human rights, freedom of information and the	<ul style="list-style-type: none"> • Chief Legal Services Officer • Head of Property Finance and 	

²⁰ The Assistant Chief Executive (Corporate Governance) is not authorised to exercise delegated powers in respect of matters where an appropriate Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred to the executive Board for consideration.

APPENDIX A

	regulation of surveillance services	Technology	
(vi)	Registration of births, deaths marriages and civil partnerships	<ul style="list-style-type: none"> Chief Legal Services Officer 	
(vii)	The management of matters relating to Members, the Lord Mayor, Committees and Scrutiny Support:	<ul style="list-style-type: none"> Chief Democratic Services Officer 	
(viii)	The management of corporate governance.	<ul style="list-style-type: none"> Chief Democratic Services Officer Head of Governance Services 	

SECTION 4: DELEGATION OF AUTHORITY UNDER ARTICLES

Function	Sub-delegation of function to Officer	Terms and conditions of sub-delegation
ARTICLE 12:		
To maintain the Constitution	Chief Democratic Services Officer Head of Governance Services	
To ensure the lawfulness and fairness of decision making and report to full Council or the executive	Not delegated ²¹	
To support the Standards Committee	Head of Governance Services	
To receive and act on reports from ESOs/decisions of case tribunals	Not delegated ²²	
To conduct investigations into matters referred by ESOs	To named officers	In respect of each individual matter
To act as Proper Officer for access to information	Chief Democratic Services Officer Head of Governance	

²¹ Except to the Deputy Monitoring Officer

²² Except to the Deputy Monitoring Officer

APPENDIX A

	Services	
To advise whether executive decisions are within the budget and policy framework	Chief Legal Services Officer	
To contribute to Corporate Management	Chief Legal Services Officer	
To provide advice to Councillors	Chief Legal Services Officer Managers	
ARTICLE 14		
Legal proceedings		
To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it or in any case where the Assistant Chief Executive (Corporate Governance) considers that such action is necessary to protect the Council's interests	All Directors Chief Officers	In respect of functions within their remit In respect of functions within their remit
Common Seal of the Council		
To determine which documents should be sealed.	<ul style="list-style-type: none"> • Chief Legal Services Officer • Managers 	
To attest the affixing of the seal	<ul style="list-style-type: none"> • Chief Legal Services Officer • Managers 	
To make an entry into the book of every deed to which the seal has been affixed	<ul style="list-style-type: none"> • Chief Legal Services Officer • Managers 	
Signature of documents		
To sign as agent for the Council all contracts agreed to be entered into by the Council, or any part of it	Chief Procurement Officer	All contracts, but excluding certificates for contracts under Local Government (Contracts) Act 1997
	All Directors	In respect of contracts

APPENDIX A

<p>Authentication of Documents for legal proceedings – To sign documents which are a necessary step in legal proceedings</p>	<p style="text-align: center;">Chief Officers</p> <p>Chief Legal Services Officer</p>	<p>relating to functions within their remit, which are under £100,000, but excluding certificates for contracts under Local Government (Contracts) Act 1997</p> <p>In respect of contracts relating to functions within their remit, which are under £100,000, but excluding certificates for contracts under Local Government (Contracts) Act 1997</p>
<p>ARTICLE 15</p>		
<p>To monitor and review the Constitution</p>	<p>Chief Democratic Services Officer</p> <p>Head of Governance Services</p>	
<p>To make changes to the Constitution</p>	<p>Chief Democratic Services Officer</p> <p>Head of Governance Services</p>	<p>In respect of changes required as a result of decisions of the Council or executive, and typographical errors</p> <p>In respect of changes required as a result of decisions of the Council or executive, and typographical errors</p>
<p>ARTICLE 16</p>		
<p>To ensure that copies of the Constitution are available for inspection etc</p>	<p>Chief Democratic Services Officer</p> <p>Head of Governance Services</p>	
<p>To ensure that the summary of the Constitution is made widely available and updated</p>	<p>Chief Democratic Services Officer</p>	

APPENDIX A

	Head of Governance Services	
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Appendix B

DELEGATED DECISION NOTIFICATION

REF NO ¹

DEPARTMENT

SUBJECT ²

DECISION ³	COUNCIL FUNCTION <input type="checkbox"/>	EXECUTIVE DECISION (KEY) <input type="checkbox"/>	EXECUTIVE DECISION (MAJOR) <input type="checkbox"/>	EXECUTIVE DECISION (OTHER) <input type="checkbox"/>
	NOT SUBJECT TO CALL IN	⁴ EXEMPT FROM CALL IN: YES / NO	⁴ EXEMPT FROM CALL IN: YES / NO	NOT SUBJECT TO CALL IN

AFFECTED WARDS

	Yes	No
Legal	<input type="checkbox"/>	<input type="checkbox"/>
Finance	<input type="checkbox"/>	<input type="checkbox"/>
Personnel	<input type="checkbox"/>	<input type="checkbox"/>
Equal Opportunities	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

¹ This reference number will be assigned by Governance Services and notified to you

² A brief heading should be inserted

³ Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Governance Services

⁴ For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the **5th** working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the **6th** day.

DECLARED OFFICER / MEMBER INTERESTS⁵

DISPENSATION BY STANDARDS COMMITTEE
DATE:

BACKGROUND PAPERS⁶

CONFIDENTIAL REPORT YES NO RULE NO 10.4⁷ ()

	Yes	No	Date
Executive Member	<input type="checkbox"/>	<input type="checkbox"/>	_____
Ward Councillors	<input type="checkbox"/>	<input type="checkbox"/>	_____
Chief Officers Affected	<input type="checkbox"/>	<input type="checkbox"/>	_____
Others (Specify)	<input type="checkbox"/>	<input type="checkbox"/>	_____

CONTACT PERSON CONTACT NO

AUTHORISED SIGNATORY⁸ DATE

	KEY	MAJOR	OTHER
⁹ *First publication (5 day notice)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Commencement for Call In	<input type="text"/>	<input type="text"/>	<input type="text"/>
Last date for Call In	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Date	<input type="text"/>	<input type="text"/>	<input type="text"/>

* If key decision not on Forward Plan, the reason and need that the decision be taken are that:

⁵ No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

⁶ A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

⁷ Access to Information Procedure Rules

⁸ The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

⁹ Governance Services will enter these dates

APPENDIX C

REGISTER OF EMPLOYEES INTERESTS

As a general principle, employees should err on the side of caution and declare interests that they think could be covered by the following guidance, see notes for guidance overleaf. Assistance can be sought from the Service Development Manager in the first instance if any clarification is required. **Composite example showing 3rd party information disclosed. No actual names used but based on actual examples of information provided .**

NAME	DEPARTMENT	DIVISION	DATE	PAY NO
Nick Jacks	Legal and Democratic Services			

INTEREST*	DETAILS
1. Governor of educational establishment	
2. Involvement with an organisation receiving grant aid from the city council (including close relatives)	My father Mr Fred Jacks works forwho may receive grant funding from LCC.
3. Involvement in companies (state company and position) (including close relatives)	My partner Alex Hardy has a company- Bespoke Training Solutions and I am an associate director.
4. Relationship to an officer graded senior officer or above, or a member	My sister is Carol Jacks –Senior Manager Children’s Services
5. Membership of secret society as define by LGMB	
6. Beneficial interest in land or property	
7. Intent to bid for land or property owned by the council	
8. Others (please specify)	My mother Dawn Jacks works in the catering service and could potentially be affected by decisions I am involved in regarding contracts and tenders/ procurement.

Applicable to employees employed in a position responsible for letting or supervising contracts or selecting supplies or contractors, including those relating to investments.

Holding of shares or other securities excluding banks and building societies (state name of company/body. Declaration of size or nature of holding is not necessary)	
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*SEE NOTES FOR GUIDANCE OVERLEAF
 Please return this form to your relevant HR Service
 SIGNATURE:

DATE:

REGISTER OF EMPLOYEES INTERESTS**NOTES FOR GUIDANCE**

As a general principle employees should err on the side of caution and declare interests that they think could be covered by the following guidance. Assistance can be sought from your Service Development Manager in the first instance if any clarification is required.

A close relative is define as a spouse, parent, sibling, son, daughter or common law partner.

1. Membership of Governing Bodies, including all schools maintained by the authority, all further education establishments and all grant maintained schools.
2. Involvement could be either paid or unpaid
3. Involvement in companies includes, for example, directorships and company secretary, or any other position where a person is actively involved in running of a company's affairs, where the company has, or may have, a contractual relationship with the Authority. This declaration is required in addition to the requirements of paragraph 71 of the Green Book concerning employment outside normal hours.
4. Relationship to an officer graded senior officer or above or a member. Relationship is interpreted to be a close relative, as defined above.
5. Secret societies are defined by the Local Government Management Board. It is recommended that this definition is used to determine whether a declaration should be made. The LGMB use the following definition:

Any lodge chapter society trust or regular gathering or meeting which:

- a) is not open to members of the public who are not members of the lodge chapter society or trust
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting

A lodge, chapter, society trust gathering or meeting as define above, should not be regarded as a secret society if it forms part of the activity of generally recognised religion.

6. Beneficial interest in land or property excludes the employee's own dwelling and only relates to land and property within the Authority's boundary.
7. The intention to bid for the purchase of land or property owned by the Council should be declared as soon as is practicable. Section 117 of the Local Government Act also requires that the interest be declared to the departmental Chief Officer who shall also inform the Chief Officer.
8. Please specify interest and nature of interest.
9. The holding of shares or other securities in a company or other body with whom the authority contracts or is considering contracting, must be declared if the holding exceeds £25,000 or more the 1/100th of the nominal value of the issued share capital, whichever is less. The size and nature of the holding need not be declared, simply the name of the company. This requirement does not extend to banks and building societies.

Appendix D

Excerpt from Members' Code of Conduct

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

PART 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either-

(a) it relates to or is likely to affect-

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body-

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

Appendix D

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

1.0 Purpose Of This Report

1.1 The purpose of this report is to address issues surrounding the findings of the Ethical Audit which took place in 2006.

1.2 In particular, this report addresses several actions identified in the Ethical Audit Action Plan attributed to the Chief Officer (Human Resources) concerning;

- The development of key competencies and behaviours for managers which will include appropriate reference to the ethical framework and;
- The development of a training and awareness programme

2.0 Background Information

2.1 The Ethical Audit 2006 identified several areas in which Officers felt they had a lack of awareness or understanding of the ethical framework and how this guides and supports them in working effectively in a local authority

- A large proportion of officers are unaware of the officer code of conduct and whether they have to abide by it. The results show variations between grades and departments.
- A high proportion of officers don't know that the Council has a Code of Conduct for Members.
- Potential issues in Member /Officer working relationships including concerns from both Members and Officer that communication between them is not always open and constructive. This could show a lack of awareness of the political context of the organisation and a misunderstanding of the Members' role.
- 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 on legislation (e.g. Human Rights, Freedom of Information, Data Protection, Equalities etc.).

2.2 In analysing the findings of the audit it is apparent that the key requirement is to raise awareness of the ethical framework with all officers and ensure that all new officers are informed appropriately as they join the council.

3.0 Main Issues

3.1 The Chief Officer Human Resources has considered several approaches to address the outcome of the Ethical Audit. This report considers progress to date in two important areas.

- Key competencies and behaviours for managers
- Training and awareness programme for Officers

Key competencies and behaviours for managers

3.2 Significant progress has been made in linking organisational development work to the areas for development identified in the Ethical Audit. In particular a large piece

of work is being undertaken to ensure that the accountabilities of Chief Officers are clear. This will, in part result in revised job descriptions. These will document and communicate to those officers' their corporate responsibilities with regard to governance, and provide a tool to evaluate those officers' competencies via the Council's appraisal processes.

3.3 It is anticipated that the first phase of this work will be completed by April 2008 with the second phase being cascaded to Heads of Service and other senior officers by December 2008.

3.4 In addition the Council's Corporate Leadership Team has communicated a set of behaviours expected of all officers which clarifies **how** officers are expected to work within the ethical framework. Launched by the Corporate Leadership Team in September 2007 these behaviours cover the following areas;

- Trust, Honesty and Respect
- Co-operation and Transparency
- Improvement and Challenge

Raising Awareness of the Ethical Framework

3.7 The Chief Officer Human Resources is working with Corporate Communications to ensure that a 'briefing toolkit' is developed for dissemination of information about the Ethical Framework across the council. Senior HR officers are to attend a workshop to full understand the framework and their role in ensuring its understanding and use.

3.8 The Human Resources Service has responsibility for ensuring all officers have sufficient awareness of the Codes of Conduct (officer and Member) and the Protocol on Member officer Relations. This includes topics such as embedding a 'challenge culture', high ethical standards in communication, further legislation, and the rules surrounding declarations of interest.

3.9 To fulfil this responsibility the following will be delivered:

- **Recruitment Processes**; recruitment packs issued to applicants **will** provide information about the Council's values and behaviours
- **Interview procedures**; appropriate assessment techniques **will** be used to gauge prospective employees understanding of appropriate values and behaviours
- **The corporate induction will** include an overview of the Member and Officer Code of Conduct and the Protocol on Member officer Relations.
- **Post induction.** Following induction all new starters **will** be issued with corporate information about the key points of the ethical framework and recruitment packs.
- **Appraisals will** identify those officers who have a need for in depth awareness of the Members' Code of Conduct.
- **Assessment of officer training and development programme will** provide appropriate training and supporting documentation and incorporate training on the ethical framework as a specific learning opportunity in staff Personal Development Plans

3.10 Members of the Committee will note that further analysis of the results of the Ethical Audit 2006, which was requested in the Ethical Audit Action Plan, has not yet taken

place. It was proposed by the Committee that this would assist the Chief Officer Human Resources in identifying those groups who needed more in depth awareness and training. However the inclusion of the ethical framework as a specific identifiable training need in the officer Personal Development Plan process should partially address this concern.

- 3.11 It is also proposed that a knowledge and skills matrix be created which will categorise all officer groups within the Council according to the level of understanding they require of various elements of the ethical framework. This would support the appraisal and development planning process.
- 3.12 Furthermore, Members of the Committee will note that the content of specific training and development courses has not yet been drafted; this is a priority and the Chief Officer (Human Resources) is strengthening the role of HR around governance and ethics to provide an ongoing Council wide focus on this issue.

4.0 Implications For Council Policy And Governance

- 4.1 Ensuring that managers have sufficient awareness of the principles of good ethical behaviour and governance, contributes to the Council's governance arrangements by ensuring effective leadership and the good conduct of all officers. This is an aim identified in the Corporate Governance Statement.
- 4.2 By raising awareness of the ethical framework as a whole, officers will be better able to comply with the various codes and protocols, and be better aware of the principles of the Members' Code of Conduct and how to deal with poor behaviour.

5.0 Legal And Resource Implications

- 5.1 The resources required for developing accountabilities and a leadership development programme for senior managers are already in place.
- 5.2 Depending on how the ethical framework awareness programme for all officers will be delivered, additional resources may need to be identified. The extent of this will depend on how many officers require a training session and whether this is delivered externally.
- 5.3 There are no legal implications to this work.

6.0 Conclusions

- 6.1 Work is underway to achieve the actions allocated to the Chief Officer (Human Resources). The Chief Officer (Human Resources) is satisfied that the planned activities will address the issues of improvement highlighted in the Ethical Audit.

7.0 Recommendations

- 7.1 Members of the Committee are required to note the contents of this report and the progress made towards the actions identified in the Ethical Audit Action Plan.



Report of the Chief Democratic Services Officer

Standards Committee

Date: 5th December 2007

Subject: Member Development issues arising from the Ethical Audit 2006

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 sets out how the Head of Scrutiny and Member Development has fulfilled certain actions required in the ethical audit action plan 2007-08. The particular actions relate to:
 - planning and providing training on legislation included in the council's ethical framework (Data Protection, Freedom of Information, etc); and
 - planning and providing training on issues of appropriate behaviour for councillors.
2. The first action has been progressed through a discussion at the member development working group on 18th June 2007. The second action has been progressed through providing a series of events aimed at training members on the new Code of Conduct.
3. Members on regulatory panels have also received specialist training on governance and conduct particularly in relation to regulatory matters such as planning and licensing. The requirement for training of regulatory panel members is included in the council's constitution.

1.0 Purpose Of This Report

1.1 The purpose of this report is to update members of Standards Committee on progress made in completing the actions in the ethical audit action plan for 2007-08. This report relates specifically to those actions identified for the Head of Scrutiny and Member Development.

2.0 Background Information

2.1 The council underwent an ethical audit in 2006. The audit considered how the council performed in a number of areas relating to ethical governance. The areas included the Members Code of Conduct, Officer Code of Conduct, Protocol on Member-officer relations, Whistle blowing policy, Ethical Framework, Standards Committee, Leadership and Communications.

2.2 Standards Committee agreed the ethical audit action plan for 2007-08 at its meeting on 12th July 2007. The action plan set out the actions to be taken to improve ethical governance in Leeds City Council. The actions are based on the finding of the ethical audit in 2006.

2.3 Standards Committee agreed to include these actions in its work programme and receive a half-yearly update report on progress against the plan.

2.4 A number of actions in the plan were identified to be completed by the Head of Scrutiny and Member Development. They are listed in the following table:

Action number	Main issue	Actions to address problems	Action
9a	Ethical framework	Provide training for Members on Human Rights, Data Protection, Freedom of Information and Equalities legislation.	Head of Scrutiny and Member development to arrange for the Member Development Working Group to consider training options at their meeting on 26 th November 2007.
10e	Ethical framework	Include reference to the impact and importance of the ethical framework in the training for councillors detailed above. This will include an explanation of how complying with the ethical framework encourages appropriate behaviours and builds public confidence in local democracy.	Head of Scrutiny and Member Development to develop Code of Conduct and Governance and conduct training and report back to Standards Committee.

This report updates Standards Committee on the implementation of the actions described above, as requested.

3.0 Main Issues

Training on ethical framework legislation

- 3.1 This issue was considered by the Member Development Working Group on 18th June 2008. Members of the Working Group agreed to add these training issues to the work programme of the Group.
- 3.2 Officers are currently in the process of identifying suitable training methods and materials to meet these training needs. A number of options are available:
- e-learning packages from the Improvement and Development Agency's Learning Pool;
 - written information on legislation and written guides for councillors; and
 - discussion and information seminars provided in house.
- 3.3 Training for Members on ethical framework legislation has been offered in previous municipal years. However, these sessions were poorly attended and feedback indicated that Members found them somewhat dry and unappealing. It is therefore important that training on ethical framework legislation offered this year is offered in innovative, more appealing ways to encourage Members to access the training. The evaluation of options is therefore a time-consuming process and the various options must be carefully considered to meet these criteria.
- 3.4 The Member Development team has had many competing priorities since the start of the municipal year. There has been a full programme of activities such as induction for new councillors, the development and running of the Member seminar programme, the Code of conduct training events, and the IT upgrade for Members. The team has hitherto not had the resources available to arrange the ethical audit training. However, now that some of the above mentioned activities are complete, the ethical audit legislation training will become a priority.
- 3.5 Officers are in the process of evaluating the various options and will discuss the various methods available with the Member Development Working Group. The training will be implemented in December 2007 (if all resources are available) and available over the whole municipal year.

Training on appropriate behaviour and encouraging confidence in local democracy

- 3.6 These action points have been addressed through two types of training:
- Code of Conduct Update training for all Members; and
 - Governance and Conduct training for Members of Plans and Licensing Panels.
- 3.7 A total of nine Code of Conduct Update sessions have been offered between June 2007 and October 2007, and all Members have been encouraged to attend. Standards Committee received a detailed report on this training at their meeting on 10th October 2007, Item 17. Corporate Governance officers indicate that 91 of 99 councillors have received Code of Conduct training from Leeds City Council.
- 3.8 Two Governance and Conduct update sessions have been offered to Plans and Licensing members this municipal year. Governance and Conduct Update is a

compulsory session for these Members. The session is a one hour session updating Members on governance and conduct issues relating to planning and licensing matters, for example, case law and appropriate behaviour and judicial reviews. It builds on the compulsory basic Governance and Conduct session provided in the 2006-07 municipal year.

4.0 Implications for Council Policy and Governance

4.1 Governance of the Council by Members will improve following the training on the Code of Conduct and governance and conduct matters for regulatory panel members. The training set out the requirements that Members must fulfill and discussed a number of examples of appropriate and inappropriate behaviours.

4.2 There are no implications for council policy.

5.0 Legal and Resource Implications

5.1 Training requirements can be met within existing resources, either through provision of training by internal officers from Corporate Governance, or by using external trainers paid for within the existing budget.

6.0 Conclusions

6.1 The action point 10e has been addressed effectively through interactive training sessions. The action point 9a, relating to training on legislation, is in the process of being addressed.

7.0 Recommendations

7.1 Members of Standards Committee are asked to:

- note this report; and
- comment on the progress made to meet actions identified within the ethical audit action plan 2007-08.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 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 The recent 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 and District Councils

Ashfield District Council

- 3.1 It was alleged that a Councillor had failed to comply with the Code of Conduct by failing to treat a Chief Superintendent Officer with respect, contrary to paragraph 2(b) of the Code of Conduct, at the Council's annual 'State of Ashfield' debate by shouting aggressively at him and publicly calling him a liar.
- 3.2 The Chief Superintendent was invited to the meeting to discuss the allocation of beat managers and police community support officers within neighbourhoods. Whilst he was speaking, the Councillor interjected and suggested that he was not telling the truth. The Councillor then accused him of not returning telephone calls and called him a liar.
- 3.3 The case tribunal found that the Councillor's behaviour was both rude and offensive. Furthermore they decided that the Councillor had breached paragraph 2(b) of the Code of Conduct as alleged. The case tribunal accepted that there was nothing wrong with making fair criticism of a public official in an appropriate manner but argued that "to impugn the integrity of a police officer on the flimsiest information in a public forum was clearly unacceptable".
- 3.4 When considering what sanction to apply in this case, the case tribunal took into account the following factors:
- that the Councillor was passionate and committed and that he had been recently re-elected;
 - that he had shown no insight whatsoever both before and during the hearing that what he did was wrong; and

- that the Councillor had shown no remorse for his actions, and had received a formal warning from an Ethical Standards Officer in the past regarding a breach of the same paragraph of the Code of Conduct.

3.5 As the case tribunal felt that there was a serious risk of the Councillor breaching the Code again in future they decided to suspend the Councillor for three months.

3.6 **In Leeds, Members are advised how to deal with witnesses invited to provide evidence in meetings. The Scrutiny Board Procedure Rules state that Members should treat those giving evidence with respect and courtesy. However there is no other reference in the Constitution to dealing with members of the public and others attending Committee meetings. This would be addressed through training for Chairs of Committees in meeting skills.**

Sedgefield Borough Council

3.7 It was alleged that a Councillor had failed to comply with the Code of Conduct both before and during a meeting of the Council's Development Control Committee by:

- Attempting to pressure another member of the committee (Councillor N) into voting in favour of a particular planning application and threatening to have him de-selected if he did not do so (contrary to paragraph 4 of the Code); and
- Speaking in favour of the planning application (contrary to paragraph 12(1)(c) of the Code).

3.8 The case tribunal found that the Councillor declared a personal and prejudicial interest in the application, arising from his membership of bodies involved in the application, and he subsequently withdrew from the meeting.

3.9 During the meeting Councillor N spoke and voted against the application, and the application was refused by the Committee. Five months later Councillor N was deselected as the Labour candidate, and another Labour candidate was elected on the same date.

3.10 The case tribunal decided that as the exchange with Councillor N took place in the room where the meeting was about to be held, and the Councillor had attended with the purpose of declaring his personal and prejudicial interest, he was acting in his capacity as Councillor when he pressured Councillor N and threatened him with de-selection. The case tribunal also found that for a Councillor to be heard issuing threats to another Councillor just before a decision was due to be taken, especially with the use of offensive language as in this case, does bring the reputation of the office of Councillor and has the potential to bring the reputation of the Council into disrepute.

3.11 However the action to de-select Councillor N as a Labour candidate was not taken in his capacity as Councillor, and so did not result in breach of the Code.

3.12 The case tribunal concluded that the Councillor had breached paragraph 4 of the Code as alleged, but had not breached paragraph 12(1)(c) as he withdrew from the meeting after declaring his interest in the matter.

3.13 When deciding what sanction to apply in this case, the case tribunal took into account the following factors:

- That the Councillor did not stand to benefit personally from the application;
- That the de-selection of Councillor N had not been committed in his capacity as Councillor;
- That the Councillor had not admitted to the alleged actions up until the hearing, and his excuse of not having had time to assess the evidence could not be accepted;
- Whilst the Councillor will now make a personal written apology to those involved in the matter, he had not offered to do so before; and
- Despite the stress caused to those involved, the conduct of the Councillor was not at the most serious end of the spectrum that the Adjudication Panel deals with.

Therefore the case tribunal decided to suspend the Councillor for a period of one month.

- 3.14 **In Leeds, Members are strongly advised that where their interest in a matter is personal and prejudicial, they should not participate or give the appearance of trying to participate in the making of any decision on the matter by the authority. This advice is contained in the 'Code of Practice for the Determination of Planning Matters'. Members of Plans Panels are also given specific training on governance and conduct issues in relation to planning matters, which includes guidance on bias and predetermination, and lobbying.**

Dartford Borough Council

- 3.15 It was alleged that a former Councillor had failed to comply with paragraphs 4 and 5 of the Code of Conduct by improperly using a Council owned computer in order to access indecent images of children, contrary to the terms of the Council's internet policy and guidance. It was alleged that this behaviour brought the Councillor's office and authority into disrepute, and that he had breached the Code by not having regard to the authority's requirements when using Council resources.
- 3.16 The Councillor had signed a declaration to abide by the Council's internet policy in 2003, which covered both the internet connection and Council provided computer equipment.
- 3.17 The Councillor resigned as Leader of the Council in February 2006, and from the Council in June 2006. In September 2006 the Councillor was convicted on 14 charges of making indecent images of children. He was sentenced to a three year community rehabilitation order and a three year sexual offences prevention order. He was also placed on the sexual offenders' register.
- 3.18 In his defence, the Councillor argued that:
- Although he admitted paying and viewing the relevant images he had not set out to save them or download them in anyway;
 - He did not know at the time that viewing such images was unlawful; and
 - Furthermore, at the time he viewed the images the Councillor believed that he owned the computer. He was provided with the computer on account of being a senior member of the Council. As its value was being written down by 25% each year, he believed that by 2004 it was valueless, and so belonged to him. As he was paying for the internet connection too, he was not aware that he was using council owned resources when he viewed the offensive material.

- 3.19 The case tribunal first had to consider to what extent the Councillor's conduct was covered by the Code. It was not alleged that the Councillor had been acting in his official capacity at the time of the offence. As such, the case tribunal found that he had not been in breach of paragraph 5 of the Code, as this provision only applied to Members acting within their official capacity.
- 3.20 The case tribunal went on to consider whether the Councillors behaviour fell into the 'any other circumstance' provision of paragraph 4 of the Code. To decide this the case tribunal took account of the case of *Ken Livingstone v. The Adjudication Panel for England*. Mr Justice Collins had stated that unlawful conduct would not necessarily be covered by the Code of Conduct unless there was a link between the offence and the Members' position as Councillor.
- 3.21 The case tribunal were satisfied that the necessary link with membership of the Council was provided by the fact that the computer was owned by the Council. The computer was meant for the sole use of Councillor in the performance of their functions.
- 3.22 The case tribunal took the view that the fact that the Councillor had used Council resources to access pornographic images of children and therefore committed serious criminal offences through council owned property inevitably brought the Council and his office as Councillor into disrepute. Therefore they concluded that the Councillor was in breach of paragraph 4 of the Code of Conduct, as alleged.
- 3.23 When considering the sanction to be applied, the case tribunal considered that the Councillor had, in the most serious way, abused the trust placed by the public in its local government representatives. The Councillor had accessed the images using a Council owned computer, paid for by public funds. In the case tribunal's opinion, the behaviour indicated that the former Councillor was not fit to hold public office as a Councillor and warranted the highest possible sanction.
- 3.24 The case tribunal therefore decided that the former Councillor should be disqualified from being or becoming a Member of a relevant authority for five years.
- 3.25 **In Leeds, Members are provided with a copy of the 'Guidelines for Members Using ICT Equipment' when they are elected as Councillors. This document is also referenced in the Protocol on Member Officer Relations. The Protocol outlines that these items are provided to assist Members in discharging their roles as Members of the Council, and should not be used for private purposes. The Guidelines also specifically prohibit Members using Council provided equipment to access inappropriate internet sites. There is also a list of the types of sites which should be considered inappropriate, including the following:**
"Illegal – sites that promote illegal activities, or offer instructions or advice that can be used to commit illegal activities. Such activities include making or distributing child pornography, making bombs, hacking (breaking computer security), phreaking (breaching phone security or phone service theft), lock picking, selling pirated material (such as music, videos, software or fake IDs) and counterfeiting."

Appeals against local standards committee decisions

Elmbridge Borough Council

- 3.26 A Councillor appealed against a decision by the standards committee to suspend him for one month for a failure to comply with paragraph 12(1)(a) and 12(1)(c) of the Council's Code of Conduct. The Councillor was refused permission to appeal the decision that he had breached the Code, and so the appeals tribunal only considered the appropriateness of the sanction in the case.
- 3.27 It was alleged that a Councillor had attended a planning committee meeting during which a particular development (with which he had been involved up to the planning stage) was considered. The Councillor declared a personal interest in the item in that he was acquainted with the development company, although he did not declare a prejudicial interest or withdraw from the meeting.
- 3.28 The standards committee found that the Councillor had therefore breached paragraph 12(1)(a) of the Code of Conduct by not declaring a prejudicial interest in the application and failing to withdraw from the meeting, and that he had breached paragraph 12(1)(c) of the Code of Conduct by seeking improperly to influence a decision about the planning application.
- 3.29 The standards committee considered that the Councillor had a personal and prejudicial interest in the matter due to the following factors:
- He had a registrable interest in his own company, which had previously been employed by the development company to carry out work relating to the development;
 - He believed that he was owed money by the development company;
 - He believed that the development company had shown him professional discourtesy; and
 - Was unhappy with the development company for the reasons outlined above.
- Therefore the standards committee decided to suspend the Councillor for a period of one month.
- 3.30 The Councillor appealed against the sanction on the following grounds:
- That the breach was only a minor technical one;
 - Most Councillors would have acted in a similar way to himself; and
 - The sanction applied was disproportionate considering the sanctions applied to George Galloway MP (18 days) for continuous breaches, and to another Elmbridge Councillor who had no sanctions applied to him despite being found to have brought the authority into disrepute and having caused disruption to a Council department.
- 3.31 The appeals tribunal decided that one month's suspension had been an appropriate sanction for the standards committee to impose. They found that the breach had been a substantive one, rather than a minor technical breach as argued by the Councillor. The appeals tribunal were of the opinion that the development company had owed the Councillor a relatively large amount of money such that a reasonable person might well form the view that the Councillor's judgement would be significantly affected. It was therefore common sense that he ought not to have taken any part in the planning meeting and should have withdrawn.

- 3.32 The appeals tribunal particularly noted that those Councillors whose work overlapped with their Council functions needed to be scrupulously careful as to when they declared interests and withdrew from decision making meetings. The appeals tribunal were of the opinion that the Councillor ought to have been aware of the sensitivity arising from his position and at the very least, should have sought advice from officers.
- 3.33 Therefore the appeals tribunal decided to uphold the sanction imposed by the standards committee.
- 3.34 **In Leeds, Members are given detailed advice on their involvement in planning matters through the Code of Practice for the Determination of Planning Matters. Members of plans panels are advised to “report any significant contact with the applicant or other parties to the Chief Planning Officer explaining the nature and purpose of the contact and your involvement and ensure that this is recorded on the planning file”. There is no specific advice for Members whose work may overlap with planning functions in the Council’s area in the Code of Practice, although Members are recommended to seek early advice from the Chief Planning Officer or the Assistant Chief Executive (Corporate Governance) if they have any doubts regarding the application of the Code.**

4.0 Implications For Council Policy And Governance

- 4.1 There are no implications for Council Policy.
- 4.2 By continually monitoring decisions made by the Adjudication Panel and the implications for Leeds, the Standards Committee is fulfilling its terms of reference by keeping the codes and protocols of the Council under review.
- 4.3 By identifying problem areas the Standards Committee are also able to improve the training provided for Members on conduct issues, and maintain good conduct in the Council.

5.0 Legal And Resource Implications

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

6.0 Conclusions

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

7.0 Recommendations

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

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 2007

Subject: Complaints referred to the Standards Board for England in the period 1st April 2007 – 30th September 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 five complaints regarding Parish Councillors, and five involving Leeds City Councillors. Three of these complaints were referred for further investigation by the Standards Board for England. The investigations are ongoing and so only the dates and potential breaches of the Code of Conduct 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 April 2007 to 30th September 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.

3.0 Main Issues

Parish and Town Councillors

- 3.1 Leeds City Council has received notification of five 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 a Councillor had failed to treat others with respect and had used his position improperly to confer an advantage or disadvantage, by recommending that the complainant's planning application should be refused.

The substance of the complaint referred to the Standards Board, was based on the fact that the complainant disagreed with the Parish Council's comments relating to her planning application.

The Standards Board for England's jurisdiction is over the behaviour of individual Councillors, not over Council or Committee decisions. Therefore the Standards Board decided **not to refer this complaint for further investigation** as the complaint revealed no potential breach of the Code of Conduct.

3.1.2 Complaint 2

This complaint has been referred by the Ethical Standards Officer to the Council's Monitoring Officer for further investigation.

The complaint was made to the Standards Board for England on 31st July 2007. It was alleged that the Councillor had failed to treat others with respect, and had therefore breached paragraph 2(b) of the Members' Code of Conduct 2001. The Standards Board for England referred this matter for local investigation on 9th August 2007.

As it is an ongoing matter, no further details relating to the complaint will be included in this report.

3.1.3 Complaint 3

It was alleged that a Parish Councillor (who was also a Leeds City Councillor) breached the Representation of the Peoples Act and the Political Parties and Referendums Act 2007 (*sic*) through the election material produced by their political party.

It was further alleged that these breaches were reported to the police and that the Councillor took collective responsibility for all the political party leaflets used for the election. The complaint alleged that the Councillor was interviewed by police under caution, and that he accepted these offences but said in his defence that he was unaware of the changes in legislation.

The complainant claimed that it was unacceptable that experienced Councillors could be found guilty of breaking election law and receive no sanction.

The Standards Board for England understand that election leaflets are not produced in a Member's official capacity, as election material is produced by someone seeking to become or continue as a Councillor and is not in itself the duty of a Councillor. As behaviour outside of a Member's official capacity is beyond the scope of the Standards Board, there was no potential breach of the Code of Conduct. Therefore the Standards Board decided **not to refer this complaint for further investigation.**

3.1.4 Complaint 4

It was alleged that a Parish Councillor (who was also a Leeds City Councillor) breached the Representation of the Peoples Act and the Political Parties and Referendums Act 2007 (*sic*) through the election material produced by their political party.

It was further alleged that these breaches were reported to the police, and that the Councillor was formally interviewed as a result. The police applied no sanctions to the Councillor as a result. The complainant alleges that this Councillor was responsible for producing the illegal election material, even though as a candidate he had received an up to date election information pack.

The Standards Board for England understand that election leaflets are not produced in a Member's official capacity, as election material is produced by someone seeking to become or continue as a Councillor and is not in itself the duty of a Councillor. As behaviour outside of a Member's official capacity is beyond the scope of the Standards Board, there was no potential breach of the Code of Conduct. Therefore the Standards Board decided **not to refer this complaint for further investigation.**

3.1.5 Complaint 5

It was alleged that a Parish Councillor (who was also a Leeds City Councillor) breached the Representation of the Peoples Act and the Political Parties and Referendums Act 2007 (*sic*) through the election material produced by their political party.

It was further alleged that these breaches were reported to the police.

The Standards Board for England understand that election leaflets are not produced in a Member's official capacity, as election material is produced by someone seeking to become or continue as a Councillor and is not in itself the duty of a Councillor. As behaviour outside of a Member's official capacity is beyond the scope of the Standards Board, there was no potential breach of the Code of Conduct. Therefore the Standards Board decided **not to refer this complaint for further investigation.**

Leeds City Councillors

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

3.2.1 Complaint 1

This complaint is currently being investigated by the Ethical Standards Officer.

It was alleged that a Councillor had breached paragraphs 5(a), 12 and 17 of the Members' Code of Conduct 2001, by using their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage, participating in a matter in which they had a personal and prejudicial interest, and failing to register their receipt of a gift or hospitality worth over £25 within 28 days. This matter was referred to an Ethical Standards Officer by the Standards Board for England for further investigation on 19th June 2007.

As it is an ongoing matter, no further details relating to the complaint will be included in this report.

3.2.2 Complaint 2

It was alleged that a Councillor misled the public about a local issue in an election leaflet. The complainant alleged that the Councillor used the leaflet as a means of informing the electorate of a Council decision. The public were not otherwise informed, and so the complainant alleged that the Councillor had misused his position as an elected Member to his own advantage, especially as the leaflet stated that the Councillor and ward colleagues had secured funding for an area action plan. The complainant claimed that the alleged conduct was intended to put his opponents at a disadvantage, and that the Councillor had damaged the reputation of his office and authority.

It is the policy of the Standards Board that it is unlikely to investigate dubious or arguable statements in political leaflets unless it enters the realm of extreme or deliberately offensive remarks about other people. The Standards Board believes that the electorate are reasonably adept at weighing the claims and counter claims of political parties, and it is not the Standards Board's role to interfere in the democratic process. Therefore the Standards Board decided **not to refer this complaint for further investigation.**

3.2.3 Complaint 3

This complaint has been referred by the Ethical Standards Officer to the Council's Monitoring Officer for further investigation.

The complaint was made to the Standards Board for England on 1st August 2007. It was alleged that the Councillor had failed to register financial interests and therefore breached paragraph 14(c) of the Members' Code of Conduct 2001. The complaint was referred for local investigation by the Standards Board for England on 28th August 2007.

As it is an ongoing matter, no further details relating to the complaint will be included in this report.

3.2.4 Complaint 4

It was alleged that the Councillor ill advised the complainant on the subject of an objection to a planning application, and was offensive and abusive to the complainant at a subsequent meeting.

The complainant contacted the Councillor regarding an application for 12 two bed-roomed flats. The complainant wished to know what she could do to ensure that houses were built as oppose to flats. It was alleged that the Councillor advised the complainant that the decision had already been taken to build the flats and that she should use her time slot for objections regarding car parking and bin storage. It was further alleged that the Councillor said she would raise an objection to the application during the plans panel meeting, and that she would prearrange questions with the complainant and her partner. However at the meeting the Councillor did not raise any objections and did not prearrange questions with the complainant.

The complainant subsequently visited the Councillor's ward surgery to discuss the issue, and it was alleged that the Councillor was abusive and offensive to her, saying she was her 'own worst enemy'.

The Standards Board is only responsible for regulating the ethical conduct of Members, not the quality or accuracy of their work. Although the comments at the ward surgery, if true, could reasonably be regarded as a failure to treat others with respect. The Standards Board decided **not to refer this complaint for further investigation**, as the complaint was not serious enough to justify an investigation.

3.2.5 Complaint 5

It was alleged that a Councillor had behaved in an immoral and illegal way by attempting to use a 'technical device' in the Council's Constitution to prevent discussion during a Council meeting.

The complainant alleged that there were requests by his political party for a special Council meeting. The Councillor, in his capacity as Chief Whip, sent a letter to the complainant stating that if the meeting went ahead, the

administration would be minded to put the proposal to a vote without debate.

The Standards Board for England have no jurisdiction over local authorities constitutional arrangements, and concerns should be directed to the Council in the first instance. The alleged conduct does not amount to a potential failure to comply with the Code of Conduct, and so the Standards Board decided **not to refer the complaint for further investigation**. The Standards Board also stated that it is common knowledge that Council constitutions are used in many different ways, but that it is part and parcel of politics and not a matter for the Standards Board.

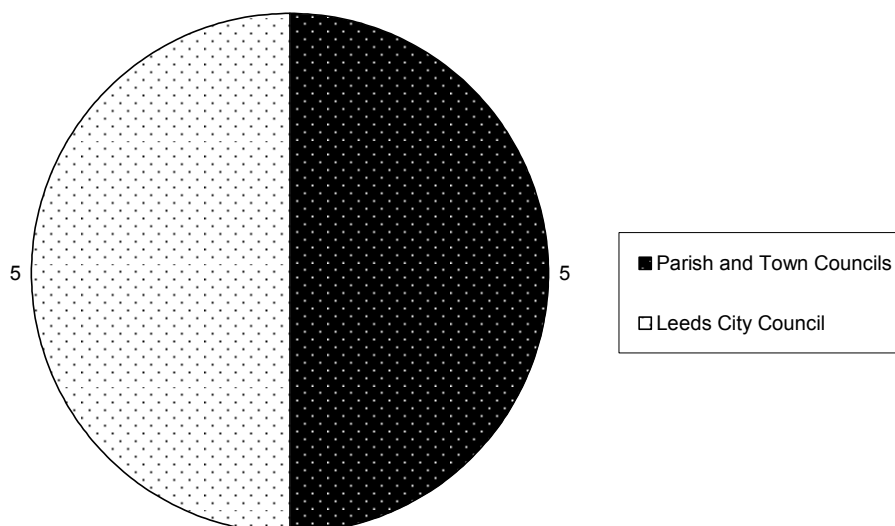
Case summary of an investigation into a Leeds City Councillor

- 3.3 Members of the Committee may wish to note that a complaint which was previously unreported to the Committee as it was undergoing investigation by an Ethical Standards Officer, has recently been resolved, and a case summary has been published on the Standards Board for England website. The full case summary as it appears on the Standards Board website is attached as an appendix to this report.

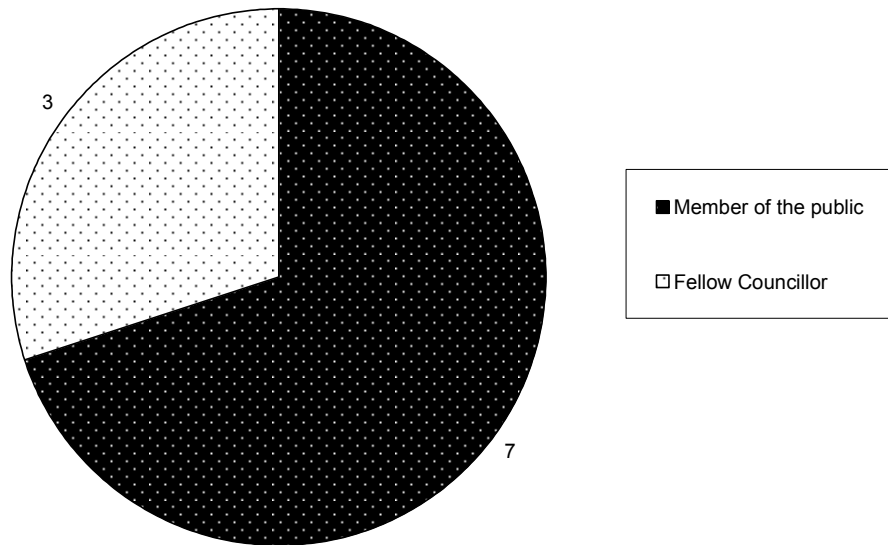
Statistics for the period 1st April 2007 – 30th September 2007

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

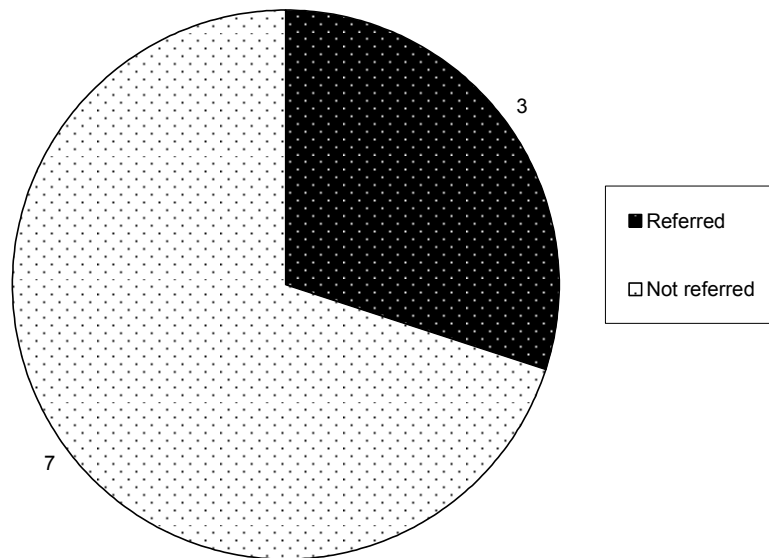
- 3.4 Authority of Member complained about:



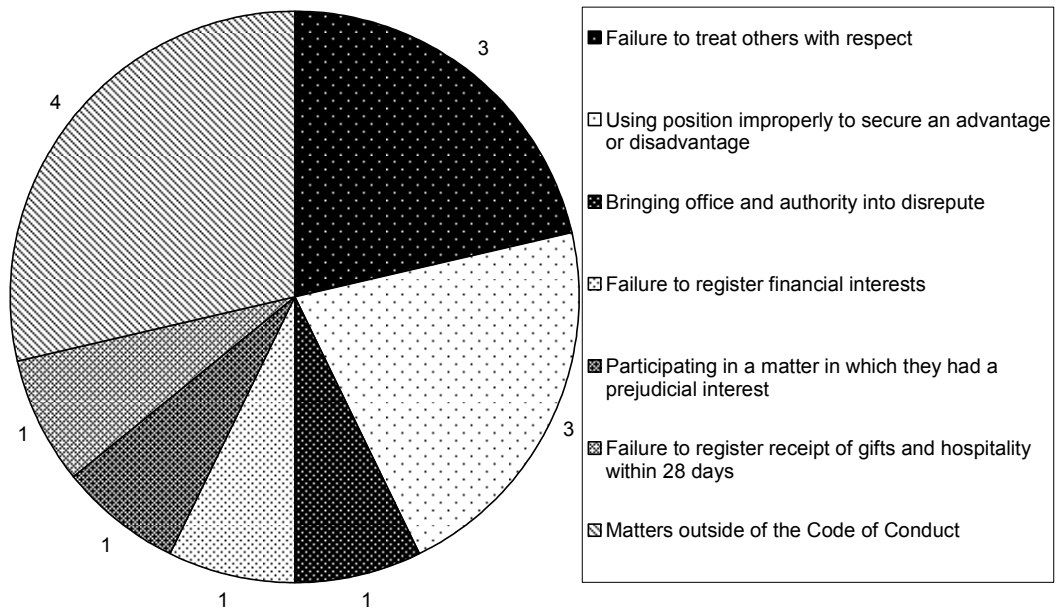
3.5 Source of complaints:



3.6 Complaints referred by the Standards Board for further investigation:



3.7 Nature of allegations made:



3.8 Members may wish to note that the statistics for Leeds City Council vary from the same six month period in the last municipal year. For instance, there were no complaints regarding Parish and Town Councillors between April and September in 2006, and there was also only one complaint which was referred for further investigation.

3.9 As in the previous year, failure to treat with respect is one of the most common allegations against Members. This has been a consistent position for several municipal years.

3.10 As previously, the highest proportion of complaints regarding Members concerned suspected breaches outside of the jurisdiction of the Code of Conduct and the Standards Board. These were alleged in 4 out of 7 complaints. 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 recent training programme on the new Code of Conduct will address this issue with Members and officers.

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.

6.2 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 (70%). 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.

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Home > Case summaries > Case summaries > L > Leeds City Council

Case no. SBE14562.06

Member: Councillor John Illingworth

Authority: Leeds City Council

Date received: 31 Mar 2006

Date completed: 31 Aug 2007

Allegation: The member failed to treat others with respect, compromised the impartiality of a council employee, brought their office or authority into disrepute and improperly secured an advantage or disadvantage.

Standards Board outcome: The ethical standards officer found that no action needs to be taken.

It was alleged that between 2004 and 2006, Councillor John Illingworth adopted a course of action, in relation to various council development proposals, that failed to comply with the Code of Conduct.

In particular, the council proposed to develop the Kirkstall Valley area, including the council's industrial units in the Grade II listed Abbey Mills and St Ann's Mills, in Councillor Illingworth's ward of Kirkstall.

The complainant provided a selection of over 100 comments by Councillor Illingworth which she considered to be "inappropriate", as they are critical of the development department and its officers. It was also alleged that Councillor Illingworth circulated newsletters in his ward and on his website that included further inappropriate comments, in the form of inaccurate information about the nature and extent of a public consultation exercise, misrepresenting the council and misleading the public.

In relation to one of these comments, in an email sent on 11 September 2005 to the council's director of development, the ethical standards officer considered that Councillor Illingworth failed to show respect towards the director and therefore failed to comply with the Code of Conduct.

Regarding all the other comments, the ethical standards officer considered that the terms in which they were expressed were not unreasonable in all the circumstances and that Councillor Illingworth did not fail to comply with the Code in that respect.

In all the circumstances, including the age of the email to the development director, and the fact that it amounted to a single failure to comply with the Code, the ethical standards officer found that no action needed to be taken.

Relevant paragraphs of the Code of Conduct

The allegation in this case relates to paragraphs 2(b), 2(c), 4 and 5 of the Code of Conduct.

Paragraph 2(b) states that a member must "treat others with respect". Paragraph 2(c) states that a member must "not do anything which compromises or which is likely to compromise the impartiality of those who work

for, or on behalf of, the authority".

Paragraph 4 states that "a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute".

Paragraph 5(a) states that a member "must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage".





Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 2007

Subject: Sixth Annual Assembly of Standards Committees: 'Down to Detail'

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 advise Members of the Committee of the Sixth Annual Assembly of Standards Committees which took place on 15th & 16th October 2007 at the International Conference Centre (ICC) in Birmingham.
2. The main points of interest at the Annual Assembly were information on the local filter process, a discussion about the current ethical framework and the results of recent research, and feedback on the progress of all three pilot projects.
3. Members of the Committee are asked to note the contents of this report and the attached newsletters.

1.0 Purpose Of This Report

- 1.1 To advise Members of the Committee of the Sixth Annual Assembly of Standards Committees which took place on 15th & 16th October 2007 at the International Conference Centre (ICC) in Birmingham.

2.0 Background Information

- 2.1 The theme of this year's conference was meeting the challenges of the new local filter for complaints. The Chair of the Standards Board for England, Sir Anthony Holland, outlined that the aim was to enhance delegates' understanding of the Code of Conduct and allow them to develop the skills and knowledge needed to deliver a high standard of effective local governance for their authority.
- 2.2 Three editions of 'The Daily Detail' have been published since the conference took place, and are attached for information. Members will note the range of speakers included; the Chair and Deputy Chair of the Standards Board (SBE); the local government minister Parmjit Dhanda MP; Dawn Hands, research director at BMG research, Alison Kelly, Strategy Advisor for Governance and Accountability at the Audit Commission, Jessica Crowe, Executive Director of the Centre for Public Scrutiny (CfPS); and various Monitoring Officers and Standards Committee Chairs.
- 2.3 The Assembly was attended by Mike Wilkinson on behalf of the Committee and by Stuart Turnock, Chief Officer (Legal, Licensing and Registration).

3.0 Main Issues

- 3.1 The main points of interest at the Annual Assembly were information on the local filter process, a discussion about the current ethical framework and the results of recent research, and feedback on the progress of all three pilot projects.

The Local Filter

- 3.2 There were eight sessions during the conference which focused on the local filter. These sessions took delegates through the filter process, from the handling of complaints to evaluating the outcome.
- 3.3 A recurring theme during these sessions was the concern over the size of standards committees, and their ability to effectively managed the conflict issues at different stages of the case handling process. One of the solutions put forward at the annual assembly was a system of sub-committees which could be set up to handle different stages of the process and might lead to a more effective use of resources.
- 3.4 Delegates requested further guidance on the filtering process and the Code of Conduct in general during these sessions. According to the Standards Board website, following the publication of the Government's regulations, comprehensive guidance will be published which will cover the following areas:
- the role and make-up of standards committees;
 - the local filter and how it will operate;
 - local investigations;
 - local determinations; and
 - monitoring and audit arrangements.

- 3.5 The Standards Board also made a flowchart for the filtering process available to delegates at the conference, which they found helped members of committees to focus on problems and cooperate in finding solutions. This flowchart is available to download from the Annual Assembly website in the session materials area: (<http://www.annualassembly.co.uk/Programme/Sessionmaterials/>)

Settling the Score – discussion on the current ethical framework

- 3.6 The Chief Executive of the Standards Board, David Prince, chaired this session at the conference, and was joined by three guest speakers who presented the results of studies on the regulatory framework.
- 3.7 Dawn Hands, Research Director and Board Director at BMG Research, revealed that nearly all Monitoring Officers (99%) and most standards committee members (90%) knew of the forthcoming changes to the ethical framework. Of most concern in these results were the parish and town councils, 30% of which were unaware of the changes and 56% of which thought their monitoring officers were not ready for the transition.
- 3.8 Alison Kelly, Strategy Advisor for Governance and Accountability at the Audit Commission, said that the findings of the ethical governance diagnostic self-assessment surveys (which Leeds City Council has taken part in), show a general picture of readiness and that local authorities are actively encouraging high standards. However the results also showed that many require a better awareness of the role of the standards committee and that their work needs to be communicated more widely, in order to bring a culture of high standards into the mainstream.
- 3.9 Finally Jessica Crowe, Executive Director of the Centre for Public Scrutiny (CfPS), compared the work of scrutiny and standards committees. The importance of leadership among standards committee was stressed, as well as the value of having independent members working alongside elected members. She also highlighted the importance of making transparent decisions, and having an open culture which supports this.

Feedback from Pilot Projects

- 3.10 The key feedback from the local filter pilot project (which Leeds City Council contributed to) was the following:
- Each complaint will take an average of 20 minutes to process, though this will vary from case to case;
 - Standards committee's confidence and knowledge of the Code of Conduct will increase once they begin to filter cases themselves; and
 - On average, local authorities have been about twice as likely to refer complaints for investigation as the Standards Board.
- 3.11 In general the results of the local filter pilot showed that standards committees had a much lower referral threshold than the Standards Board and in future they might recommend alternative measures to investigation, for examples, member training.

- 3.12 The second pilot concentrated on joint arrangements between standards committees. It examined the scope for standards committees working together and the impact this would have on resources. Delegates attending the conference suggested that there is a demand for the use of joint arrangements, as this could solve the problem of recruiting enough independent members for standards committee panels.
- 3.13 The final pilot project is concentrating on the Standards Board's future monitoring and auditing arrangements, and is still in progress. The pilot is creating an online information return system for use by monitoring officers on a quarterly basis. This will provide authorities with their own complaint tracking system, which will in turn be risk-assessed by the Standards Board.
- 3.14 The Chair of the Committee is invited to feedback to the Committee on the Annual Assembly.

4.0 Implications For Council Policy And Governance

- 4.1 The Annual Assembly provides an opportunity for Members of standards committees to discuss their experiences and exchange examples of good practice. The Assembly also provides training on a range of conduct issues.
- 4.2 The theme of this year's conference also summarised that high standards are a cornerstone of good governance, which is essential to ensure the delivery of good services.

5.0 Legal And Resource Implications

- 5.1 There are resource implications to the implementation of the local filter process, which are covered in more detail in the report on the proposed arrangements also on this agenda.

6.0 Conclusions

- 6.1 The main points of interest at the Annual Assembly were information on the local filter process, a discussion about the current ethical framework and the results of recent research, and feedback on the progress of all three pilot projects.
- 6.2 The Chair of the Committee is invited to feedback to the Committee on the Annual Assembly.

7.0 Recommendations

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

In depth, in detail

Results of the recent Standards Board pilot on operating the local filter will be revealed during the Local filter: In detail sessions, taking place from 12.00pm today.

Around 40 authorities took part in the pilot, which gave us a valuable insight into how the filter will operate at local level. Officers and members from several of these authorities will talk about their experience in the sessions.

Standards Board officers were invited to visit some of the standards committees carrying out the exercise,

which saw them filter ten real life complaints and two appeals already considered by the Standards Board.

There were a challenging mix of clear-cut and more complex cases, and also some thought-provoking borderline situations.

We are encouraged by the results and believe they show that local government has the capacity, expertise and confidence to manage the local filter. The pilot helped to increase confidence and knowledge of the revised Code of Conduct among the local authorities taking part and

highlighted the quality of independent chairs of standards committees.

Information on two further local filter pilot projects, covering joint working and the Standards Board's future monitoring and audit role, will also be featured today in the **Managing the filter: Resources, challenges and solutions** and **Safeguarding local standards** sessions. These presentations will be available on our conference website shortly after the conference at:

www.annualassembly.co.uk



Key feedback from the local filter pilot:

- Each complaint will take an average of 20 minutes to process, though this will vary from case to case.
- Standards committees' confidence and knowledge of the Code of Conduct will increase once they begin to filter cases themselves.
- On average, local authorities have been about twice as likely to refer complaints for investigation as the Standards Board.

Agenda



08.30 – 10.15	Registration
09.15 – 10.00	Getting up to speed
10.15 – 10.25	Welcome
10.25 – 10.40	Defining the detail
10.40 – 10.55	Evolving standards
10.55 – 11.15	Local filter: Countdown to 2008
11.15 – 11.30	Question time
11.30 – 12.00	Refreshments
12.00 – 13.15	Local filter: In detail
13.15 – 14.30	Lunch
14.30 – 15.45	Breakout sessions
15.45 – 16.15	Refreshments
16.15 – 17.30	Breakout sessions
17.30	Close of day one
17.45 – 18.45	Fringe events (optional)
19.30 – 20.00	Drinks reception
20.00 – late	Conference dinner

Welcome to Down to detail

We at the Standards Board are pleased to welcome you to the Sixth Annual Assembly of Standards Committees, one of the most important events in the calendar for all those working with the Code of Conduct.

The focus of this year's conference is on meeting the challenges of the new local filter for complaints. It aims to boost your understanding of the Code, and help you to develop the skills and knowledge you need to deliver a high standard of effective local governance for your authority.

Of course, the Standards Board has its own challenges to meet – namely in defining what the new strategic framework should deliver, determining our light touch approach and providing you with the appropriate guidance and support.

Opening plenary speeches from Chief Executive David Prince and Deputy Chair Patricia Hughes will give more information on this changing role, and how we aim to help you to meet the challenges ahead.

We hope you will find the conference productive and we look forward to hearing



your views. We also hope that you have an enjoyable and pleasant few days here in Birmingham and benefit from the networking opportunities available.



Sir Anthony Holland
Chair,
The Standards Board for
England

What's the score?

Is the new regulatory framework fit and ready to deal with greater local ownership? Hall 1, Tuesday 16 October, 10.45pm – 12.00pm.

Key to lanyard colours

The colour of delegates' lanyards (neck cords) can be used to identify their position or profession.

Please wear your badge at all times.

WHITE

Monitoring officers

YELLOW

Independent members

DARK GREEN

Standards committee members

ORANGE

Chief executives

BLACK

Council leaders

RED

Speakers

PURPLE

Conference steering committee members

JADE GREEN

The Standards Board for England board members

BLUE

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

Fringe events

Tonight there will be a range of optional fringe events, which provide a great opportunity for getting up to speed on the diverse issues currently affecting local government.

All events take place from 5.45pm to 6.45pm.

This year's sessions are as follows:

■ Hall 6: Parish councillors: Community champions

National Association of Local Councils (NALC)

■ Hall 7: Promoting the interests of independent members: Current and future challenges

Association of Independent Members of Standards Committees in England (AIMSce)

■ Hall 8b: ACSeS – guardians of good governance, the Code and the law – mission possible?

The Association of Council Secretaries and Solicitors (ACSeS)

■ Hall 11b: Partnership, ethics, governance and citizen redress

Improvement and Development Agency (IDeA) and the Local Government Ombudsman (LGO)

Any questions?

Standards Board staff members will be on hand to answer any questions you may have about the Code, or the work of the Standards Board, and to respond to your feedback. You can also drop completed question sheets in the conference postboxes.

Steering committee 2007

We would like to thank all members of the 2007 Annual Assembly's steering committee for the commitment they have made in helping stage this event.

If you would like to volunteer to be one of our committee members for the seventh Annual Assembly in 2008, please complete the application form enclosed in your delegate pack and submit it at the conference enquiries desk.

Quentin Baker

Monitoring Officer, Borough Solicitor Cheltenham Borough Council

Anita Grosz

Independent Chair of Standards Committee, Wokingham Borough Council

The Reverend Canon Tim Barker

Independent Chair of Standards Committee, Lincolnshire County Council, and Independent Vice Chair of Standards Committee, South Holland District Council

Elizabeth Hall

Board Member, The Standards Board for England

Patricia Hughes

Deputy Chair, The Standards Board for England

Councillor Donald Beckett

Member of Standards Committee, Vale Royal Borough Council

Peter Lacey

County Secretary, Somerset Association of Local Councils

Joy Bowes

Head of Legal and Democratic Services, St Edmundsbury Borough Council

Derek Phillips

Independent Chair of Standards Committee (and Independent Member) Teignbridge District Council, and Independent Member of Standards Committee Devon Fire and Rescue Authority

Jonathan Eatough

Head of Democratic and Legal Services, Kettering Borough Council

Louise A Somerville Williams

Independent Member of Standards Committee, Mendip District Council

Pam Essler

Independent Chair of Standards Committee, City of Bradford Metropolitan District Council

Mike Wilkinson

Independent Chair of Standards Committee, Leeds City Council

Councillor Shirley Flint

Board Member, The Standards Board for England

Stop press!

In your delegate bags you'll find a copy of our *Case Review 2007*. This year's Review takes the reader through every paragraph of the revised Code of Conduct and answers questions arising from each paragraph in turn. It draws on the experience of the Standards Board's legal

team, who provide ethical standards officers and monitoring officers with expert legal advice.

Don't forget, you can find the most up-to-date news on recent cases in the Case Summaries section of the Standards Board's website:

www.standardsboard.gov.uk

You will also find a copy of our recent occasional paper on our site entitled *Predisposition, Predetermination or Bias, and the Code*, which helps clarify predetermination and bias – issues which have proved difficult and controversial for many members and monitoring officers.

CPD accreditation

The conference is an opportunity for solicitors and barristers to earn credits for their continuing professional development (CPD) schemes. Solicitors can earn credits towards the Law Society's CPD

scheme and barristers can also claim accreditation for the General Council of the Bar's CPD scheme. The amount of credit available at the conference this year totals 9.5 hours. To claim it, eligible delegates need

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

Waste not want not...



Please use the recycle bins located around the conference centre for any of your unwanted papers. Thank you.

Contact

The Standards Board for England
Fourth Floor, Griffin House
40 Lever Street
Manchester M1 1BB

Enquiries: 0845 078 8181

Minicom: 0161 817 5449 **Fax:** 0161 817 5499

Email: annualassembly2007@standardsboard.gov.uk

Web: www.standardsboard.gov.uk

Conference dinner

Drinks reception at 7.30pm,
dinner commences at 8.00pm.

Your contribution is vital says MP

Parmjit Dhanda MP yesterday described how responsibilities across local government are moving back to where they belonged – at a local level.

The minister said that following the Local Government and Public Involvement in Health Bill, currently going through its final parliamentary stages, there will be consultation on the regulations

needed for the detailed operation of the new system.

Mr Dhanda, the Parliamentary Under Secretary of State at the Department of Communities and Local Government, recognised that there are concerns about resources and that the system will bring new challenges.

However, standards committees and

monitoring officers will be aided by the support and guidance of the Standards Board, and the clearer, simpler Code of Conduct, which will be looked at again early next year to make sure it is absolutely fit for purpose.

The minister finished by emphasising the vital contribution that delegates can make to building trust and respect in local governance.



Parmjit Dhanda MP

“ Maintaining standards of conduct is part of the bedrock of our democracy. ”

Counting down to local ownership

Patricia Hughes, Deputy Chair for the Standards Board for England, outlined how the new ethical framework will be implemented.



Patricia Hughes CBE

Patricia described the new roles and responsibilities the changes will bring for authorities and the Standards Board, gave details of possible issues arising from complaints, and explained how performance will be reported and monitored.

She said that the new framework is on track to be in place by April 2008. The Standards Board is already preparing advice and guidance for the change to ensure that it is both

smooth and effective. Findings from two recent pilot trials and details of a third pilot were also revealed.

Patricia said the thought-provoking results from these pilots will be used to help the Standards Board monitor performance and publish appropriate guidance.

She concluded that there is strong evidence that authorities are already gaining confidence in their role

as champions of high standards, and that this will be further strengthened by the new framework.

Chief Executive David Prince also spoke of new responsibilities in his speech earlier in the morning.

He said that the building blocks for local ownership are already in place and that the Standards Board will strive to ensure that the system is operated effectively at local level.

Agenda



08.00 – 09.00	Refreshments
09.00 – 10.15	Breakout sessions
10.15 – 10.45	Refreshments
10.45 – 12.00	What's the score?
12.00 – 13.15	Lunch
13.15 – 14.30	Breakout sessions
14.30 – 14.45	Comfort break
14.45 – 15.00	All clear
15.00 – 15.30	The next step
15.30 – 16.00	Networking/refreshments
16.00	Close

Find out more

Information on topics covered in the practical sessions can be found in our new **factsheets**, which are available online.

Same time – same place

All delegates attending this year's conference will receive booking information for next year's Annual Assembly as soon as it becomes available.

The Seventh Annual Assembly of Standards Committees will be back at the ICC in Birmingham from 13-14 October 2008. We look forward to seeing you again.

Contact

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Joining forces

Yesterday afternoon, delegates heard of the ways that standards committees can use joint arrangements to tackle the challenges presented by the local filter.

The session, called **Managing the filter: Resources, challenges and solutions** aimed to address some of the concerns authorities might have over their new responsibilities.

Joy Bowes and Mark Heath shared their insights into working

with joint arrangements, gained from taking part in pilots with their local authorities.

Their experience revealed the diverse ways authorities can use joint arrangements to take on the local filter – and it proved that there is no 'one-size-fits-all' solution.

The session showed that pooling resources among standards committees can be an effective way of meeting the challenges ahead.



Don't forget...

You can download handouts from many of the sessions at our conference website:

www.annualassembly.co.uk

See you next year

We hope you enjoyed the conference and look forward to seeing you at the 2008 Annual Assembly.

It's down to you

Closing this year's Annual Assembly, his last as Chair of the Standards Board for England, Sir Anthony Holland considered the importance of the work carried out by standards committees and monitoring officers.

He said: "Sometimes I reflect on the reasons why I have spent seven years at the Standards Board for England... coming here to this assembly immediately provides the answer.

"I do have a deep-seated and abiding belief in doing the right thing, in ethical conduct, in integrity. I know that this belief is shared equally deeply by all of you in this audience, the monitoring officers and the members of the standards committees both here and up and down the country.

"When I used to admit solicitors to the Roll at the admission ceremony

at The Law Society, I used to emphasise above all the importance of integrity and of trust, of always doing the right thing even when no one is watching you. The personal reputation that one has is everything, and the Code of Conduct only encapsulates what most of us want to do anyway.

"The public has a deep yearning for truth and honesty in public life and that is where you, the monitoring officers and the standards committees, have a key role to play."

“ The Code of Conduct only encapsulates what most of us want to do anyway. ”

See you in 2008

Planning has started for next year's Annual Assembly and we already know where and when it will be held. The event will again take

place after the party conferences at the ICC in Birmingham, on Monday 13 and Tuesday 14 October.

The theme and content are yet to be finalised, but it is likely that one focus will be the opportunity for authorities to share their experiences of receiving complaints, deciding what to investigate, and reaching outcomes that help build public confidence.

In the meantime, put the dates in your diary and be prepared to book early in the new year when we send out the details of the 2008 conference. This information will be sent both to those who attended this year and those who missed out because they didn't book quickly enough in 2007.





This year's Annual Assembly featured a variety of sessions, ranging from debates to workshops and Q&A events. These summaries give you a flavour of some of the delegate discussions that took place.

The Local filter: In detail

In these sessions, delegates were taken through the local filter process from handling the initial complaint to evaluating the outcome.

There were eight sessions in all. Some catered specifically for monitoring officers, others for standards committee members and some were designed for a mix of delegates.

A recurring theme was concern over the size of

standards committees, and their ability to effectively manage the conflict issues at different stages of the case handling process when changes to the new framework are introduced. Details of the joint arrangements pilot trial, which is a possible solution to this, can be found on page 5.

Sub-committees, as mentioned in Deputy Chair Patricia Hughes' speech on day one, could also solve the problem of a standards committee having few members. These could be set up to handle different stages of the process and might lead to a more effective use of resources, as fewer members would be excluded from the system due to conflicting interests. Other issues raised included the impact of

the new framework on resources and workloads. One of the benefits of the local filter pilots was that they eased the transition for participants and allowed them to understand the impact on resources. However, delegates requested further Standards Board guidance on solutions to practical problems that could arise.

Many also said that the flowchart for filtering complaints was an invaluable aid as it helped members focus on problems and cooperate in finding solutions. A copy of the flowchart is available in the Session materials section of our Annual Assembly website.

Guidance on the process for filtering complaints and on the Code of Conduct was

requested by several delegates. The Standards Board has recently produced a DVD on the Code of Conduct. We have also published factsheets, which, when used together with existing guidance on the Code of Conduct, offer clear explanations about potentially difficult parts of the revised Code. Both the guidance and the factsheets are available from

www.standardsboard.gov.uk

Download our conference material

Material from this year's conference is now on our dedicated Annual Assembly website. You can find speeches, handouts and presentations under 'Session materials' in the programme section of

www.annualassembly.co.uk

Breakout sessions

Day one

Below is a brief summary of the issues and topics raised in some of the breakout sessions from day one.

While the revised Code of Conduct contains no specific definition of bullying, many delegates attending **Cracking the revised Code** suggested that bullying is an important provision of it. Please see our factsheet on bullying and the Code, which is available from our website, for more details on this issue. The session also referred to equality provisions and to speeches made earlier in the day, which called for increased recognition of the importance of standards of behaviour.

Delegates who attended **Referrals: Lessons learnt** felt that the toolkit for the assessment process should be disseminated as soon as possible. There were also calls for additional guidance on matters

such as predetermination. The Standards Board recently published information on this subject in an occasional paper called *Predisposition, predetermination or bias, and the Code*, which can be found on the publications section of our website.

It was suggested that more information is required on the timescales for obtaining correct facts in **Investigations: Tackling complex cases**. One member of a standards committee said they now had a better idea of the length of time it takes to write up complex reports and the kind of information necessary for such reports.

Delegates were given the opportunity to speak directly to representatives of the Standards Board in two **Q&A sessions**, one catering for standards committee members and the other for



monitoring officers. In their session, monitoring officers voiced concerns about putting in formal constitutional arrangements, given that government regulations have not yet been issued. A panel of Standards Board members urged officers to work on the basis of what they already know and to amend arrangements later, if necessary.

Day two

Practical mediation skills showed how mediation could be used to resolve disputes and to reduce the potential of a complaint leading to a full investigation. While the session highlighted that not all situations can be mediated, it stressed the importance of managing relationships if authorities are to be run effectively.

In **Positive about towns and parishes**, delegates heard a series of short presentations on how to work effectively with their town and parish representatives. Several delegates emphasised the importance of more training and a better understanding of the Code among parish councillors. The significant role that monitoring officers and county associations play in leading to a greater awareness of the Code among parish councils was also stressed.

The session entitled **State of independence** aimed to help independent chairs and members build the skills necessary to respond to challenges presented by the local filter. Delegates from newly-created committees felt the interactive session was particularly useful as a training tool.

Fringe sessions

The 2007 Annual Assembly featured several optional fringe events that covered a range of diverse subjects currently affecting local government.

Parish councillors: Community champions gave an insight into the innovative and diverse work councillors are involved with across the country. The reception which followed also gave an opportunity for

networking and sharing experiences.

Guardians of good governance, the code and the law – mission possible? by the Association of Council Secretaries and Solicitors (ACSeS), was an open debate on the role of monitoring officers and looked at the support needed by monitoring officers from organisations such as ACSeS to make their jobs work.

The session called **Promoting the interests of independent members: Current and future challenges** was an open discussion held by the Association of Independent Members of Standards Committees in England (AIMSce).

And **Partnership, ethics, governance and citizen redress** presented an opportunity for delegates to hear about

the Local Government Ombudsman special report *Local Partnerships and Citizen Redress*. The report, produced in conjunction with the Improvement and Development Agency for local government (IDeA), showed the effects of considering partnerships with authorities.

Settling the score

What's the score? – the main session on day two of this year's Annual Assembly – was an open discussion on the current ethical framework. Chief Executive David Prince chaired the session and was joined by three guest speakers who presented the results of studies on the regulatory framework.

Dawn Hands, Research Director and Board Director at BMG Research, revealed that many of those forming

the bedrock of the new framework are aware of the changes lying ahead. Nearly all monitoring officers (99%) and the majority of standards committee members (90%) said they knew of the changes. However, concerns were raised over the level of awareness among town and parish authorities – with 30% not aware.

Similarly, less than half of town and parish authorities felt that their monitoring officers were ready for the transition (44%).

Alison Kelly, Strategy Adviser for Governance and Accountability at the Audit Commission, spoke next. She said that findings from the ethical governance diagnostic self-assessment surveys show a general picture of readiness and that authorities are actively encouraging high standards.

However, the responses suggest many require a greater awareness of the roles and responsibilities of standards committees.

They also state that the importance of the ethical framework and the work carried out by standards committees needs to be communicated more widely, bringing a culture of high standards into the mainstream.

The final session speaker was Jessica Crowe, Executive Director of the Centre for Public Scrutiny (CfPS) and member of the Department for Communities and Local Government's Local

continued overleaf

Councillors' Commission, who compared the work of scrutiny and standards committees.

Jessica highlighted the importance of leadership among standards committees and pointed out the value of having independent members working alongside elected members. She also stressed the importance of taking transparent decisions, reflecting one of the principles in the CIPFA/SOLACE (Chartered Institute of Public Finance and Accountancy/Society of Local Authority Chief Executives) good governance framework, and having an open culture which supports this.

David reflected on the speakers' comments and noted that culture and leadership were areas for further focus.

He also responded to questions from delegates and summarised that high standards are a cornerstone of good governance, which is essential to ensure the delivery of good services.

Putting pilots into practice

Results of our recent local filter pilot trials were revealed at this year's Annual Assembly.

More work has been done since, and the Standards Board for England believes that the pilots can be used to determine how the new ethical framework could be implemented.

Patricia Hughes, Deputy Chair of the Standards Board for England, spoke about the three pilots in the conference's opening session.

The first aimed to measure how authorities carried out their decision-making. Patricia said its results show that standards committees may adopt lower referrals thresholds than the Standards Board. The results also suggest that, in future, standards committees might recommend alternative measures to

investigation, for example, member training.

Details of the second pilot, which investigated joint arrangements, were also discussed. This pilot examined the scope for standards committees working together and assessed the impact this would have on resources. The pilot offered four different types of joint working structures, with most participants preferring a joint structure handling the local filter function.

Feedback from delegates attending the conference suggests there is a demand for the use of joint arrangements, as this could solve the problem of recruiting enough independent members for standards committee panels.

Preparation for a third pilot to develop the Standards Board's

future monitoring and auditing arrangements is currently underway.

This pilot is creating an online information return system for use by monitoring officers on a quarterly basis, which the Standards Board hopes will aid its evolution as a light touch strategic regulator.

The online tool aims to provide authorities with their own complaint tracking system, which will in turn be risk-assessed by the Standards Board.

Final touches are being made to the system, which the Standards Board hopes to make available as soon as possible.

Conference in pictures



Your thoughts

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

“Excellent at imparting understanding of the issues standards committees face when local filtering is introduced.”

“Best sessions were the practical ones – more of those please.”

“All speakers were very knowledgeable. An excellent, very useful conference.”

“It would be very helpful if future conferences had some sessions focused on police authorities.”

“Most useful event I have been to for years.”

“Slightly more time for workshops – those I attended were very good, but more time would have allowed for more depth.”

“It has spurred me on to go back and get the standards committee to ‘up its game’ and to start formulating some of the decisions and actions we need to make a start on.”

“Very professional, well-planned event – thank you, it has been invaluable.”



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Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 2007

Subject: Proposed Consultation on Local Terms in the Code of Conduct

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 Local Government Act 2000 allows for local provisions to be added to the Members Code of Conduct as long as they are consistent with the Model Code of Conduct.
2. This report asks Members to consider whether any local provisions should be added to the Members Code of Conduct.
3. This report also asks Members to note the consultation process that will be undertaken in relation to this matter and to note that a report will be brought back to the Committee in the future.

1.0 Purpose Of This Report

- 1.1 To seek the Committees views on the addition of additional local provisions to the Members Code of Conduct and to advise the Committee of the consultation process that will be undertaken in relation to this matter.

2.0 Background Information

- 2.1 The Local Government Act 2000 makes provision for the Secretary of State to issue a model Code of Conduct for Members. A new model Code of Conduct was issued by the Secretary of State in May 2007 and was adopted by Leeds City Council on 24th May 2007 at the Annual Meeting of the Council.
- 2.2 Section 50 of the Local Government Act, which sets out the Secretary of State's power to issue a model Code of Conduct, provides that the model code may contain provisions which are mandatory and provisions which are optional. Section 51(4) of the Local Government Act 2000 provides that the authority must adopt a Code which incorporates any mandatory provisions and may include other provisions which are consistent with that model code.
- 2.3 On 5th May 2007 Standards Committee added an item to the work programme that a consultation process take place seeking the views of Members in relation to any other local provisions which should be added to the Code of Conduct. It was agreed that this should takes place towards the end of the 2007/08 Municipal Year in order that Members can familiarise themselves with the contents of the new code before considering any amendments to it.

3.0 Main Issues

- 3.1 Section 51(4) of the Local Government Act 2000 provides that the authority must adopt a code which incorporates any mandatory provisions and may include other provisions which are consistent with that model code.
- 3.2 The Standards Board have advised that additional provisions can be adopted as long as they are consistent with the Model Code of Conduct. They also advise however that a wide range of different local codes may cause confusion to local people and to Members who may serve on more than one authority. The Standards Board also believe that Members should all be judged to the same standards.
- 3.3 Leeds City Council have a number of Local Codes and Protocols that supplement the model Code of Conduct. These are contained in part 5 of the Council's Constitution and are local additions to the Members and/or the employees Codes of Conduct. The protocols seek to provide greater clarity and certainty for Members on dealing with a range of circumstances and on specific operational matters. The Local Codes and Protocols in Part 5 of the Constitution are as follows:
- (a) Members' Code of Conduct
 - (b) Officers' Code of Conduct
 - (c) Protocol on Member/Officer Relations
 - (d) Protocol for Elected Members/ Education Leeds Relations

- (e) Protocol – Roles of Members and Officers in Decision Making
- (f) Monitoring Officer Protocol
- (g) Protocol for the Presentation of Scrutiny Board Reports
- (h) Protocol for the Coordination of External Inspection Reports
- (i) Standards Committee Media Protocol
- (j) Code of Practice for Members responsible for Determining Planning Applications
- (k) Protocol for Public Speaking at Plans Panels
- (l) Code of Practice for Determining Licensing Matters

3.4 The Local Codes and Protocols are comprehensive and cover a wide range of circumstances. Any alleged breaches of the local Codes and Protocols would not be dealt with by the Standards Board but would be investigated by the Monitoring Officer and referred to Standards Committee for a hearing if necessary. However if a breach of a local Code or Protocol was also a breach of the Members Code of Conduct it could be referred to the Standards Board. Compared to sanctions available for a breach of the Members Code of Conduct, the Standards Committee has limited sanctions available in relation to a breach of a local Code or Protocol.

3.5 In considering whether any further provisions should be added to the Members Code of Conduct the Committee may wish to consider whether the existing Local Codes and Protocols already sufficiently address issues not currently specified in the Model Code of Conduct that has been adopted by Leeds.

3.6 Members will be consulted on the issue of adding local provisions to the Members Code of Conduct by consultation through the Group Whips, with support from Group Office Managers where this is requested by the Group Whips.

3.7 The Chief Democratic Services Officer and Monitoring Officer will also be consulted on this issue.

4.0 Implications For Council Policy And Governance

4.1 It is in the interests of good governance that the Committee consider whether any local provisions should be added to the Code of Conduct or whether the existing Local Codes and Protocols are sufficient.

5.0 Legal And Resource Implications

5.1 The legal implications are that should any local additions proposed it would need to be consistent with the model code. There are no resource implications.

6.0 Conclusions

6.1 There is a power under S. 51 (4) of the Local Government Act 2000 to add local provisions to the Code of Conduct for Members.

- 6.2 The Standards Committee have advised that using the Model Code of Conduct without addition ensures that Members of different authorities are judged on the same standards.
- 6.3 The existing Local Codes and Protocols provide detailed provision about specific circumstances and operational matters specific to Leeds Members.
- 6.4 The consultation on whether any local provisions should be added to the Model Code will take place with Members via the group whips and with the Chief Democratic Services Officers and the Monitoring Officer.

7.0 Recommendations

7.1 Members are asked to:

- Note the contents of this report; and
- Make any recommendations for the addition of any local provisions to the Code of Conduct if Members feel they are required, and
- Note that a further report will be brought back to the Standards Committee containing the results of the consultation process once that has been completed.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 2007

Subject: Standards Committee half year progress report

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of the report is to seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2007/8 Municipal Year.
2. It is proposed that this report constitute the second of the 6 monthly updates to be presented to the Corporate Governance and Audit Committee at their next meeting 6th February 2008.
3. The Standards Committee Terms of Reference¹ outlines the functions that the Committee is authorised to discharge. Paragraph 3 sets out the work the Committee has done since May 2007 to fulfil each of these functions.
4. Members of the Committee are asked to:
 - approve the draft report;
 - make any suggestions for additional content; and
 - agree to refer this report to the Corporate Governance and Audit Committee for further consideration.

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

1.0 Purpose Of This Report

- 1.1 To seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2007/8 Municipal Year.

2.0 Background Information

- 2.1 The terms of reference of the Corporate Governance and Audit Committee include the function to “review the adequacy of Council’s Corporate Governance arrangements”, which includes the arrangements to ensure the appropriate conduct of Members and officers.
- 2.2 In order to support this function Corporate Governance and Audit Committee, at its meeting on the 19th April 2006², requested that the Standards Committee produce a report on their work to be presented to this committee every 6 months.
- 2.3 At the Standards Committee meeting of the 25th April 2006³ it was agreed that the annual report would be presented to Corporate Governance and Audit Committee at its meeting on the 19th June 2006, to constitute the first of these 6 monthly updates.
- 2.4 It is proposed that this report constitute the fourth of these 6 monthly updates to be presented to the Corporate Governance and Audit Committee at their next meeting 6th February 2008.

3.0 Main Issues

- 3.1 The Standards Committee Terms of Reference⁴ outlines the functions that the Committee is authorised to discharge. The paragraphs below set out the work the Committee has done since May 2007 to fulfil each of these functions.

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

- 3.2 The Standards Committee met on 1st May 2007 to recommend to Full Council that the adopt the new Members’ Code of Conduct as published by the government. During this meeting the Standards Committee also agreed a model version of the Code of Conduct for Parish and Town Councils to adopt, and considered the training which should be offered to all Members on the Code.
- 3.3 At their meeting on 5th December 2007 the Standards Committee is due to consider the process for consultation with Members of Leeds City Council regarding the addition of local provisions to the Code of Conduct.
- 3.4 The Standards Committee also has responsibility for several local codes and protocols in the Constitution. To ensure that these are operating effectively, are being complied with, and are fit for purpose the Standards Committee has added regular reports regarding these codes and protocols to the work programme for the municipal year.

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

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

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

- 3.5 To date the Standards Committee has begun reviewing the Protocol on Member/officer Relations, and has amended the Code of Practice for the Determination of Planning Matters.
- 3.6 The Standards Committee has sent the Protocol on Member/officer Relations out for review with several officer forums and the Group Whips, and made a series of amendments following the comments received.
- 3.7 At the next meeting on 13th February 2008 the Committee is due to consider the Monitoring Officer Protocol and the results of the consultation on the Protocol on Member/officer Relations.
- 3.8 In order to monitor compliance with the Members' Code of Conduct the Standards Committee receives 6 monthly reports on the number and types of complaints that have been referred to the Standards Board regarding Leeds City Council Members and Parish and Town Councillors in the Leeds area. The report also identifies any trends in the information so that the Committee can seek to address these matters through guidance and training. The Committee will receive the latest report on this subject at their meeting on 5th December 2007.
- 3.9 The Standards Committee also seeks to reassure itself that the Members' register of interests is being reviewed and updated by Members on a regular basis and that the new rules surrounding the registration of gifts and hospitality are being observed. The Committee receives annual reports to this effect, the last report on this subject having been considered on 10th October 2007. The Committee were satisfied that the review arrangements in place are fit for purpose.
- 3.10 The Committee also reviewed the register of gifts and hospitality from 2002 to May 2007 this year, and noted any trends in this information. A report on this subject was received by the Committee on 10th October 2007, which noted no adverse trends.
- 3.11 The Standards Committee has also been involved in championing a local ethical audit similar to that carried out by the Audit Commission in 2006, testing the level of ethical awareness in the authority amongst officers below grade SO2. It is anticipated that the Committee will be involved in formulating the action plan arising from the results of the survey and providing future training and guidance to address any shortfalls identified, and promoting awareness of the Code of Conduct.
- 3.12 Further to the ethical audit carried out in conjunction with the Audit Commission in 2006, the Standards Committee approved an action plan to address the shortfalls identified in the results on 12th July 2007. Since then, the Committee have received several reports on the work being carried out to address the issues identified, and will receive the first six monthly overall progress report on 13th February 2008.
- 3.13 A questionnaire was also sent to Parish Clerks at the end of October 2007 to assess the ethical arrangements in place at their Parish or Town Council. The questionnaire also requires Parish Clerks to send in examples of their register of interests and to answer questions about the training their Members have received. This questionnaire will be sent out annually in future to ensure that the arrangements in place are fit for purpose.

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

- 3.14 The Standards Committee has considered one final investigation report since May 2007, which contained a finding of no failure. The complainant alleged that the Councillor had breached . However the investigating officer found no evidence of any failure to comply with the Code of Conduct.
- 3.15 The Standards Committee agreed with the investigating officer that the Member had not breached the Code of Conduct as alleged, and decided not to make any recommendations to the Authority on matters arising from the report.
- 3.16 The Standards Committee have sought training on how to conduct local hearings from the CIPFA Better Governance Forum, and have also taken part in a Standards Board for England pilot project on the local filtering process, in order to prepare for the locally based complaints system which will be implemented in April 2008. The Standards Committee have also received a report on this subject on 5th December 2007 which may have implications both for the Committee membership and the creation on sub-committees.

To consider and determine applications for dispensations.

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

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

- 3.18 The Standards Committee has taken part in one of the pilot projects run by the Standards Board for England during this municipal year. On 12th July 2007 Members of the Standards Committee met to consider ten real life complaints. The decisions on these cases and the time took to reach a conclusion were then reported to the Standards Board. Around 40 local authorities took part in the project overall, which allowed the Standards Board for England to gain an insight into how the filter will operate at a local level. It also allowed the Standards Committee to anticipate the resource implications of the new locally based system.
- 3.19 The Chair of the Standards Committee has also attended the Sixth Annual Assembly of Standards Committees held by the Standards Board for England on 15th and 16th October 2006, which provided opportunity for training and guidance and also feedback to the Standards Board on their work. The Chair of the Standards Committee was also a member of the steering committee for this year's conference, and was a speaker on the issue of independence. This presentation, called the 'State of Independence', was one of the most successful at the Annual Assembly, receiving 98% 'good' or 'very good' feedback from delegates.
- 3.20 The Independent Members of the Committee have also maintained their involvement with the Standards Committee Independent Members Forum for the Yorkshire and Humberside Region this year. The Forum enables the sharing of good practice between local authorities and consultation and discussion on the various codes and protocols.
- 3.21 The Standards Committee is kept up to date on national conduct issues by receiving regular Standards Board Bulletins via email and issues of the Town and Parish Standard. Finally the Standards Committee is able to monitor the way in which the

Code of Conduct is being interpreted and how sanctions are applied at a national level through the regular reports it receives on Adjudication Panel for England cases.

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

- 3.22 The Standards Committee received a report on the Member Induction period on 12th July 2007, which outlined the contents of the induction training offered to new Members and what comments Members had made on the training they had received. The Committee also ensured that all new Members had received the required training on the Code of Conduct and had completed their Acceptance of the Code of Conduct and Register of Interests forms.
- 3.23 The Standards Committee have also sought to make training on the Code of Conduct available to all Members of the Council, and have monitored officers' progress with this training through regular reports, the last of which was received on 10th October 2007.
- 3.24 The Standards Committee have also sought to improve the training offered to Parish and Town Councils in the Leeds area. The Standards Committee keeps the training available and received by Parishes under review through regular reports. In response to requests by Parish Clerks that training could be carried out in group sessions, two central training sessions for clerks were offered in May and June 2007, which were followed by five locally based sessions. Since then, one training session has been carried out in Otley, and two mop up sessions have been held at Civic Hall. Another session is planned to take place in Otley December 2007 to which Councils in the surrounding area will also be invited. The Standards Committee have been kept up to date with the progress of this training through regular reports, the last of which was received on 10th October 2007.
- 3.25 Through the results of the ethical audit carried out in 2006 with the Audit Commission, the Standards Committee identified a general lack of awareness and understanding amongst officers of the ethical framework. As a result the Committee requested that work be carried out by Human Resources to create a new ethical framework training and awareness programme for officers. Progress on this work was reported to the Committee at their meeting on 5th December 2007.
- 3.26 The Standards Committee also features heavily in the regular bulletin 'Governance Matters' which is distributed to all Members of the Council and selected officers. This bulletin contains a 'spotlight on' section which provides advice on specific standards or governance issues, front page news and feedback from the Council's governance committees.

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

- 3.27 The Standards Committee has monitored compliance with the officer code of conduct, particularly the requirement to register interests and offers of gifts and hospitality, through reports from the Head of Human Resources Strategy. The last report on 10th October 2007 contained the results of a piece of research regarding whether the officer register of interests could be published in some way, and the level of returns amongst different departments.

- 3.28 The Committee has requested a further report on 5th December 2007 which will outline the steps that have been taken so far to embed the existing arrangements for officers to make declarations of interests and declarations of offers of gifts and hospitality. The Committee have also suggested that the register of interests for certain senior officers should be a public document, and the report will address this issue.
- 3.29 Finally, the Standards Committee is anticipating the release of the new national code of conduct for officers from the Department for Communities and Local Government and has a report on this subject on the future work programme.

4.0 Implications For Council Policy And Governance

- 4.1 Producing a report which details the Committee's work throughout the year and the key decisions it has taken promotes transparency in the Committee's actions.
- 4.2 Through 6 monthly reports to the Corporate Governance and Audit Committee Members and officers can be informed of the Standards Committee's role and its inputs and outputs. This is an objective of the communication plan which seeks to cascade regular information to Members and officers. The annual report will therefore have a fundamental contribution to the corporate governance arrangements of the Council.

5.0 Legal And Resource Implications

- 5.1 There have been resource implications to some of the work described above, for example, the extensive training provided to Leeds City Council Members and Parish and Town Councils and the local ethical audit. However these costs have been met through existing resources.
- 5.2 Through monitoring case decisions the Committee is able to keep abreast of any changes in legislation and development of case law.

6.0 Conclusions

- 6.1 The Corporate Governance and Audit Committee have requested that the Standards Committee produce a 6 monthly report to them on their work throughout the municipal year. The first of these reports was the Standards Committee Annual Report, presented to the Corporate Governance and Audit Committee on 19th June 2006.
- 6.2 It is proposed that the above report be presented to the Corporate Governance and Audit Committee at their meeting on 6th February 2008 as the second of these reports.
- 6.3 Paragraph 3 outlines the Standards Committee Terms of Reference and how the work undertaken by the Committee since May 2007 corresponds with each of the objectives.

7.0 Recommendations

- 7.1 Members of the Committee are asked to:

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

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 5th December 2007

Subject: Standards Committee Work Programme 2007/08

Electoral Wards Affected:

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: 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	
Local filtering process	To consider a report outlining the new arrangements for the local filtering of complaints due for implementation in April 2008, including the possible creation of sub-committees.	Principal Corporate Governance Officer Kate Feltham	
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	
Parish Council Audit	To receive and consider the results of the Parish Council audit carried out following the adoption of the new Code of Conduct.	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	
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	

STANDARDS COMMITTEE - WORK PROGRAMME 2007/08

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES	DATE ENTERED INTO WORK PROGRAMME / SOURCE
Ethical Audit Action Plan – Progress Report	To receive a report outlining the progress so far against the Ethical Audit Action Plan.	Principal Corporate Governance Officer Kate Feltham	
Protocol on Member/Officer Relations – Results of consultation	To receive a report outlining the comments received from consultees regarding amendments to be made to the Protocol.	Principal Corporate Governance Officer Kate Feltham	
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 report will also review the procedure in light of the recent complaint determined in accordance with it.	Assistant Chief Executive (Corporate Governance) Nicole Jackson	
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
Review of Members' Register of Interests from October 2007	To receive a report on the arrangements in place for reviewing the Members' Register of Interests, and the results of the recent review.	Corporate Governance Officer Amy Kelly	

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.	Lead Officer: Stuart Turnock
Ethical Arrangements in Partnerships	To receive a report detailing the draft ethical components of the toolkit for partnerships.	Lead Officer: Kate Feltham
Independent Member Recruitment	To receive a report outlining a draft Independent Members' Recruitment Pack created by ACSeS, and consider whether to adopt this approach.	Lead Officer: Amy Kelly

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