



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 17th February, 2009
at 2.00 pm

MEMBERSHIP

Independent Members

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

Councillors

D Blackburn
C Campbell
JL Carter
J Elliott
E Nash

Parish Members

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

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct</p>	
5			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the Standards Committee meeting held on 16th December 2008.</p>	1 - 6
6			<p>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</p> <p>To note the minutes of the Corporate Governance and Audit Committee meeting held on 21st January 2009.</p>	7 - 12
7		10.4(1, 2, 7c)	<p>CODE OF CONDUCT INVESTIGATION INTO A COMPLAINT AGAINST A MEMBER</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) setting out the final findings of the Investigating Officer in an investigation into an allegation of misconduct.</p>	13 - 90
8			<p>ADMINISTRATIVE PROCESSES UNDERPINNING THE LOCAL ASSESSMENT ARRANGEMENTS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) updating Members of the Standards Committee on the implementation of those changes agreed at the Standards Committee meeting on 16th December 2008, and also to provide some further options for the Committee to consider.</p>	91 - 110

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY – A CONSULTATION</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising the Standards Committee of the current consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on Local Authority Publicity.</p>	111 - 152
10			<p>STANDARDS COMMITTEE TRAINING PLAN</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking Members' comments on the amended Standards Committee training plan, and the Committee's approval of the updated plan.</p>	153 - 160
11			<p>STANDARDS COMMITTEE ANNUAL REPORT 2008/09</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking the Committee's comments on the first draft of the Standards Committee Annual Report 2008/09.</p>	161 - 188
12			<p>STANDARDS COMMITTEE WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the contents of the work programme for the rest of the 2008/09 municipal year.</p>	189 - 194

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Agenda Item 5

Standards Committee

Tuesday, 16th December, 2008

PRESENT:

Independent Members

Mike Wilkinson (Chair) (Independent Member)
Philip Turnpenny (Independent Member)

Councillors

D Blackburn J L Carter
C Campbell E Nash

Parish Members

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

APOLOGIES:

Rosemary Greaves and Councillor J Elliott

36 Appeals against refusal of inspection of documents

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

37 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

38 Late items

The Chair indicated that, in accordance with his powers under the Local Government Act 1972, he had agreed to accept for inclusion on the agenda a report regarding the Review of Local Assessment Procedures (Minute 44 refers). This item was not available at the time of the agenda despatch because officers were still awaiting some responses from consultees.

An amended Conservative Group response and the Liberal Democrat Group response to the Model Code Consultation (Minute 48 refers) were also accepted for inclusion on the agenda. These items were not available at the time of the agenda despatch and required urgent consideration as they were required in order for Members to effectively consider the report regarding the Consultation of the Code of Conduct for Members and Officers.

39 Declaration of interests

There were no declarations made at this point, however declarations of interest were made at a later point in the meeting (Minute 43 refers).

40 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 16th October 2008 were approved as a correct record.

Further to Minute 34, Members were informed that the Council had been shortlisted in the 'Standards and Ethics' category of the Local Government Chronicle Awards 2009, and the Chair and the Senior Corporate Governance Officer had given a presentation to the Panel on 5th December. The winners are due to be announced in Spring 2009.

41 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 29th September 2008, 22nd October 2008 and 26th November 2008 were received and noted.

Further to Minute 38, the Chair reported that the Local Government Ombudsman would contact the Standards Committee if a relevant issue was raised with her office.

Further to Minute 51, the Head of Governance Services informed Members that a report regarding the lessons learned from the Council's recent data loss incidents would be presented to the Corporate Governance and Audit Committee at its meeting on 21st January 2009.

42 Annual Report Regarding the Code of Practice for Determining Planning Applications for the 2007/08 Municipal Year

The Chief Planning Officer presented a report providing information to the Standards Committee in relation to the monitoring requirements of the Code of Practice for determining planning matters, and seeking approval to the proposed amendments to the Code of Practice.

Members raised concerns that pre-application discussions were not always held, however they were informed that the Protocol for Pre-Application discussions had only been in place for 2 months, therefore any applications made prior to this would not have been subject to the Protocol.

Members were also assured that although it was proposed to remove the requirement to monitor the number of permitted departures from the Unitary Development Plan from the Code of Practice, the Standards Committee would still be informed of any applications which were significant enough to be reported to the Secretary of State.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Approve the revised Code of Practice as set out at Appendix 1 to the report.

43 Standards Committee Membership

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) outlining the difficulties with the current membership of the Standards Committee, and making proposals to resolve these difficulties.

It was proposed that a further option, which was not stated within the report, would be to increase the membership of the Standards Committee to include two additional Leeds City Council Members, one additional Parish and Town Council Member and one additional Independent Member. This would help to resolve any potential issues which may arise if a Parish or Town Councillor was unable to join the Assessment or Review Sub-Committee due to a conflict of interest, or if an Independent Member was unable to attend meetings over a long period (due to illness, for example).

An amendment was also proposed to increase the Leeds City Council Members by three rather than two, because this option would increase the possibility of more than one Leeds City Council Member being available to attend future Assessment or Review Sub-Committee meetings, which hasn't been possible on more than one occasion so far. However this amendment was defeated.

One option which had been detailed within the report would be to introduce a pool of Parish and Town Council Members, however Members were informed that this was not a preferred option as this would mean that the current Parish and Town Council Members would also form part of the pool of substitutes, and would therefore not be full members of the Committee, resulting in a loss of expertise.

It was also felt that monthly Sub-Committee meetings should be arranged in advance, in order to avoid the required number and combination of Members not being available within the 20 day time limit.

(At this point in the meeting, Councillor Priestley and Councillor Mrs Walker declared a personal and prejudicial interest as Parish and Town Council representatives on the Standards Committee who receive an allowance, and withdrew from the meeting for the remainder of the discussion of this agenda item.)

Members agreed that the Leader of Council should be requested to ask the Independent Remuneration Panel (when they next review the Members' Allowances Scheme) to review the allowances payable to the Parish and Town Council Members of the Standards Committee in light of their increased activity.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Recommend to the General Purposes Committee that the Standards Committee membership be amended to include two additional Leeds City

- Council Members, one additional Parish or Town Councillor and one additional Independent Member; and
- (b) Ask the Leader of the Council to ask the Independent Remuneration Panel (when they next review the Members' Allowances Scheme) to review the allowances payable to the Parish and Town Council Members of the Standards Committee in light of their increased activity (under the provisions of Council Procedure Rule 16.5, Councillor Blackburn required it to be recorded that he abstained from voting in this matter).

44 LATE ITEM - Review of Local Assessment Procedures

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing details of the consultation process undertaken as part of the review of the Standards Committee's local assessment procedures, including representations from the Conservative and Liberal Democrat groups and inviting comments from the Standards Committee to inform a future report which will present amended Standards Committee Procedure Rules for approval.

Some of the issues raised during the review could not be resolved by the Committee, as the requirements are legal obligations which cannot be amended by the Standards Committee. Members therefore only considered the issues which the Committee had the authority to resolve.

The Committee also noted certain issues which it felt should be considered further, which were as follows:

- The Subject Member should be told the nature of the complaint when they are informed that a complaint has been raised (this issue would need to be raised with the Department for Communities and Local Government);
- The Council should have resources available in order to assist anyone who had difficulties in completing the complaints form;
- Minutes of the Assessment and Review Sub-Committee meetings should be prepared; and
- Parish and Town Council Members should receive training on the role of a City Councillor.

RESOLVED – Members of the Standards Committee resolved that:

- (a) The amended Assessment Flowchart and Code matrix attached at Appendix 3 to the report be adopted;
- (b) The following amendments be included in the future report presenting revised Standards Committee Procedure Rules for approval:
- (i) The complaints form should be amended so that complaints are addressed to the Monitoring Officer, and a copy should be sent to the Chair of the Assessment Sub-Committee;
 - (ii) Sub-Committee Members should be notified of the Subject Members' identity when they receive the Sub-Committee meeting invitation;
 - (iii) Sub-Committee meetings should be scheduled every four weeks for the next six months;

- (iv) The written summary of the Assessment or Review Sub-Committee's findings should not continue to be published on the Council's website;
 - (v) A copy of the final decision notice should be sent to the Assessment or Review Sub-Committee after it has been approved by the Chair;
 - (vi) Covering letters should include timescales for completion of the investigation (including a caveat in case it becomes impossible to meet the timescales); and
 - (vii) The Standards Committee Procedure Rules should not be amended to include the administrative arrangements adopted by the Standards Committee, however details of the administrative arrangements should be made available to all Members.
- (c) A report back to the Committee regarding the proposed amendments be requested.

(After this item, the meeting was adjourned at 4.55pm for 5 minutes.)

45 The Circumstances under which the Adjudication Panel would consider accepting a reference from a Standards Committee

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) informing Members of the guidance on the circumstances in which the Adjudication Panel would consider accepting a reference from a Standards Committee under Regulation 17 of the Standards Committee (England) Regulations 2008.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Note the guidance from the Adjudication Panel attached at Appendix 1 to the report.

46 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.

RESOLVED – Members of the Standards Committee resolved to note the latest decisions of the Adjudication Panel's case tribunals.

47 Review of the Standards Committee Media Protocol

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing and updating the Standards Committee Media Protocol, in light of the introduction of the Local Assessment regime.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Approve the amendments to the Standards Committee Media Protocol attached as Appendix 1 to the report.

48 Consultation on the Code of Conduct for Members and Officers

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising the Standards Committee of the Communities and Local Government consultation paper published on 1st October 2008 and inviting comments from the Standards Committee on the questions posed in the consultation paper.

Members considered the draft response which had been prepared, as well as the responses received from the Conservative and Liberal Democrat Groups. It was agreed that the following responses should be amended:

- Question 1 should be linked to Question 2, stating that the only activity that should apply to a Member's conduct when acting in a non-official capacity should be the committing of a criminal offence for which they are later convicted;
- Question 2 - to request that the definition of 'criminal offence' should be more clearly defined and include only serious offences;
- Question 6 – the suggested financial threshold for the declaration of gifts and hospitality should be changed to £50 and be index linked, as this threshold would reflect that used for election returns; and
- Question 19 – to clarify that the Standards Committee feel that qualifying employees should not have to publicly register their home addresses, as this would be disproportionate.

RESOLVED – Members of the Standards Committee resolved that:

- (a) The draft consultation response be amended to reflect the discussions held.

(Councillors Nash and Priestley left the meeting at 6.00pm during the consideration of this item.)

49 Standards Board for England Annual Assembly

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the Committee of the Seventh Annual Assembly of Standards Committees which took place on 13th and 14th October 2008 at the International Convention Centre in Birmingham.

RESOLVED – Members of the Standards Committee resolved to note the contents of the report and the newsletters attached at Appendix A to the report.

50 Standards Committee Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the Committee of the work programme for the remainder of the municipal year, and seeking comments from the Committee regarding any additional items.

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

Agenda Item 6

Corporate Governance and Audit Committee

Wednesday, 21st January, 2009

PRESENT: Councillor J Bale in the Chair
Councillors M Wilkinson, D Blackburn,
G Driver, J Elliott, P Grahame, G Latty,
N Taggart and C Campbell

Co-optee
Mr M Wilkinson

Apologies Councillors M Iqbal and G Kirkland

68 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

69 Exempt Information - Possible Exclusion of the Press and Public

Members agreed to accept the officers' recommendation that Appendices 7 and 8 to Appendix A of agenda item 8 be classed as exempt information, however Members agreed not to exclude the public for this item unless the exempt information needed to be specifically discussed or referred to.

70 Late Items

There were no late items added to the agenda.

71 Declaration of Interests

No declarations of interest were made at the meeting.

72 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillor Iqbal and Councillor Kirkland.

73 Minutes of the Previous Meeting - 26th November 2008

RESOLVED – That the minutes of the Corporate Governance and Audit Committee meeting held on 26th November 2008 be approved as a correct record.

74 Matters Arising

Further to Minute 60, the Head of Internal Audit informed Members that further work was needed in relation to the audit of the Council's decision making processes. The Head of Internal Audit undertook to present the outcomes of the audit at the meeting of the Committee to be held on 30th April 2009.

Further to Minute 64, it was confirmed that a report regarding Fraudulent Tenancies would be submitted to the Committee's meeting on 18th March 2009, and that this would address whether the use of the term 'fraudulent' was appropriate.

75 Minutes of the Standards Committee

The Chair of the Standards Committee informed Members that the General Purposes Committee had recently considered options for the Standards Committee Membership, which would be considered by Full Council on 25th February 2009. He also reported that final proposals regarding the Review of the Local Assessment Procedures would be considered by the Standards Committee at its meeting on 17th February 2009, and that the Standards Committee had submitted a response on its own behalf to the consultation on the Code of Conduct for Members and officers.

RESOLVED - That the minutes of the Standards Committee meeting held on 16th December 2008 be noted.

76 KPMG Audit of Business Continuity Management at the Council

The Chair welcomed representatives from KPMG, who were in attendance to present this item which summarised the key findings from KPMG's recent audit of the Council's Business Continuity Management arrangements.

Members were informed that, as the audit was undertaken in Summer 2008, the results of the Annual Performance Assessment reports regarding Children's Services and Adult Social Services had not been available to help inform the Business Continuity Audit. KPMG assured the committee that the follow-up work planned for 2009-10 would take account of the concerns raised in the reports. KPMG also assured Members that the follow-up work would address the current economic climate and its potential implications on the Council's partner organisations.

RESOLVED –

- (a) That the progress made with respect to Business Continuity Management across the Council be noted; and
- (b) That KPMG alert the Committee to any concerns which may emerge from the follow up work planned for 2009-10.

(Councillor Grahame arrived at 10.20am during the consideration of this item.)

77 Information Security Update

The Project Manager (Information and Knowledge Management) presented a report of the Assistant Chief Executive (Planning, Policy and Improvement) providing Members with an immediate update on the actions taken to-date in light of the recent information security breaches.

Members particularly discussed the following points:

- Memory sticks should only be used where absolutely necessary, and alternative data storage methods should be considered before a memory stick is used;
- A suitable disciplinary procedure should be introduced to address any breaches of the Code of Practice for memory sticks, however the emphasis should be on preventing any such breaches;
- Elected Members should be provided with further guidance on the best way to handle large amounts of data;
- The cross-party IT reference group could consider the best way to assist Members;
- The number of laptops stolen or lost by the Council should be monitored; and
- The ALMOs and Education Leeds should be required to comply with the Code of Practice rather than just the principles contained within, as they use data which is owned by the Council. It was agreed that the report which would be submitted to the Committee's meeting on 11th February should address this issue.

RESOLVED –

- (a) That the contents of the report be noted; and
- (b) That a report detailing the findings and recommendations (and associated action plans) from the investigations undertaken into the two recent information security breaches be submitted to the Committee's next meeting to be held on 11th February 2009.

78 EASEL Decisions Update

The Head of the East Project Office, Regeneration Service presented a report introducing the decision making arrangements for the EASEL Joint Venture Company which were approved by Executive Board on 5th November 2008.

Members commented that:

- Due to the current economic climate ongoing monitoring was required in relation to the Joint Venture Company to ensure that the governance arrangements for EASEL remain fit for purpose; and
- Assurances were needed in relation to the existence of appropriate audit arrangements.

RESOLVED –

- (a) That the governance arrangements approved by Executive Board with regards to the governance arrangements for the EASEL Joint Venture Company be noted;

- (b) That the Head of Easel Project office ensures that, through ongoing review, the governance arrangements for EASEL continue to protect the Council over the course of the 20 year agreement; and
- (c) That KPMG gives assurance to the Corporate Governance and Audit Committee regarding whether the governance arrangements for the EASEL JVCo are operating well in practice.

79 Independence, Wellbeing and Choice Inspection of Adult Social Services 2008

The Director of Adult Social Services presented a report advising Members of the outcome of the Independence, Wellbeing and Choice Inspection of Leeds Adult Social Services that had recently been published by the Commission for Social Care Inspectorate (CSCI). The Director of Adult Social Services outlined the main implications for corporate governance arising out of the inspection and the action plan which has been developed to address its recommendations.

Members were informed that the Scrutiny Board (Adult Social Care) had asked a Proposals Working Group to monitor the progress of Adult Social Services in addressing the Action Plan.

Members particularly discussed the following points:

- The Committee needed to be assured that the correct arrangements are in place to ensure risks are identified and a framework of accountabilities exists for managing those risks; and
- The criticisms within the CSCI report relating to the operation of the Adult Safeguarding Board, the chairing of which Members felt should be performed by an independent person.

RESOLVED –

- (a) That the contents of the report, the Independence Wellbeing and Choice Inspection Report and the associated Action Plan be noted;
- (b) That further reports be submitted to the Committee regarding progress in addressing concerns expressed in the inspection report relating to the safeguarding arrangements and risk management; and
- (c) That the Committee be advised of any amendments to the 'No Secrets' guidance which have governance implications.

(Councillor Taggart arrived at 11.45am during the consideration of this item.)

80 Half Year Internal Audit Report 2008/09

The Head of Audit presented a report of the Director of Resources informing the Committee of the issues raised by Internal Audit in the half year annual report for 2008/09, none of which required direct action by the Committee.

Members were advised of the reasons why the 'Sale of Land' review had been given an opinion of limited assurance, and were assured that follow up work would be undertaken before the end of the current financial year.

RESOLVED – That the Half Year Internal Audit Report 2008/09 be noted.

81 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2008/09.

Due to the large number of reports due to be submitted to the Committee's meeting on 18th March 2009, it was agreed that an additional meeting would be arranged (to be held in May 2009).

RESOLVED –

- (a) That the draft work programme for the remainder of the municipal year be noted; and
- (b) That an additional meeting of the Committee be arranged (to be held in May 2009).

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Originator: Laura Ford

Tel: 0113 39 51712

Not for Publication: Appendix 1 to this report is marked exempt under Access to Information Procedure Rule 10.4(1), (2) and (7(c)) for the reasons outlined in the report.

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

**Subject: Code of Conduct Investigation into a complaint against a Member -
Reference: SBE 20300.07**

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity
Community Cohesion
Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to set out the findings of the Investigating Officer in the above case.

2.0 Background Information

- 2.1 The attached investigator's final report and bundle of evidence are marked as exempt under the Access to Information Procedure Rules to enable the Standards Committee to decide what part of the report, if any, should be discussed in public.
- 2.2 Access to Information Procedure Rules 10.4.1 and 10.4.2 exempt information relating to any individual and which is likely to reveal the identity of the individual, if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 Procedure Rule 10.4.7c also exempts the deliberations of a Standards Committee or subcommittee in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4), or (5) or 71(2) of the Local Government Act 2000, if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 2.4 The Monitoring Officer considers that it is in the public interest to maintain the exemption as the attached report contains the opinion of the Investigating Officer, which, if the report is made public will be disclosed prior to the Committee having had the opportunity of discussing that opinion and forming their own view of it.
- 2.5 The Standards Board for England advises that final reports should be made available for public inspection unless they contain confidential or exempt information as defined by the Local Government Act 1972. The final report is produced at the end of the investigation and will contain the investigator's findings of fact, the investigator's reasoning, the Investigator's finding as to whether there has been a failure to comply with the Members' Code of Conduct, and the documents relied on by the Investigator in reaching his or her conclusions. The final report is presented to the Standards Committee for them to consider.
- 2.6 Members of the Standards Committee should be aware that as this case was referred to the Monitoring Officer and investigated under the previous Procedure Rules (prior to 1st July 2008), the matter will also need to be concluded according to these Procedure Rules. The relevant sections of the Procedure Rules are reproduced in this report.
- 2.7 The Committee will be aware that at the meeting, they will simply consider the report and will not seek to interview witnesses or take representations from the parties. The Committee's role at this stage is to decide whether, based on the facts set out in the report, it agrees with the Investigating Officer's finding or believes there is a case to answer. If the Committee agrees that the Code of Conduct has not been breached, they will arrange for a notice to be published. The notice should state the Committee's finding, and give reasons for it. In such cases, the Member involved is entitled to ask that the notice not be passed to local newspapers.
- 2.8 If the Standards Committee disagrees with the Investigating Officer's finding and decides that there has been a breach of the Code of Conduct, the matter will be referred to a hearing. During the pre-hearing process the Standards Committee will decide whether or not any parts of the hearing should be held in private, and whether or not any parts of the report or other documents should be withheld from the public.

3.0 Main Issues

- 3.1 Acting under section 59(4)(c) of the Local Government Act 2000 an Ethical Standards Officer of the Standards Board for England referred the complaint to Nicole Jackson, the Monitoring Officer of Leeds City Council, for investigation.
- 3.2 Under section 82A of the Local Government Act 2000, the Monitoring Officer nominated an external solicitor to perform her investigatory functions as a Monitoring Officer in respect of the complaint.
- 3.3 The draft report was completed on 30th December 2008 and the parties were provided with the opportunity to comment on the draft report. The final report was sent to the Monitoring Officer on 25th January 2009.

Standards Committee Procedure Rules

3.4 Section 5.2 of the Standards Committee Procedure Rules state that:

“Where the Committee receives a report which contains a finding of no failure, it will meet to consider the report and decide whether:

- it accepts the Investigator’s finding (a “finding of acceptance”), or
- the matter should be considered at a hearing of the Standards Committee.

At this meeting, the Committee will consider the report; it will not interview witnesses, nor take representations from the parties.

The Committee may make recommendations to the Authority on matters arising from the report.”

3.5 The Investigating officer is of the opinion that there has not been a breach of the Code of Conduct in this case, so the Standards Committee must either accept this finding at the meeting or refer the matter to a hearing.

4.0 Implications For Council Policy And Governance

4.1 Considering complaints against Members is in accordance with the Council’s Corporate Governance Principle ‘Good Conduct and Behaviour’, as it allows the Standards Committee to monitor the application of the Codes and Protocols.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 The Investigating Officer is of the opinion that there has not been a breach of the Code of Conduct in this case, although the Standards Committee must either accept this finding at the meeting or refer the matter to a hearing.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to consider:

- Whether they accept the investigating officer’s finding of no failure; and
- Whether they wish to make any recommendations to the relevant authority as a result of the complaint and investigation.

Background Documents

Standards Committee Procedure Rules (Issue 1 – May 2008)

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

Subject: Administrative Processes underpinning the Local Assessment Arrangements

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. At their meeting on 16th December 2008 Members of the Standards Committee did agree to a series of amendments to the administrative processes which underpin the local assessment arrangements. This report updates Members of the Standards Committee on the implementation of those changes, and also provides some further options for the Committee to consider. This report does not consider any changes to the Standards Committee Procedure Rules.
2. Members of the Standards Committee are asked to:
 - Note the amendments agreed at their meeting on 16th December 2008;
 - Consider the responses to the additional suggestions for amendment made at the meeting on 16th December 2008;
 - Consider whether to produce formal minutes of the Assessment and Review Sub-Committee meetings to be published on the Council's website and referred to full Standards Committee and Council meetings; and
 - Agree to conduct another review of the local assessment process in September 2009.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to update Members of the Standards Committee on the implementation of those changes agreed at the Standards Committee meeting on 16th December 2008, and also to provide some further options for the Committee to consider. This report does not consider any changes to the Standards Committee Procedure Rules.

2.0 Background Information

- 2.1 The Standards Committee received a report on 16th December 2008 which outlined the consultation process used for the three monthly review of procedures, the options open to the Standards Committee, and recommended a series of amendments as a result of comments made by Standards Committee Members since July 2008.
- 2.2 The Standards Committee decided not to make any amendments to the local assessment criteria, the criteria for considering requests for confidentiality, or the terms of reference and make-up of the Assessment and Review Sub-Committees.
- 2.3 However, the Standards Committee did agree a series of amendments to the administrative processes which underpin the local assessment arrangements. This report updates Members of the Standards Committee on the implementation of those changes, and also provides some further options for the Committee to consider.

3.0 Main Issues

Progress of amendments agreed on 16th December 2008

- 3.1 Members agreed to adopt the amended assessment flowchart and Code matrix, and the Assessment Sub-Committee Guidance Notes have been updated accordingly. Members of the Standards Committee who have their own copies of the guidance notes have been emailed the updated documents.
- 3.2 Members also agreed to amend the complaints form so that it is addressed to the Monitoring Officer and copied to the Chair of the Assessment Sub-Committee. The amended form has been published on the Council's website. The online form is already sent to officers and any received will be forwarded to the Monitoring Officer for consideration prior to logging a formal complaint.
- 3.3 Members agreed that they would like to be advised of the subject Members' identity prior to agreeing to attend the Sub-Committee meeting. As Members also agreed to arrange Sub-Committee meetings up to six months in advance, this will not always be practically possible, as officers will not become aware of the subject Members' identity until up to four weeks prior to the meeting. Instead Members who have agreed to attend the relevant meeting will be made aware of the subject Members' identity as soon as the complaint or review request is received. Officers are in the process of devising a schedule of meetings up until June 2009, and the meetings for the next municipal year will appear in the Council's diary as full Standards Committee meetings do.
- 3.4 Members of the Standards Committee agreed that the case summaries of the Assessment and Review Sub-Committee decisions should no longer be published on the Council's website. All case summaries have now been removed from the Council's website, and instead paper copies have been placed in a file which will be

made available for public inspection should anyone request to view it. A screenshot of how each Assessment and Review Sub-Committee meeting will appear on the Council's website from now on is attached as Appendix 1.

- 3.5 Members agreed that a copy of the final copy of the decision notice should be sent to each of the Assessment or Review Sub-Committee Members after it has been approved by the Chair so that they can see which amendments have been incorporated after the circulation of the draft. Officers have already undertaken this step with the most recent set of decision notices and will continue to do so.
- 3.6 Members agreed that the covering letters which are sent to the parties with the decision notice should contain timescales for the completion of any investigation (if applicable). The letters will be amended to include the Standards Board for England's recommended time limit of six months¹, along with appropriate caveats stating that this timescale may be extended due to issues such as availability of witnesses or the complexity of the case. However, the Standards Committee should also be aware that officers are in the process of drafting a protocol to be used when commissioning investigations, which will include requirements on the investigator to create a detailed investigations plan with an estimated completion date. Investigators will also be required to report back to the Monitoring Officer, or her nominee, when certain key points in the investigation are reached so that their progress towards the estimated completion date can be monitored.
- 3.7 The Standards Committee decided not to amend their Procedure Rules to include the administrative arrangements which are carried out prior to the Assessment Sub-Committee meeting. Instead Members decided that the administrative arrangements should be made available to all Members via other means. Officers are in the process of drafting a set of guidance notes to be made available to each political group within the Council. These will be based on the officer procedure which is included within the Democratic Services Handbook of Procedures, and will include model letters and forms for Members' reference so that they are aware what to expect should they become the subject of a complaint.

Other suggestions for improvement

- 3.8 Members of the Standards Committee also made several other suggestions for improvement to their processes at their meeting on 16th December 2008. These were:
- The subject Member should be told the nature of the complaint when they are informed that a complaint has been made;
 - The Council should have resources available in order to assist anyone who had difficulties in completing the complaints form;
 - Minutes of the Assessment and Review Sub-Committee meetings should be prepared; and
 - Parish and Town Council Members of the Standards Committee should receive training on the role of a City Councillor.

¹ "Local Investigations and Other Action" by the Standards Board for England.

Providing a summary of the allegation

- 3.9 The Standards Board for England guidance states that a written summary of the allegation can only be provided to the subject Member once the Assessment Sub-Committee has met to consider the complaint. However, the Monitoring Officer is able to advise the subject Member that a complaint has been made, the name of the complainant (unless they have requested confidentiality), the relevant paragraphs of the Code of Conduct that may have been breached, and the date of the meeting if known. This is because Section 57C(2) of the Local Government Act 2000, as amended, states that only the Standards Committee has the power to give a written summary of the allegation to a subject Member.
- 3.10 Members who have been subject to a complaint in Leeds since May 2008 were asked whether they preferred to know that a complaint has been made about them, despite not being told the substance of the allegation. All Members who responded to the consultation stated that they preferred to know that a complaint had been made, even though they could not know what the allegation was. However the further comments provided highlighted that Members would wish to know the substance of the allegation as soon as possible.
- 3.11 In order to try and resolve this issue, the Chair of the Standards Committee will write to Mr John Healey MP (the Minister for Local Government) on behalf of the Standards Committee in order to bring this issue to his attention. As previously stated, altering this policy will require an amendment to legislation and is therefore not within the Council's or the Standards Board for England's power to grant.

Resources to assist complainants facing difficulties completing their form

- 3.12 The Leeds City Council's "How to complain about the behaviour of a Councillor" leaflet already states that the Council can make reasonable adjustments (in line with the Disability Discrimination Act 2000) to assist a complainant if they have a disability that prevents them from making their complaint in writing. The Council can also assist complainants if English is not their first language. Complainants are advised that if they need any support in completing the form, they should let officers know as soon as possible.
- 3.13 So far officers have only been called on to assist one complainant. This person had difficulty completing the form due to learning difficulties, therefore officers met the complainant to talk through his complaint and complete the form with him.
- 3.14 Although there are not resources within the Corporate Governance Team to assist complainants for whom English is not their first language, or who are blind or partially sighted, there would be assistance available from other sections of the Council. Therefore if this situation arose, officers would seek the assistance of those other departments.
- 3.15 Officers within the Corporate Governance Team are also regularly called upon to correspond with potential complainants about the complaints process and the Code of Conduct.

Producing minutes of the Assessment and Review Sub-Committee meetings

- 3.16 As outlined at the Standards Committee meeting in December 2008, there are two formal records of the decisions made by the Sub-Committees. These are:

- The decision notice – which is sent to the parties and the Parish Clerk (if applicable); and
- The case summary – which is made available for public inspection for six years after the sub-committee meeting (but not published).

For ease of reference officers have created sample versions of these documents (not based on real cases). These are attached as Appendices 2 and 3.

- 3.17 At the last Standards Committee meeting, a Member was concerned that without formal minutes of the Sub-Committee meetings (in addition to the documents listed above), there would be no formal way of recording their meetings and attendance. However, the attendance of Members at Sub-Committee meetings is recorded, both through the case summary, and publicly through the Council’s website (see the attached screen shot at Appendix 4).
- 3.18 As outlined at the last Standards Committee meeting, Calderdale Council do produce minutes of their Sub-Committee meetings, but as they are published on the Council’s website they contain no details of the cases and are completely anonymous. An example is attached as Appendix 5. It would be possible for the Standards Committee in Leeds to take a similar approach and these records may also serve as reminders to the general public that case summaries are available for public inspection should they wish to request access to them. These minutes could also then be considered at full Standards Committee meetings and Full Council meetings as part of the book of minutes, and may alleviate a concern raised by the Conservative Group response to the consultation (highlighted in the previous Committee report in December)².

Training for Parish and Town Council Members of the Standards Committee

- 3.19 At the meeting in December, some Members of the Standards Committee suggested that as the Parish and Town Council Members of the Standards Committee were regularly considering complaints about Leeds City Council Members, it would be helpful for them to have a fuller understanding of the role of a City Councillor.
- 3.20 All external Members of the Standards Committee are already required by the Standards Committee Training Plan to attend several different types of Committee meetings in order to observe and gain an understanding of Council business and political context. However the training plan has been reviewed to incorporate the suggestion that external Members of the Committee may also wish to “shadow” the City Councillors on the Standards Committee during their ward surgeries so they can understand all aspects of the City Councillors’ role. The training plan is dealt with in a separate item on this agenda.

Issues raised since December 2008

- 3.21 Since December one further issue has been raised with the local assessment process. Specifically, how to deal with persistent or vexatious complainants.
- 3.22 The Standards Board guidance, “Local Assessment of Complaints”, provides advice on how to deal with persistent complainants. The Standards Board advise that a small number of people may abuse the complaints process, and that Council’s may

² “Minutes of all Standard Committee and Sub Committee Meetings should be taken so there is a true, accurate and reviewable record of decision making. This happens with every other committee of council.”

wish to develop a policy to deal with this. For example, by bringing the local assessment process within the scope of any existing authority policies on vexatious or persistent complaints, or take action to limit the person's contact with the Council. For instance, by making the person deal with one named officer or refusing email or telephone contact with them.

- 3.23 However, the Standards Committee are not able to refuse to consider new complaints made by that person, unless the Standards Committee has already dealt with the same complaint by the same person and the Monitoring Officer does not believe there is any new evidence.
- 3.24 They also advise that although a person may make frequent allegations about Members which may not have any substance, they must still be considered as they may contain a complaint that requires some action to be taken. Even where a person is prevented from making certain contact with Council, they cannot be prevented from submitting a complaint. Therefore there do not appear to be any alternatives to considering each new complaint from any persistent or vexatious complainants. However, an enquiry has been sent to the Standards Board's policy team to request that this area is considered in further detail. The response to this enquiry will be shared with the Standards Committee as soon as possible.
- 3.25 The options for restricting contact with certain complainants can be explored by the Monitoring Officer in conjunction with relevant officers within Legal, Licensing and Registration and Customer Services on a case by case basis, although this will not prevent the Standards Committee from having to meet to consider each new complaint.

Further reviews of the local assessment process

- 3.26 Members of each Sub-Committee will still be asked to discuss any 'lessons to learn' at the end of each meeting and officers will continue to log these issues for future discussion. Members of the Standards Committee are also welcome to provide comments on the local assessment arrangements at any time.
- 3.27 It is proposed that a further review is conducted in September 2009 to assess the success of the amendments that have been made to the administrative arrangements, and to follow the training day with the external facilitator.

4.0 Implications For Council Policy And Governance

- 4.1 It is important for complainants to feel confident that complaints about Member conduct are taken seriously and are dealt with appropriately, and it is equally as important that subject Members feel that the process is fair to all parties. Therefore it is important for the good governance of the Council that the Standards Committee are confident that the administrative arrangements underpinning local assessment are fit for purpose and are operating effectively.

5.0 Legal And Resource Implications

- 5.1 The legal implications are dealt with in the main body of this report. There may resource implications associated with the additional training referred to in the report, but these are dealt with in a separate report on the Committee's Training Plan included within this agenda.

6.0 Conclusions

- 6.1 The Standards Committee received a report on 16th December 2008 which outlined the consultation process used for the three monthly review of procedures, the options open to the Standards Committee, and recommended a series of amendments as a result of comments made by Standards Committee Members since July 2008. The Standards Committee decided not to make any amendments to the local assessment criteria, the criteria for considering requests for confidentiality, or the terms of reference and make-up of the Assessment and Review Sub-Committees.
- 6.2 However, the Standards Committee did agree a series of amendments to the administrative processes used as part of local assessment. This report updates Members of the Standards Committee on the implementation of those changes, and also provides some further options for the Committee to consider.
- 6.3 It is proposed that a further review is conducted in September 2009 to assess the success of the amendments that have been made to the administrative arrangements, and to follow the training day with the external facilitator. In order to inform this review, Members of each Sub-Committee will still be asked to discuss any 'lessons to learn' at the end of each meeting and officers will continue to log these issues for future discussion. Members of the Standards Committee are also welcome to provide comments on the local assessment arrangements at any time.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- Note the amendments agreed at their meeting on 16th December 2008;
 - Consider the responses to the additional suggestions for amendment made at the meeting on 16th December 2008;
 - Consider whether to produce formal minutes of the Assessment and Review Sub-Committee meetings to be published on the Council's website and referred to full Standards Committee and Council meetings; and
 - Agree to conduct another review of the local assessment process in September 2009.

Background documents

Standards Committee (England) Regulations 2008

"Local Assessment of Complaints" by the Standards Board for England, available at: <http://www.standardsboard.gov.uk/Localassessment/Guidanceandtoolkit/#d.en.16399>

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "LATE ITEM - Review of Local Assessment Procedures", 16th December 2008

Standards Committee Minutes, 16th December 2008

Calderdale Council website: <http://www.calderdale.gov.uk>

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Agenda

Standards Committee - Review Sub-Committee
Friday, 31st October, 2008 2.00 pm

- Attendance Details
- Agenda Frontsheet PDF 177 K
- Agenda Reports Pack PDF 187 K

Venue: Civic Hall, Leeds, LS1 1UR
Contact: Amy Kelly (0113 39 50261)

Items

No. Item

1. Declarations of Interest
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.

2. Case Reference 0809009
To review the decision of the Assessment Sub-Committee, consider whether the complaint meets the initial tests as set out in the report, and decide what action to take in relation to the complaint.

3. Lessons to Learn
To consider any lessons to learn from the above cases, and to identify any Standards Committee procedures which may require revision.

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- See also

Agenda

Standards Committee - Assessment Sub-Committee
Tuesday, 22nd July, 2008 9.30 am

- Attendance Details
- Agenda Frontsheet PDF 171 K
- Agenda Reports Pack PDF 193 K

Venue: Civic Hall, Leeds, LS1 1UR
Contact: Amy Kelly (0113 39 50261)

Items

No. Item

1. Declaration of Interests
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.

2. Case Reference 0809001
To consider whether the complaint meets the initial tests as set out in the report, and decide what action to take in relation to the complaint.

3. Case Reference 0809003
To consider whether the complaint meets the initial tests as set out in the report, and decide what actions to take in relation to the complaint.

4. Case Reference 0809002
To consider whether the complaint meets the initial tests as set out in the report, and decide what action to take in relation to the complaint.

5. Case References 0809005 and 0809007
To consider whether these complaints meet the initial tests as set out in the report, and decide what action to take in relation to the two complaints.

Other pages in this section

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DECISION NOTICE

In respect of an allegation of Misconduct against Councillor Jones of Leeds City Council¹

On 1st January 2009, the Assessment Sub-Committee of the Standards Committee of this authority considered a complaint from Mrs Smith concerning the alleged conduct of Councillor Jones, a Member of Leeds City Council.

The Assessment Sub-Committee resolved that no further action be taken.

1.0 Summary of the Complaint

A summary of Mrs Smith's complaint is set out below:

- 1.1 Mrs Smith alleges that she contacted Councillor Jones in November 2008 to ask for her dustbin and recycling box to be collected, as they were full. Mrs Smith also required some information about the refuse collection service over the Christmas and New Year period. Mrs Smith alleges that Councillor Jones refused to help her and instead told her to contact the Council's Contact Centre for assistance.
- 1.2 Mrs Smith alleges that Councillor Jones failed to treat her with respect through his actions.

2.0 The Assessment Sub-Committee's decision in relation to the complaint

- 2.1 In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee concluded that no action should be taken on the allegations above.

3.0 Reasons for decision

- 3.1 The Assessment Sub-Committee were satisfied that Councillor Jones was a Councillor at the time of the alleged conduct, and that the Code of Conduct 2007 was in force at the time.

¹ Please take care when passing on any information that is in this notice or about this notice. Some details, such as names and addresses may be confidential or private in nature, or may be classed as personal information.

- 3.2 The Assessment Sub-Committee considered whether, if the incidents occurred as alleged, Councillor Jones may have potentially breached the Members' Code of Conduct through his alleged actions.
- 3.3 The Assessment Sub-Committee concluded that the allegation made by Mrs Smith did not amount to a potential breach of the Code of Conduct. In particular the Assessment Sub-Committee considered the advice of the Standards Board for England, that whilst Councillors are elected to represent their ward and the people who live there, there is no obligation on them to respond to each and every request for advice or assistance. There will be times where they either choose not to become involved in a certain issue, or where they are prevented from doing so. However this does not amount to a potential failure to comply with the Code of Conduct.
- 3.4 Therefore the Assessment Sub-Committee decided to take no further action in relation to the complaint. Please note that the purpose of the initial assessment decision is simply to decide whether any action should be taken on the complaint. Therefore the Assessment Sub-Committee has not considered whether the circumstances set out by Mrs Smith in her complaint are true. Rather, they have considered whether Councillor Jones, if the complaint were proven, may have potentially breached the Members' Code of Conduct through his alleged actions.

4.0 Who is notified

- 4.1 This decision notice is sent to the person or persons making the allegation and the Member against whom the allegation was made.

5.0 Right of review

- 5.1 At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision would undertake the review.
- 5.2 The complainant's written request must be received within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.
- 5.3 If a request for a review is received, it will be dealt with within a maximum of three months of receipt. All the parties mentioned above, will be advised of the outcome of any such review.

6.0 Additional Help

- 6.1 If you have difficulty reading this decision notice reasonable adjustments can be made to assist you, in line with the requirements of

the Disability Discrimination Act 2000. If you need additional support, please let us know as soon as possible.

6.2 If English is not your first language, help can be provided.

6.3 You can contact us by:

Telephone: 0113 39 50035

Fax: 0113 39 51599

Email: councillorconduct@leeds.gov.uk

Post: Chair of the Assessment Sub-Committee

c/o Governance Services

4th Floor West

Civic Hall

Leeds

LS1 1UR

Signed **Date**

Chair of the Assessment Sub-Committee

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Standards Committee - Assessment Sub-Committee

Monday, 1st January 2009

PRESENT:

Independent Members

Chair

Councillors

Leeds City Councillor 1 Leeds City Councillor 2

Parish Members

Parish Member

1 Declarations of Interest

There were no declarations of 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.

2 Case Reference 080900

The Assessment Sub-Committee considered a complaint from Mrs Smith concerning the alleged conduct of Councillor Jones, a Member of Leeds City Council.

Mrs Smith had alleged that she contacted Councillor Jones in November 2008 to ask for her dustbin and recycling box to be collected, as they were full. Mrs Smith also required some information about the refuse collection service over the Christmas and New Year period. Mrs Smith alleges that Councillor Jones refused to help her and instead told her to contact the Council's Contact Centre for assistance. Mrs Smith alleges that Councillor Jones failed to treat her with respect through his actions.

The Assessment Sub-Committee were satisfied that Councillor Jones was an elected member of Leeds City Council at the time of the alleged incident, and that the Code of Conduct 2007 was in force at the time.

The Assessment Sub-Committee considered whether, if the incidents occurred as alleged, Councillor Jones may have potentially breached the Members' Code of Conduct through his alleged actions.

The Assessment Sub-Committee concluded that the allegation made by Mrs Smith did not amount to a potential breach of the Code of Conduct. In particular the Assessment Sub-Committee considered the advice of the Standards Board for England, that whilst Councillors are elected to represent

their ward and the people who live there, there is no obligation on them to respond to each and every request for advice or assistance. There will be times where they either choose not to become involved in a certain issue, or where they are prevented from doing so. However this does not amount to a potential failure to comply with the Code of Conduct.

Therefore the Assessment Sub-Committee decided to take no further action in relation to the complaint.

Please note that the purpose of the initial assessment decision is simply to decide whether any action should be taken on the complaint. Therefore the Assessment Sub-Committee has not considered whether the circumstances set out by Mrs Smith in her complaint are true. Rather, they have considered whether Councillor Jones, if the complaint were proven, may have potentially breached the Members' Code of Conduct through his alleged actions.

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Meeting Attendance

Tuesday, 22nd July, 2008 9.30 am, Standards Committee - Assessment Sub-Committee

Venue: Civic Hall, Leeds, LS1 1UR
Contact: Amy Kelly (0113 39 50261)

Meeting Attendance		
Attendee	Role	Attendance
Mike Wilkinson	Chair	Present
Councillor David Blackburn	Committee Member	Present
Councillor John C Priestley	Committee Member	Present

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Council agendas and minutes

Meeting Attendance

Tuesday, 16th December, 2008 1.30 pm, Standards Committee - Assessment Sub-Committee

Venue: Civic Hall, Leeds, LS1 1UR
Contact: Amy Kelly (0113 39 50261)

Meeting Attendance		
Attendee	Role	Attendance
Mike Wilkinson	Chair	Present
Councillor Colin Campbell	Committee Member	Present
Councillor Elizabeth Nash	Committee Member	Present
Councillor John C Priestley	Committee Member	Present

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**CALDERDALE COUNCIL,
STANDARDS ASSESSMENT SUB COMMITTEE,
11th August 2008**

PRESENT: Mr P Beevers (Chair
Councillors O'Neill and Rivron
Parish Council Representative: Councillor D Bell

16 COMPLAINT NO 2008/02 AND 03

The Chief Law and Administration Officer reported orally on progress in relation to the arrangements for a meeting between the complainants and the Member concerned. It was anticipated that a meeting would be held in mid September.

RESOLVED that the outcome of this meeting be submitted to the next meeting of the Sub Committee on 29th September 2008.

17 COMPLAINT NO 2008/04

The Chief Law and Administration Officer gave an oral update on additional information received from the Standards Board for England, West Yorkshire Police and the Parish Council concerned in relation to Complaint No 2008/04.

RESOLVED that no further action be taken.

18 COMPLAINT NO 2008/05

The Chief Law and Administration Officer submitted a summary of Complaint No 2008/05.

RESOLVED that no further action be taken.

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Originator: Kate Sadler

Tel: 0113 39 51711

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

**Subject: Code of Recommended Practice on Local Authority Publicity – A
Consultation**

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 Standards Committee of the current consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on local Authority Publicity.
2. The consultation seeks views on whether there is a continuing need for the Code of Recommended Practice on local Authority Publicity. It also asks, assuming that there is a continued need for the Publicity Code, for views in relation to the contents of such a Publicity Code.
3. Standards Committee is requested to note the contents of the report and come to a view as to whether they wish to respond to the consultation.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Standards Committee of the current consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on local Authority Publicity.

2.0 Background Information

- 2.1 The Standards Committee terms of reference are set out at part 2B of the Constitution. Item 5 of those terms of reference states that the Committee is:

5. to make representations to and to liaise with external agencies¹ 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;

- 2.2 The meeting of the General Purposes Committee on 20th January 2009 considered the terms of reference of Standards Committee. In order to clarify the role of the Committee in relation to Consultation documents it was resolved to propose to Full Council an amendment to the terms of reference of Standards Committee. Full Council will consider the following proposed amendment on 25th February 2009:

5. to make recommendations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to 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 and to make representations on its own behalf

- 2.3 It is therefore appropriate for Members to consider making a response to the consultation on behalf of Standards Committee in so far as that relates to general principles of conduct.

3.0 Main Issues

- 3.1 The consultation paper sets out the back ground to the Publicity Code. It is issued under powers conferred on the Secretary of State under Section 4(1) of the Local Government Act 1986 as amended. Local Authorities are required to have regard to the Publicity Code in coming to any decision on publicity.
- 3.2 At section 6(4) the Act defines publicity as “any communication, in whatever form, addressed to the public at large or to a section of the public.”
- 3.3 The underlying objective of the Code was to ensure the proper use of public funds for publicity. Its purpose was to set out clear principles of good practice. These principles were not intended to inhibit or prohibit the publication of information on politically sensitive or controversial issues, nor to stifle public debate. The consultation seeks views as to how a Publicity Code might function without being, or being perceived as, a disincentive to effective communication.

¹ Such external agencies may include, but are not restricted to, the District or Approved Auditor, the Commission for Local Government, the Standards Board for England, an Ethical Standards Officer, the Adjudication Panel for England or an adjudication case panel

3.4 Prior to the introduction of the current Members Code of Conduct, the Department for Communities and Local Government sought views through its consultation process on whether the Publicity Code served a useful purpose. Responses suggested support for the Publicity Code as a useful source of advice for Authorities on sensitive issues on the use of resources for publicity.

3.5 Following this consultation the current Model Code of Conduct was released including the provision at paragraph 6 c of the Code

6.(c) You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^[15].

Members are therefore bound to have regard to the Publicity Code.

3.6 This consultation runs for a 12 week period and ends on 12th March 2009. If, on consideration of the response received to this consultation, the Government considers that revisions to the Publicity Code are required then there will be a further period of consultation on the revised text of the Publicity Code later in 2009.

3.7 As with previous consultation exercises the document (a copy of which is attached to this report at Appendix 1) sets out the current versions of the Publicity Code as they apply to various authorities. It is the Publicity Code set out at Annex C which applies to Leeds City Council, as a Metropolitan District Council.

3.8 Similarly the consultation document sets out the questions to which responses are sought within its text, and again separately in Annex A to the document.

3.9 In view of the fact that all Members of Leeds City Council are bound by the Members' Code of Conduct to have regard to the Publicity Code, Members are invited to consider whether to respond on behalf of Standards Committee to the consultation document.

4.0 Implications For Council Policy And Governance

4.1 The Council is required to have regard to any Publicity Code in making decisions about publicity. Similarly Members are bound, through their Code of Conduct to have regard to the Publicity Code. It is therefore important that both officers and Members are aware of the existence of any relevant Code and should consider responding to the consultation if appropriate.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 Standards Committee is asked to consider whether it wishes to respond to the consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on local Authority Publicity.

6.2 The consultation seeks views on whether there is a continuing need for the Code of Recommended Practice on local Authority Publicity. The consultation also asks, if there is a continued need for the Publicity Code, for views in relation to the contents of the Publicity Code.

7.0 Recommendations

7.1 Standards Committee is requested to note the contents of the report and come to a view as to whether they wish to respond to the consultation.

8.0 Background Papers

8.1 Communities in Control: Real people, real power – Code of recommended practice on local authority publicity – A consultation



Communities in Control: Real people, real power
Code of recommended practice on local authority publicity
A consultation



Communities in Control: Real people, real power
Code of recommended practice on local authority publicity
A consultation

December 2008
Department for Communities and Local Government: London

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Online via the Communities and Local Government website: www.communities.gov.uk

December 2008

Product Code: 08LGSR05679

ISBN: 978-1-4098-0922-7

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Chapter 1

The consultation and how to respond

Communities in Control consultation papers

- 1.1 The white paper, *Communities in Control: Real people, real power*, is about passing power into the hands of local communities. It sets out a range of policies to achieve this, building on work still in progress from the 2006 white paper, *Strong and Prosperous Communities*.
- 1.2 This paper is the next in a series consulting on a number of policy commitments and invites comments about the future of the Code of Recommended Practice on Local Authority Publicity (the 'Publicity Code'). It invites views on the content of the Publicity Code as an instrument for protecting public money (of either national or local taxpayers) while allowing councils to issue effective publicity.

About this consultation

- 1.3 The proposals in this consultation paper relate to relevant authorities in England. Authorities in Scotland and Wales have their own versions of the Publicity Code, which are the responsibility of the relevant devolved authorities.
- 1.4 The white paper *Communities in control* committed the Government to consulting on potential changes to the Publicity Code. This document is the first part of that consultation. The last Government consultation on the Publicity Code in January 2007 revealed support for the Publicity Code as a useful source of advice for authorities on sensitive issues on the use of resources. Following that, the Councillors Commission received views that the Publicity Code may have been seen as a hindrance to councils promoting the role of the councillor. This consultation paper explains the importance of local authority publicity, seeks confirmation of the results of our earlier consultation in January 2007, seeks also to establish views of the Publicity Code across the local government sector and stakeholders and goes on to ask how a Publicity Code might function without being, or being perceived as, a disincentive to effective communication.
- 1.5 If the Government considers that revisions to the Publicity Code are required then the comments and views received in response to this consultation document will form the basis for a revised Publicity Code, the text of which we will consult on in 2009.

- 1.6 Chapter 2 of this paper explains more thoroughly the context of the consultation, with particular reference to the promotion of democracy and a positive image of the role of councillors.
- 1.7 Chapter 3 of this paper seeks views on what should constitute the Publicity Code.
- 1.8 Particular questions on which we would welcome comments are set out in each chapter and summarised in annex A. In order to aid your consideration of the possible content of a future Publicity Code, the current code is reproduced at annexes B and C.
- 1.9 We are minded, subject to responses to this consultation, to implement the measures arising from the response to this and any subsequent consultation on the Publicity Code so that they can come into effect in line with any guidance that may be issued about the currently proposed authorities' duty to promote democracy in 2009.

Who we are consulting?

- 1.10 This is a public consultation and it is open to anyone to respond to this consultation document. We would, however, particularly welcome responses from council officials and councillors. **The consultation period runs for 12 weeks to 12 March 2009.**

How to respond

- 1.11 Your response must be received by 12 March 2009 and may be sent by e-mail or post to:

Karl Holden
Conduct and Council Constitutions Team
Communities and Local Government
Zone 5/B2, Eland House
Bressenden Place
London
SW1E 5DU
e-mail: publicitycode@communities.gsi.gov.uk

If you are replying by e mail please title your response 'Response to Publicity Code consultation'.

It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

What will happen to the responses?

- 1.12 The Department will take account of the responses received to this consultation before taking decisions on possible changes to the Publicity Code.
- 1.13 Within three months of the close of the consultation period we will analyse the responses to the consultation and produce a summary of them. This summary will be published on the Department's website at www.communities.gov.uk

Publication of responses – confidentiality and data protection

- 1.14 Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. (These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- 1.15 If you want any of the information that you provide to be treated as confidential you should be aware that under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
- 1.16 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 1.17 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The Consultation Criteria

- 1.18 The UK Government has adopted a code of practice on consultations. Please see annex D of this document for the criteria that apply under this code, and advice about who you should contact if you have any comments or complaints about the consultation process.

Additional copies

1.19 You may make copies of this document without seeking permission. If required, printed copies of the consultation paper can be obtained from Communities and Local Government Publications, whose contact details may be found at the front of this document. An electronic version can be found at the Consultation Section of the Department's website at: www.communities.gov.uk.

In context – previous consultations and relevant legislation

1.20 The consultation document *Consultation on Amendments to the Model Code of Conduct for Local Authority Members* published in January 2007 asked, among other things, if the Publicity Code served a useful purpose. The responses suggested support for the Publicity Code as a useful source of advice for authorities on sensitive issues on the use of resources for publicity.

1.21 The Publicity Code is issued under powers conferred on the Secretary of State under section 4(1) of the Local Government Act 1986 (“the 1986 Act”). Local authorities are required by section 4(1) of the Act as amended by section 27 of the Local Government Act 1988 to have regard to the Publicity Code in coming to any decision on publicity.

1.22 The Publicity Code does not, and cannot, override section 2 of the 1986 Act, which provides that a local authority shall not publish, or assist others to publish, material which in whole or in part appears designed to affect public support for a political party.

1.23 Section 6(4) of the 1986 Act defines publicity as ‘any communication, in whatever form, addressed to the public at large or to a section of the public’. The Publicity Code will therefore be relevant across the whole range of local authority work. It covers all decisions by a local authority on publicity and most public relations activities, such as paid advertising and leaflet campaigns and local authority sponsorship of exhibitions and conferences, as well as assistance to others to issue publicity.

1.24 Section 6(2)(a) of the 1986 Act sets out the types of authority to which the Code can apply in England:

- a county, district or London borough council
- the Common Council of the City of London
- the Broads Authority
- a police authority established under section 3 of the Police Act 1996

- the Metropolitan Police Authority
- a joint authority established by Part 4 of the Local Government Act 1985
- the London Fire and Emergency Planning Authority
- the Council of the Isles of Scilly or
- a parish council

1.25 The Publicity Code also applies to National Parks Authorities by virtue of the Environment Act 1995.

1.26 By virtue of section 6(6) of the 1986 Act, nothing in the Publicity Code is to be construed as applying to any decision by a local authority in the discharge of their duties under Part 5A of the Local Government Act 1972 (which provides for access to meetings and documents of certain authorities, committees and sub-committees).

1.27 The Publicity Code was first published on 15 August 1988 and applied to local authorities in England Scotland and Wales. That Code was amended on 2 April 2001 in England only, as regards its application to county councils, district councils and London borough councils. This consultation is concerned with the application of the Publicity Code, including the amendments made in 2001, to local authorities in England.

1.28 The Publicity Code, as published in 1988, remains applicable in Scotland; the National Assembly for Wales issued a revised Code in October 2001 which applies in Wales.

Chapter 2

Effective communication and publicity

Effective communication

- 2.1 For a community to be a healthy local democracy requires local understanding. Effective communication is key to developing that understanding. In recent years local authorities have used local publicity not only to keep their communities informed of the services that they provide, but also to encourage greater participation. Good, effective publicity, aimed at improving public awareness of councils' activities is to be welcomed and encouraged.

The Publicity Code

- 2.2 Publicity, however, can be a sensitive matter because of the impact it can have and because of the costs associated with it, which can be considerable. It is essential, therefore, to ensure that decisions about local authority publicity are properly made.
- 2.3 It was against this background that the Publicity Code was introduced in 1988. The purpose of the Publicity Code was to set out clear principles of good practice. In doing so, it reflected conventions that applied to publicity which had traditionally been applied in both central and local government.
- 2.4 The Publicity Code took account of the fact that some local authority publicity dealt with issues that are controversial because of local circumstances or because of a difference of view between political parties locally or nationally. The principles were not intended to inhibit or prohibit the publication of information on politically sensitive or controversial issues, nor to stifle public debate. Rather, it set out matters it was considered a local authority should give consideration to, to ensure public funds were not misused and to safeguard those members of the public at whom the publicity was directed. The Publicity Code was especially relevant to publicity that dealt with controversial or sensitive issues.
- 2.5 The stated underlying objective of the Publicity Code was to ensure the proper use of public funds for publicity.

- 2.6 The Publicity Code has now been in place for twenty years. While many of the values it enshrines, such as ensuring that the authority should ensure that publicity produced is a proper use of public funds, are beyond dispute, we recognise that there may be an argument that a Publicity Code is not required, or not required in its present form, to ensure that this is the case. There are other safeguards in place which contribute to ensuring the proper use of public resource in an authority, principally through the authority's auditor but in addition, more locally, councils' spending can be held to account through overview and scrutiny committees, by the Audit Commission through Comprehensive Performance Assessment, Comprehensive Area Assessment and Use of Resources assessments and the behaviour of councillors through the local authority's standards committee. Ultimately, the council is accountable to its electorate.
- 2.7 The Publicity Code is thus part of a range of legislation intended to ensure that local authority publicly funded publicity is appropriate. Moreover, the Local Government Act 1972 gives local authorities the power to arrange to publicise services offered by them or by other local authorities in their community while the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication in their area of information relating to health or disease. In addition, Part 1 of the Local Government Act 2000 empowers local authorities to promote well-being in their communities.

Local authority publicity

- 2.8 Since the 2001 white paper *Quality public services* there has been a move away from central government prescription to local government having more flexibility to decide how they wish to conduct business. The white paper began the process of devolving power to local government to enable it to make its own decisions about where to direct resources. This process continued with the 2006 white paper *Strong and prosperous communities*, the Local Government and Public Involvement in Health Act 2007 and continues in the 2008 white paper *Communities in control*.
- 2.9 Part of this process involved reinvigorating and rehabilitating politics at the local level. One aspect of this is acknowledging the political nature of local government; councils are political bodies, led by democratically elected politicians making decisions about local priorities. They are not simply neutral bodies for service delivery. We consider that it is important for the health of local democracy that citizens are aware of how decisions are made at the local level, and who is making them. To aid this, we consider that councils should be able to help publicise the role of the activities of the authority and the activities of individual councillors to help promote democracy in the community.

- 2.10 We want councils to be able to play a role in helping councillors to communicate with citizens and to allow people to understand who their elected representatives are, what views they have and what they are doing on behalf of those who elected them.
- 2.11 To achieve this, the Publicity Code should not prevent councils from producing publicity that explains clearly the political control of their council, who leads the council and the political composition of the council.
- 2.12 Nor should it be seen to prevent members having, in the interests of their constituents, a public voice funded by the taxpayer to inform their community about what activities they have been undertaking in their role as councillor, in either any particular role they fulfil on the council, or as a representative of their ward.
- 2.13 The Publicity Code should not form a barrier to members using publicly funded publicity to discuss, in the interest of their constituents, matters that are of personal interest to those members, nor should it bar them from providing useful and pertinent contact details and links to other bodies. All publicity funded by a local authority, or which they assist others to publish, is subject to the statutory prohibition that it cannot appear designed to affect public support for a political party.

Promoting democracy and the role of councillors

- 2.14 In the Government's response to the Councillors Commission report, published in July 2008, the Department for Communities and Local Government acknowledged that there was confusion in local government about how far councils should promote and support councillors' activities and explained that the Department wanted to clarify this, so that any guidance or advice recognises the legitimate support that should be given to councillors. In addition the white paper *Communities in control*, also published in July, recognised that there was confusion within local government about how far local authorities should promote and support councillors' activities and, in this context, recognised the need to review the Publicity Code.
- 2.15 The Councillors Commission research also made it clear that in order to make the councillor role easier and more attractive, the level of awareness of the role needs to be raised. Council publicity can be an effective tool in demystifying the role and making currently under-represented groups, and the wider community as a whole, more aware of what is involved and what decisions councillors make on their behalf.
- 2.16 Those who work in local government should feel confident about operating in a political environment and giving elected councillors the support they require. The response to the Councillors Commission report announced the Government's intention of introducing a new duty on local authorities to support democracy and encouraged councils to take a range of actions as part of their new responsibility, including:

- **better information:** council publications and websites should provide clear information about political control, council meetings, councillors' surgeries and how to contact both councillors and local political parties
- **a two-way process:** using local radio, blogs, podcasts and interactive websites to improve dialogue between councillors and local people
- **getting people involved:** explaining to all communities how to be a councillor or take up other civic roles – including school governorships or health board membership – through websites and newsletters
- **promoting democracy:** councils could involve officials or former councillors in promoting local democracy through making positive presentations to local volunteer groups or boards about how to get involved in local governance roles and by promoting the role of the council and councillors in the community
- **targeting:** disseminating information about involvement in local democracy to groups not well represented among councillors in the area

2.17 The Government's response to the Councillors Commission report also expressed the Department's wish to see councillors encouraged to make use of more types of media, such as community radio or the internet as well as traditional methods of communication. Local authority publicity has a key role to play in delivering a positive media profile of the work of councillors. Councillors should be role models for their communities, being a role model means being visible and publicity can aid that visibility.

2.18 We want to ensure that councils, and councillors, do not consider themselves unduly restricted in the types of communication that they can engage in. To ensure that councils will not be inhibited in their new duty to promote democracy, councils will need to be prepared to publicise how to get involved in local decision making processes, will have to target publicity at groups that are under-represented in the democratic process and make the most effective use of advertising.

Other guidance for councils

2.19 We also want to establish whether there is other guidance for councils, besides the Publicity Code, which is seen to be a disincentive in terms of being able to provide citizens with the publicity that they require or councillors with the support that they require and whether this guidance need clarifying or amending?

Question 1: Is there other guidance, (additional to the Publicity Code), that councils consider creates a barrier to the provision of publicity or support, or that needs clarifying?

Chapter 3

Review of the Publicity Code

3.1 The existing Publicity Code gives recommended practice on a number of aspects of publicity ranging from subject matter to assistance to others for publicity. This chapter gives a brief explanation of the current function of each section of the Publicity Code, it is not a proposal of what might constitute a revised Code. The explanation overlooks the distinctions between the 1988 Publicity Code (which continues to apply to certain bodies) and the Publicity Code as revised (which applies to principal bodies in England). A number of open questions about what changes might be required are also asked.

Question 2: Is there a requirement for different codes to apply to different types of authority?

Question 3: Should the Publicity Code specifically address the presentation of publicity on an authority's website?

First section of the current Code: Subject matter

In summary, the current Publicity Code provides as follows: Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it, or to assist others to do so. Some of those powers relate directly to the authority's functions, others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions. The Publicity Code lists the matters an authority should consider when determining whether to issue publicity material (see annexes B and C).

Question 4: Does anything need to be added to or removed from the list of matters an authority should consider in determining whether or not to issue publicity on a certain subject?

Second section of the current Code: Costs

In summary, the current Publicity Code provides as follows: Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure and expenditure on publicity should always be cost-effective. The Publicity Code recognises that publicity can be expensive and that while in some cases publicity may justify cost by virtue of savings produced, the unquantifiable benefits of publicity are also important. The Publicity Code lists matters local authorities should consider in determining whether the costs of their publicity are justifiable.

Question 5: Should the Publicity Code specify the different criteria local authorities should use to determine whether or not publicity can be judged to be cost effective?

Question 6: Is there any aspect of the cost section that is not required or anything which should be added?

Third section of the current Code: Content

In summary, the current Publicity Code provides as follows: Local authorities produce a variety of publicity material, from factual information about services to staff recruitment advertising. Publicity will also be produced to explain or justify the council's policies either in general or on specific topics. The Publicity Code requires that publicity describing the council's policies and aims should be as objective as possible, makes provision for the production of promotional material and states that publicity should not appear to undermine generally accepted moral standards. It also makes provision for the production of publicity material to support campaigns to influence behaviour or attitudes, for instance on health matters, but prohibits publicity campaigns intended to persuade the public to hold a particular view on a question of policy.

Question 7: Should the Publicity Code contain advice about ethical standards in publicity, or should this be left to local authorities to judge for themselves?

Question 8: Is there any aspect of the content section that is not required or anything which should be added?

Fourth section of the current Code: Dissemination

In summary, the current Publicity Code provides as follows: Local authorities should ensure that information and publicity produced by the authority is available to those that want or need it. The Publicity Code makes clear that publicity material should be targeted at those who would best benefit from it and that material closely affecting vulnerable members of the community should be clear and unambiguous. It is also clear that unsolicited material is more intrusive than publicity available on application.

Question 9: Should the Publicity Code be modified to specifically address the issue of privacy and the dissemination of unsolicited material?

Question 10: Is there any aspect of the dissemination section that is not required or anything which should be added?

Fifth section of the current Code: Advertising

In summary, the current Publicity Code provides as follows: Advertising can be an expensive but effective method of getting a message across to a wide audience. While effective at conveying simple messages, advertising is inappropriate for explaining more complex policy issues and should be used appropriately. The Publicity Code prohibits the purchase of advertising space as a means of subsidising another organisation, or advertising on their behalf.

Question 11: Is there any aspect of the advertising section that is not required or anything which should be added?

Sixth section of the current Code: Recruitment advertising

In summary, the current Publicity Code provides as follows: Local authority recruitment publicity should reflect the tradition of political impartiality in the local government service and the media chosen to advertise local authority positions should reflect the objective of maintaining the politically independent status of local authority staff. The current Publicity Code restricts any council posts from being advertised in political publications.

Question 12: Should adverts for local authority political assistants appear in political publications and websites?

Question 13: Is there any aspect of the recruitment advertising section that is not required or anything which should be added?

Seventh section of the current Code: Publicity about individual members of an authority

In summary, the current Publicity Code provides as follows: A local authority discharges its functions corporately and it is inappropriate to publicise the activities of particular councillors except when councillors are representing the council as a whole. Personalisation of issues or image making should be avoided and the publicity should not be liable to misrepresentation as being party political.

Question 14: Given the emphasis given to supporting and raising awareness of the role of the councillor in the white paper, is there any aspect of the section on councillors that is not required, or anything which should be added?

Eighth section of the current Code: Timing of publicity – elections, referendums and petitions

In summary, the current Publicity Code provides as follows: While a local authority may issue publicity during the period between notice of an election and the election itself, if it is not intended to affect the public's opinion of the authority or influence public opinion, care should be taken when publicity is issued after an announcement of an election, by-election or referendum affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion or using the authority's resources to promote the public image of a particular candidate or group of candidates.

Publicity issued by an authority in the period between the calling of a referendum and the date of the referendum should not be capable of perceived as seeking public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group.

Authorities should not mount publicity campaigns where the primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

Question 15: Is there any aspect of the timing of publicity section that is not required, or anything which should be added?

Ninth section of the current Code: Assistance to others for publicity

In summary, the current Publicity Code provides as follows: Local authorities should ensure that the principles of the Publicity Code should be taken into account by local authorities in decisions on assistance to others to issue publicity. The authority should, if incorporating principles of the Publicity Code into guidance for applicants for grants, make the observance of the principles a condition of the grant or other assistance and ensure that provision is made to monitor publicity produced to ensure that the guidance is being observed. Authorities should make fair and equal provision for the display or dissemination of publicity material produced by charities or voluntary organisations.

Question 16: Is there any aspect of the assistance to others for publicity section that is not required, or anything which should be added?

Annex A

List of consultation questions

Chapter 2: Effective communication and publicity

Question 1	Is there other guidance, (additional to the Publicity Code), that councils consider creates a barrier to the provision of publicity or support, or that needs clarifying?
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Chapter 3: The Publicity Code

Question 2	Is there a requirement for different codes to apply to different types of authority?
Question 3	Should the Publicity Code specifically address the presentation of publicity on an authority's website?
Question 4	Does anything need to be added to or removed from the list of matters an authority should consider in determining whether or not to issue publicity on a certain subject?
Question 5	Should the Publicity Code specify the different criteria local authorities should use to determine whether or not publicity can be judged to be cost effective?
Question 6	Is there any aspect of the cost section that is not required or anything which should be added?
Question 7	Should the Publicity Code contain advice about ethical standards, or should this be left to local authorities to judge for themselves?
Question 8	Is there any aspect of the content section that is not required or anything which should be added?
Question 9	Should the Publicity Code be modified to specifically address the issue of privacy and the dissemination of unsolicited material?
Question 10	Is there any aspect of the dissemination section that is not required or anything which should be added?
Question 11	Is there any aspect of the advertising section that is not required or anything which should be added?
Question 12	Should adverts for local authority political assistants appear in political publications and websites?

Question 13	Is there any aspect of the recruitment advertising section that is not required or anything which should be added?
Question 14	Given the emphasis given to supporting and raising awareness of the role of the councillor in the White Paper, is there any aspect of the section on councillors that is not required, or anything which should be added?
Question 15	Is there any aspect of the timing of publicity section that is not required, or anything which should be added?
Question 16	Is there any aspect of the assistance to others for publicity section that is not required, or anything which should be added?

Annex B

Code of Recommended Practice on Local Authority Publicity as issued in 1988

Code of Recommended Practice

Subject matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, sections 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and Section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority.
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority.
 - (iii) in areas where central government, another tier of local government, or another public authority have the primary service or policy responsibility, local authorities should issue publicity only on matters that are directly relevant to their own functions.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.

6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.
9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses to which the resources could be put.
10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
 - (i) whether the publicity is statutorily required or is discretionary.
 - (ii) where it is statutorily required, the purpose to be served by the publicity.
 - (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.
12. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, and accurate. It should aim to set out the reasons for the council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.

15. In some cases promotional publicity may be appropriate – for example about the local authority’s sports and leisure facilities or about tourist attractions.
16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the council, should be handled with particular care. It should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.
17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.
18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or race relations.
19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority’s policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.
21. Information and publicity produced by the council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.
22. Where material is distributed on matters closely affecting vulnerable sections of the community – for example, the elderly – particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern to those reading, seeing or listening to it.

23. Local authority newspapers, leaflets, and other publicity distributed unsolicited from house to house are inevitably more intrusive than publicity available on application to the council.
24. Publicity that reaches the public unsolicited should be targeted as far as practicable on those whose interests are clearly and directly affected by its content.
25. Material touching on politically controversial issues should be distributed unsolicited only where there is a strong case for letting a particular group of people have information of direct concern to them and no other equally efficient and effective means can be found.
26. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of disseminating information, but they may touch on controversial issues. If they do, they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11 -19 of the Code.
27. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations.

Advertising

28. Advertising, especially on billboards or on television and radio, is a highly intrusive medium. It can also be expensive. It may however provide a cost effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on tourism, and in the area of economic development generally.
29. The primary criterion for decisions on whether to use advertising should be cost-effectiveness.
30. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions.
31. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.

32. The attribution of advertising material leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
33. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the conditions attached to a grant may require the provision of publicity, including publicity for the work of the authority.
34. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.
35. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment advertising

36. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as a whole, whatever its composition from time to time.
37. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.
38. Advertisements for staff should not be placed in party political publications.

Publicity about individual members of an authority

39. The functions of a local authority are discharged by the council corporately. It is therefore inappropriate for public resources to be used to publicise individual councillors.
40. In the interests of public accountability, however, it may be appropriate to give publicity to the views or activities of individual members when they are representing the council as a whole: for example, when the chairman of a council speaks or acts as the first citizen of the whole community, or when a chairman of a committee opens a new scheme or launches a policy approved by the council or by his committee on the council's behalf.

41. For the same reason a local authority may justifiably in certain circumstances issue press releases reporting statements made by individual members. Examples of cases where such press releases may be appropriate are as reports of the discussion at the meetings of the council or committees, or quotations of comments made by leading members of the council in response to particular events which call for a particularly speedy reaction from the council.
42. This does not prevent a member of staff of a local authority from responding to questions about individual members, since that is not publicity as defined in the 1986 Act.

Timing of publicity

43. Particular care should be taken when publicity is issued immediately prior to an election or by-election affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members or groups of members.

Assistance to others for publicity

44. The principles set out above apply to decisions on publicity issued by local authorities. They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:
- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants;
 - (b) make the observance of that guidance a condition of the grant or other assistance;
 - (c) undertake monitoring to ensure that the guidance is observed.
45. It can be appropriate for local authorities to help charities and voluntary organisations by arranging for pamphlets or other material produced and paid for by the organisation to be available for collection by the public in public libraries and other suitable locations. Such material should not offend against any legal provision, but (subject to this) any such facility should be made available on a fair and equal basis.

Annex C

Code of Recommended Practice of Local Authority Publicity as amended in 2001 and which apply only to county councils, district councils and London borough councils in England

Code of Recommended Practice

Subject matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, section 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and Section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority.
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.

6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.
9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses to which the resources could be put.
10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
 - (i) whether the publicity is statutorily required or is discretionary.
 - (ii) where it is statutorily required, the purpose to be served by the publicity.
 - (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and Style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.
12. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, and accurate. It should aim to set out the reasons for the council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.

15. In some cases promotional publicity may be appropriate – for example about the local authority’s sports and leisure facilities or about tourist attractions.
16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the council, is unavoidable, particularly given the importance of wide consultation whenever material issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although councils should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.
17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.
18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought, or to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or equal opportunities.
19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns, which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority’s policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs; to allow local people to have a real and informed say about issues that affect them; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.
21. Information and publicity produced by the council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.

22. Where material is distributed on matters closely affecting vulnerable sections of the community – for example, the elderly – particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern to those reading, seeing or listening to it.
23. Local authority newspapers, leaflets, other publicity distributed unsolicited from house to house and information on websites are able to reach far wider audiences than publicity available on application to the council. Councils should give particular consideration to the use of electronic and other new media communication systems. However, councils should ensure that they do not rely solely on such mechanisms and that they do not exclude those without access or easy access to such systems.
24. Such publicity should be targeted as appropriate for its purposes, taking particular care with material touching on politically controversial issues.
25. There is no paragraph 25.
26. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of disseminating information, or facilitating consultation and can provide a means for local people to participate in debate on decisions the council is to take. The advantage of using websites and other information technology for consultations should also be considered. Inevitably such publications will touch on controversial issues and where they do they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11-19 of the Code.
27. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations, and making use of electronic communication systems.

Advertising

28. Advertising, especially on billboards or on television and radio, is a highly intrusive medium. It can also be expensive. It may however provide a cost-effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on promoting the social, economic and environmental well-being of the area.
29. The primary criterion for decisions on whether to use advertising should be cost-effectiveness.

30. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions.
31. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.
32. The attribution of advertising material leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
33. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the conditions attached to a grant may require the provision of publicity, including publicity for the work of the authority.
34. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.
35. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment Advertising

36. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as a whole, whatever its composition from time to time.
37. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.
38. Advertisements for staff should not be placed in party political publications.

Individual Councillors

- 39.** Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.
- 40.** Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

Elections, referendums and petitions

- 41.** The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election.
- 42.** The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to county councils, district councils and London borough councils) prohibit an authority from incurring any expenditure to:
- publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor
 - assist anyone else in publishing such material or
 - influence or assist others to influence local people in deciding whether or not to sign a petition

Publicity in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition and to explaining the council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

- 43.** County councils, district councils and London borough councils should ensure that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

Assistance to others for publicity

- 44.** The principles set out above apply to decisions on publicity issued by local authorities.

They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:

- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants;
 - (b) make the observance of that guidance a condition of the grant or other assistance;
 - (c) undertake monitoring to ensure that the guidance is observed.
- 45.** It is appropriate for local authorities to help charities and voluntary organisations by arranging for pamphlets or other material produced and paid for by the organisation to be available for collection by the public in public libraries and other suitable locations. Such material should not offend against any legal provision, (authorities may be able to draw on their powers of well-being in section 2 of the Local Government Act 2000) but (subject to this) any such facility should be made available on a fair and equal basis.

Annex D

Consultation Code of Practice

- A.1 The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.
- A.2 Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies; unless Ministers conclude that exceptional circumstances require a departure.

The Consultation Criteria

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy
 - Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
 - Ensure that your consultation is clear, concise and widely accessible.
 - Give feedback regarding the responses received and how the consultation process influenced the policy.
 - Monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator.
 - Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
- A.3 The full consultation code of practice may be viewed at:
www.bre.berr.gov.uk/regulation/consultation/code/index.asp

A.4 Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Consultation Co-ordinator
Communities and Local Government
Zone 6/H10
Eland House
Bressenden Place
London
SW1E 5DU

email: consultationcoordinator@communities.gsi.gov.uk

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

Subject: Standards Committee Training Plan

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to seek Members' comments on the amended Standards Committee training plan, and to seek the Committee's approval of the updated plan.
2. The training plan (attached as Appendix 1) contains details of training to be provided to new Members of the Committee as well as regular training for all Members. Members of the Committee identified possible omissions from the training plan at their Committee meeting on 16th December 2008, specifically in relation to Parish and Town Council Members understanding the role of Leeds City Councillors.
3. Members of the Standards Committee are asked to:
 - consider whether to include the additional training suggested in the report and whether the training methods proposed sufficiently address these training needs; and
 - approve the amended plan attached at Appendix 1 to this report.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to seek Members' comments on the amended Standards Committee training plan, and to seek the Committee's approval of the updated plan.

2.0 Background Information

- 2.1 The Ethical Audit undertaken by the Audit Commission in 2004¹ recommended that the Council improve learning and development opportunities for Members in relation to governance issues.
- 2.2 When the Committee approved and adopted their training plan in January 2006, it was also agreed that the plan be periodically reviewed, especially with reference to any future developments in role or functions of the Standards Committee. The plan was last reviewed and updated in October 2007 to take account of the Committee's new local assessment functions.
- 2.3 As a result of the experiences of the new local assessment process, and the fact that Parish and Town Council Members have been involved in every Assessment and Review Sub-Committee so far (even though only two complaints had related to a Parish and Town Councillor), Members of the Committee felt that it may be appropriate for the Parish and Town Council Members to be trained on the role of a Leeds City Councillor.

3.0 Main Issues

- 3.1 The Standards Committee's current training plan focuses on the following aims:
1. To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations;
 2. To ensure all members have the necessary skills to conduct a local hearing;
 3. To ensure all members of the Committee are aware of the role and function of the Monitoring Officer;
 4. To ensure all members of the Committee have the necessary skills to consider / filter local complaints;
 5. To ensure all external members of the Committee have the necessary awareness of Council business and political context;
 6. To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee; and
 7. To ensure all members of the Committee are aware of current issues for the Committee and the context of the Committee's work.
- 3.2 It is proposed that the fifth aim could be amended to read "To ensure all external members of the Committee have the necessary awareness of Council business, the political context, and the role of a City Councillor". This amendment is reflected in the training plan attached as Appendix 1.

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

- 3.3 External members of the Committee are already advised to attend meetings of Full Council and other selected Committees to observe proceedings in order to gain an understanding of how meetings work. However, it was proposed at the Standards Committee meeting on 16th December 2008, that external members of the Committee could “shadow” City Councillors in other areas of their work, such as ward surgeries.
- 3.4 It is proposed that the Parish and Independent Members of the Committee could attend the ward surgeries of the City Councillors on the Standards Committee in the first instance, and then if further training is required, other Councillors could be approached and asked to take part, for example by asking for volunteers through Group meetings or advertising the scheme in ‘Governance Matters’.
- 3.5 External members of the Committee attending these ward surgeries will need to be aware that they will only be able to observe at these surgeries if the member of the public agrees to a third party being present. Observers will also need to be aware that they should not participate in the surgery or provide opinions on the matters under discussion.
- 3.6 The list of other available training has been reviewed and one addition has been made regarding training on filtering local complaints. It is proposed that a training day with an external facilitator be arranged to encompass both local assessment and hearings. This will be repeated annually or earlier if necessary. The first of the sessions will be arranged after the Standards Committee membership has been reviewed by Full Council and appropriate action taken.

- 3.7 Members of the Committee are asked to identify any other areas of the training plan requiring improvement.

4.0 Implications For Council Policy And Governance

- 4.1 Ensuring that the Committee is fully competent to carry out all of its activities supports the Council’s governance arrangements, and is in line with the principles of the Member Development Strategy.
- 4.2 In addition, training external members of the Committee on the role of a City Councillor will assist City Councillors who are the subject of a complaint to feel that the local assessment process is fair.

5.0 Legal And Resource Implications

- 5.1 There will be resource implications in relation to the training day with an external facilitator, however these costs can be met from within existing resources.

6.0 Conclusions

- 6.1 At the Standards Committee meeting on 16th December 2008, Members of the Committee suggested that external members of the Committee may be assisted in assessing local complaints by having a fuller understanding of the role of a Leeds City Councillor.
- 6.2 It was proposed that external members of the Committee could “shadow” City Councillors in other areas of their work, such as ward surgeries. It is proposed that the Parish and Independent Members of the Committee could attend the ward surgeries of the City Councillors on the Standards Committee in the first instance,

and then if further training is required, other Councillors could be approached and asked to take part.

- 6.3 The list of available training has been reviewed and one addition has been made regarding training on filtering local complaints. It is proposed that a training day with an external facilitator be arranged to encompass both local assessment and hearings. This will be repeated annually or earlier if necessary.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- consider whether to include the additional training suggested in the report and whether the training methods proposed sufficiently address these training needs; and
 - approve the amended plan attached at Appendix 1 to this report.

Background Documents

- Minutes of the Standards Committee meeting held on 16th December 2008.

Standards Committee Training Plan

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

Deleted: October 2007

Last reviewed February 2009

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

Last reviewed February 2009

Deleted: October 2007

<p>To ensure all members of the Committee have the necessary skills to consider/ filter local complaints</p>	<p>Consideration of six monthly complaints report Consideration of example cases (mock filtering exercise) <u>Training day with an external facilitator (including mock local assessment exercise)</u></p>	<p>Every six months All new members on appointment to the Committee <u>Annually or earlier if necessary (to be run alongside the hearings training)</u></p>	<p>Chief Democratic Services Officer Chief Democratic Services Officer <u>Chief Democratic Services Officer</u></p>
<p><u>To ensure all external members of the Committee have the necessary awareness of Council business, the political context, and the role of a City Councillor,</u></p>	<p>Briefing session on Council business and political context “Buddy” system – each new external member of the Committee to be provided with a “buddy” selected from the existing members of the Committee. Attendance at meetings of Full Council and selected Committees to observe. Training on Council structures and decision making (briefing session). <u>Attendance at Councillor Ward Surgeries to observe.</u></p>	<p>On appointment to the Committee On appointment to the Committee On appointment to the Committee On appointment to the Committee On appointment to the Committee <u>On appointment to the Committee</u></p>	<p>Assistant Chief Executive (Corporate Governance) Chief Democratic Services Officer Chief Democratic Services Officer Chief Democratic Services Officer Assistant Chief Executive (Corporate Governance) <u>Chief Democratic Services Officer</u></p>

Deleted: To ensure all external members of the Committee have the necessary awareness of Council business and political context

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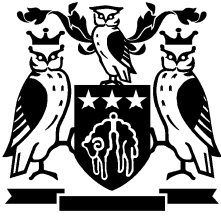
Last reviewed February 2009

Appendix 1

<p>To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee</p>	<p>Training session on chairing meetings (through Member Development)</p>	<p>When available for existing members All new members on appointment to the Committee</p>	<p>Chief Democratic Services Officer</p>
<p>To ensure all members of the Committee are aware of current issues for the Committee and the context of the Committee's work</p>	<p>Briefing session on the Committee's current work and current standards issues</p>	<p>On appointment to the Committee</p>	<p>Assistant Chief Executive (Corporate Governance)</p>

| Last reviewed February 2009

Deleted: October 2007



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

Subject: Standards Committee Annual Report 2008/09

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to seek the Committee's comments on the first draft of the Standards Committee Annual Report 2008/09. This report provides an outline of the content of the first draft at Appendix 1.
2. Members of the Committee are asked to:
 - Note the contents of the report;
 - Review their biographies in the membership section of the report and make any necessary amendments; and
 - Comment on the draft report and make any suggestions for additional content.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to seek the Committee's comments on the first draft of the Standards Committee Annual Report 2008/09. The report is attached at Appendix 1.

2.0 Background Information

- 2.1 It has been proposed that an Annual Report be submitted to the Council to outline the achievements of the previous year and plans for the year 2008/09.
- 2.2 Last year's Annual Report was well received by the Corporate Governance and Audit Committee and full Council, and was published on the Council's website.
- 2.3 The Annual Report now forms part of the reporting arrangements with the Corporate Governance and Audit Committee and will be submitted to them at their first meeting of the 2009/10 municipal year as the second of the six monthly updates.

3.0 Main Issues

Format of the report

- 3.1 Members of the Committee will note that some further information has been added to the membership section of this year's annual report, specifically in relation to the Monitoring Officer. As before, Members of the Committee are asked to check their biographies from last year, in case they wish to make any additions or amendments.

The Work of the Committee 2007 - 2008

- 3.2 The section regarding the work of the Committee is categorised in the same way as last year's annual report, into issue areas which reflect the Committee's terms of reference. However a section on the local assessment process has been added to incorporate this additional area of responsibility for the Standards Committee. The content is also broadly similar to the 6 monthly report which the Corporate Governance and Audit Committee received on 11th February 2009.
- 3.3 Promoting, monitoring and reviewing the codes of conduct
- Members Code of Conduct 2009
 - Reviewing the Codes and Protocols
 - Ethical Audit 2007
 - Monitoring compliance with the Code of Conduct
 - Considering final investigation reports
 - Register of Interests and Gifts and Hospitality
 - Officer Code of Conduct
- 3.4 Local assessment of complaints
- Creation of the Assessment and Review Sub-Committees
 - Adopting the local assessment procedures
 - Review of local assessment procedures
 - Raising awareness of the local assessment process
 - Training and guidance for members of the sub-committees

- 3.5 Providing guidance and training
- Induction for City Councillors
 - Governance Matters
- 3.6 Relationship with Parish and Town Councils
- Addressing the results of the Annual Audit
 - Parish and Town Council conference
 - Training for Parish and Town Councillors
- 3.7 Working with other agencies
- Consultation and Research
 - Local Government Chronicle Awards 2009
 - The Centre for Local & Regional Government Research
 - Standards Board for England
 - Association of Independent Members of Standards Committees in England (AIMSce)

Issues for 2009 - 2010

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

These issues are outlined below:

- Implementation of the Ethical Audit action plan
- Raising the profile of the Standards Committee
- Implementation of the new Member and Officer Codes of Conduct
- Retirement of the current Chair

4.0 Implications For Council Policy And Governance

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

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications.

6.0 Conclusions

- 6.1 This report summarises the contents of the draft annual report for the year 2008-2009.

6.2 The publication of this Annual Report will support the Council's governance arrangements by promoting transparency in the Committee's actions and help fulfill the Standards Committee Communication Plan.

7.0 Recommendations

7.1 Members of the Committee are asked to:

- Note the contents of the report;
- Review their biographies in the membership section of the report and make any necessary amendments; and
- Comment on the draft report and make any suggestions for additional content.

Background Documents

None.

Leeds City Council

Standards Committee

Annual Report 2008 – 2009



Introduction

The Local Government Act 2000 requires councils to set up a standards committee. Standards committees have a proactive role in creating an ethical framework which governs the relationship between high standards of conduct and transparency and openness in decision making. As a result of the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008, the role of the Standards Committee has recently developed to include the local assessment of the complaints.

This is the Committee's fourth Annual Report and it presents a summary of the Leeds City Council Standards Committee's work during 2008/2009. This report supports the Corporate Governance arrangements of the Council by promoting good conduct and cascading information.

Our Ambition

“To help develop and maintain a climate of mutual trust and respect in which Members, officers and partners work effectively together to deliver the Council's strategic and operational priorities and where the public can be assured that this is done in an honest, objective and accountable way.”

Foreword from the Chair



This year the Standards Committee of Leeds City Council was shortlisted in the Standards and Ethics category of the Local Government Chronicle Awards 2009. Six local authorities were shortlisted, from a total of 22 entries, for their dynamic approach to improving and promoting ethical standards among members while boosting public confidence in local democracy. The winner will be announced at the award ceremony on 25th March 2009.

A handwritten signature in black ink that reads "M. Wilkerson". The signature is written in a cursive style with a horizontal line underneath.

Chair of the Standards Committee



**SHORTLISTED:
STANDARDS & ETHICS**

LGC Awards 2009

Members of the Committee

The Standards Committee is composed of three independent members, five City Councillors, and two Parish Councillors.

Independent Members

The purpose of independent members is to help increase public confidence in ethical standards and provide a clear signal that the Standards Committee is fair. Independent members also bring a wider perspective to the Standards Committee from outside experiences. Independent members are not Members or officers of the Council, and are not actively engaged in local party political activity. They are appointed by the Full Council for terms of four years, and can serve two terms overall. This is to prevent them losing their independence from the authority.

Mike Wilkinson

has been an independent member and Chair of the Committee since 2002. He is also the Chair of the Standards Committee at the West Yorkshire Fire and Rescue Authority. Until 2001 he was a University Secretary and Clerk to the Board at Leeds Metropolitan University. He is a magistrate on the Leeds Bench and also acts as an Independent Assessor to the Student Loans Company. He is a Director of UNIPOL Student Homes. His final term of office runs until the Annual Meeting in 2010.



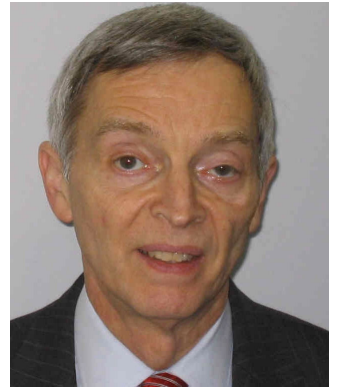
Rosemary Greaves

joined the Standards Committee in 2004 as a reserve independent member. Rosemary previously worked for BT as a Business Manager specialising in business development and strategy which includes developing significant new business propositions or identifying potential acquisition requirements. Rosemary became a full independent member in 2007 and her current term of office runs until the Annual Meeting in 2011.



Philip Turnpenny

joined the Standards Committee in April 2008 as a full independent member. Philip is the retired Director of Human Resources at Moores Furniture Group in Wetherby, and now acts as a consultant. Philip is also a Magistrate sitting in both the Adult and Family Proceedings Courts in Bradford and a governor at Tadcaster Grammar School as well as the Chairman of their Finance Committee. Philip's current term of office runs until the Annual Meeting in 2012.



Leeds City Councillors

The Councillors on the Standards Committee are representatives of all five political groups within the Council. The Standards Committee is not politically balanced, this is because the standards committee should be above party politics and its members need to have the respect of the whole authority, regardless of their political party.

Councillor Les Carter

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



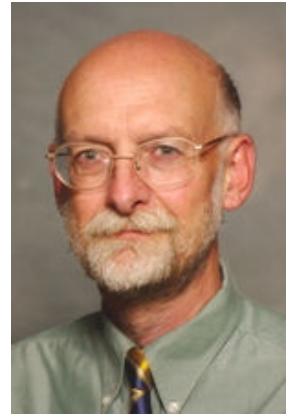
Councillor Elizabeth Nash

is a member of the Labour Group and has been a Leeds City Councillor from 1973 to 1988, and 1989 to present. She was also a member of the Leeds County Borough Council from 1972 to 1974. She represents the City and Hunslet ward on Leeds City Council, has been a member of the Committee since 2003, and is also a member of the City Centre Plans Panel.



Councillor Colin Campbell

is a member of the Liberal Democrat Group and represents the Otley and Yeadon ward on Leeds City Council. Councillor Campbell is also the Chair of Plans Panel (West), and a member of the Corporate Governance and Audit Committee and Scrutiny Board (City and Regional Partnerships).



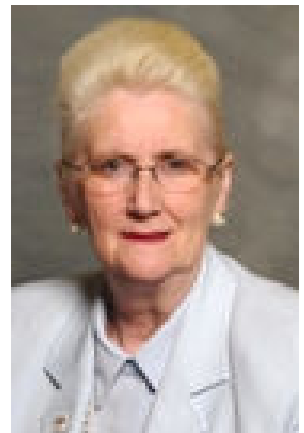
Councillor David Blackburn

is the Leader of the Green Group and represents the Farnley and Wortley ward on Leeds City Council. Councillor Blackburn is also a member of the Corporate Governance and Audit Committee, Development Plans Panel and the City Centre Plans Panel.



Councillor Judith Elliott

is a member of the Morley Borough Independent Group and represents the Morley South ward on Leeds City Council. Councillor Elliott is also a member of the Children's Services Scrutiny Board and a member of Morley Town Council. Councillor Elliott will be leaving the Committee next year as she takes up her position as Lord Mayor of Leeds for the municipal year 2009/2010.



Parish Councillors

The role of the Parish Councillors on the Standards Committee is to make sure that the parish and town councils in Leeds are represented throughout discussions. At least one of the Parish Councillors must sit on the Standards Committee at all times when parish matters are being discussed. As the Standards Committee also has responsibility for the Parish and Town Councillors in the Leeds area, the Parish Councillors on the Standards

Committee demonstrate that parish issues are going to be dealt with fairly. They also bring an additional independent perspective to the Committee as they are not able to be members of Leeds City Council.

Councillor Mrs Pat Walker

is a member of Pool-in-Wharfedale Parish Council which she was elected to for the first time 6 years ago. She is lead member on conservation matters. Previously a Harrogate District Councillor, she has been involved in politics at local, national and European levels. A business manager in Leeds and Harrogate for 25 years, she is now an active member of the Ruskin Society and is presently a Foundation Governor of Prince Henry's Grammar School, Otley. Councillor Walker's current term of office runs until the Annual Meeting in 2009.



Councillor John C Priestley

joined the Committee in 2005 as a reserve parish member. He is a retired (litigation) solicitor and was a senior partner of Booth & Co. Leeds. He retired in 2002 and is now the Chairman of East Keswick Parish Council. He is also a Trustee of the W.W. Spooner Charitable Trust. Councillor Priestley's current term of office runs until the Annual Meeting in 2011.



Monitoring Officer to the Committee

Nicolé Jackson – Assistant Chief Executive (Corporate Governance) and Monitoring Officer

After qualifying as a solicitor at Calderdale Council, Nicolé worked at Bradford and Kirklees Councils, prior to moving to Leeds in June 1990. Nicolé became Senior Assistant Director and subsequently Chief Legal Officer in 1994 and 1999 respectively, and was appointed to her current role of Assistant Chief Executive (Corporate Governance) in 2007. Nicolé is also a part time Chair of the Midland Rent Assessment Panel.



Introduction to the Standards Committee

The general functions of the Standards Committee are:

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

The terms of reference for the Committee are:

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

Please note that the Local Government and Public Involvement in Health Act 2007 also imposed new duties on standards committees in relation to politically restricted posts. However, the relevant regulations to enable the Standards Committee to take up these duties have not yet been released.

The Work of the Committee 2008 – 2009

Promoting, monitoring and reviewing the Codes of Conduct

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

- ▶ **Members' Code of Conduct 2009** – The Standards Committee responded to the Communities and Local Government consultation document "Codes of conduct for local authority Members and employees: a consultation" in December 2008. Members of the Committee considered feedback from various Member and officer fora, including the Member Management Committee, the Council's Corporate Leadership Team, the Corporate Governance Board and the Group Whips, before finalising the Standards Committee response.
- ▶ **Reviewing the Codes and Protocols** - The Standards Committee has responsibility for several codes and protocols in the Constitution. To ensure that these are operating effectively, are being complied with, and are fit for purpose the Standards Committee has added regular reports regarding these codes and protocols to its work programme. This year the Standards Committee has reviewed:
 - the Code of Practice for the Determination of Licensing Matters; and
 - the Standards Committee Media Protocol.

The Committee also extensively reviewed its own Procedure Rules in July in line with the Standards Committee (England) Regulations 2008 and the new guidance from the Standards Board for England. The Standards Committee has delayed reviewing any of the codes and protocols which would be affected by the new Member and employee Codes of Conduct to be released in May 2009.

- ▶ **Ethical Audit 2007** - The Standards Committee considered the final results of the Ethical Audit 2007 in October this year, and approved an

action plan to address these results and remaining issues from the Ethical Audit 2006. In the new action plan the Standards Committee particularly focused on the Ethical Framework Training and Awareness programme to be developed by Human Resources and made available to employees as appropriate. The Standards Committee agreed that they would monitor progress against this action through receiving regular reports from Human Resources.

- ▶ **Monitoring compliance with the Code of Conduct** - The Standards Committee receives six 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 Standards Committee received the last of these reports on October 2008, as complaints from May 2008 are received by Leeds City Council rather than the Standards Board. See the separate section on Local Assessment for more details of the complaints received since May 2008.
- ▶ **Considering final investigation reports** – The Standards Committee has considered one final investigation report since May 2008, which contained a finding of no failure. The complainant alleged that the Councillor had breached paragraphs 2(b) of the Members’ Code of Conduct by demonstrating a lack of basic manners and respect for others. However the investigating officer found no evidence of any failure to comply with the Code of Conduct. The Standards Committee agreed with the investigating officer that the Councillor had not breached the Code of Conduct as alleged.
- ▶ **Register of Interests and Gifts and Hospitality** - The Standards Committee seeks to reassure itself that the Members’ register of interests is being reviewed and updated by Members on a regular basis and that the 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 1st July 2008. In this report the Committee were informed of the results of an Internal Audit Inspection carried out at the end of 2007 on the Register of Interests and the Register of Gifts and Hospitality for Members. In the case of the registration of gifts and hospitality, the audit identified that there are satisfactory procedures in place to ensure that members promptly register any acceptance of gifts and hospitality in accordance with the Code of Conduct. A substantial assurance opinion was provided both in respect of the control environment and compliance. The Standards Committee were satisfied that the review arrangements in place are fit for purpose.

- **Officer Code of Conduct** - The Standards Committee received a report in October 2008 from Human Resources which reported on the requirement to ensure that development of key competencies and behaviours for managers included appropriate reference to ethical framework. The Head of Human Resources Strategy reported that the results of the Ethical Audit 2006 were being addressed by:
- Manager Briefings - using a standard briefing for Human Resources staff to consider ethical audit findings with groups of managers;
 - Clearer induction – updating induction materials for new staff; and
 - Developing leadership standards which include governance matters.

It was agreed that the Head of Human Resources Strategy would report back on progress on these issues in due course.

Local Assessment of Complaints

Since May 2008, the Standards Committee has had responsibility for initially assessing and reviewing complaints against Leeds City Councillors and Parish and Town Councillors in the Leeds area. During this year the Standards Committee has both initially assessed 12 cases, and reviewed four of these.

- ▶ **Creation of the Assessment and Review Sub-Committees** – The Standards Committee considered how it would discharge its new duties under the Standards Committee (England) Regulations 2008 in July 2008. The Committee established two Sub-Committees to assess and review complaints against Members of Leeds City Councillors and the Parish and Town Councils within Leeds. The Standards Committee also decided to give the Assessment Sub-Committee the additional function of considering final investigation reports and deciding whether they agree with the investigators findings.

The table below shows the number of complaints which have been made about Councillors in Leeds during this municipal year, and the number which have been referred for further investigation. The Committee did not identify any widespread problems or trends in the complaints before them, and decided not to refer any of the cases for 'other action' or to the Standards Board for England.

The Assessment Sub-Committee has met five times to consider a total of 12 complaints, and the Review Sub-Committee has carried out four reviews over three meetings.

Authority	Number of Complaints	Number referred for further investigation
Leeds City Council	10	3
Parish and Town Councils	2	0

► **Adopting the Local Assessment Procedures** – At their meeting in July 2008, the Standards Committee also had to consider how they would make decisions regarding whether complaints should be referred for investigation, other action, or to take no action at all. Using the Standards Board for England’s guidance the Standards Committee developed a set of local assessment criteria which has helped them decide what action to take in relation to each complaint. The Committee also developed local criteria for deciding if a complainant can have their complaint considered confidentially. These criteria are contained in the guidance leaflet “How to complain about the behaviour of a Councillor” and also within the Standards Committee Procedure Rules.

The Standards Committee also agreed the format of their decision notices, whether case summaries would be published on the Council’s website, and when to tell the subject Member that a complaint has been submitted about their behaviour.

► **Review of Local Assessment Procedures** – The Standards Committee also agreed that these practices should be reviewed after three months of operation. To ensure that all questions and issues raised by the Sub-Committee Members were recorded a standard item was added to each Sub-Committee agenda, titled ‘Lessons to Learn’. The issues raised were then used to inform the review process. Some of the issues raised by Members were not able to be resolved satisfactorily as they were either direct from legislation or from statutory guidance. However Members were presented with a report on all the issues that had been raised, along with possible amendments, during their meeting on 16th December.

In addition, officers distributed questionnaires to all the complainants and subject Members who had been involved in the process since May 2009 and asked for their comments on their experiences. These

responses, along with general representations from some of the political groups, were considered by the Standards Committee.

The Standards Committee made a series of amendments to their procedures as a result, and have agreed to review their procedures again in September 2009 to assess whether these changes have improved the process as a whole.

- ▶ **Raising awareness of the Local Assessment Process** – Every authority was required to publish a notice detailing where the complaints should be sent from 8th May 2008, and what the Council's new responsibilities are.

The Standards Committee chose to do so through the following media:

- Council's website - by updating the existing page of information on how to make complaints about misconduct, and through a Council press release. The information on the Council's website has been viewed 865 times since June 2008.
- Placing a notice in the Yorkshire Evening Post, and an article in the Council's own newspaper "About Leeds". Notices in public areas such as local libraries and the Council's information centre.
- An article in "Governance Matters".
- Contact Centre Staff are also able to advise members of the public about the new arrangements.

The Standards Committee also chose to send relevant information to all the Citizen's Advice Bureau in Leeds so that they could assist members of the public with completing complaints form where necessary.

The Committee also created an information leaflet for potential complainants and a specific complaints form, which is available via the Council's website and distributed in hard copy when requested. They

also agreed that a special complaints helpline, email address and online form should be created for complainants to use.

In order to raise awareness amongst Members and officers:

- a letter and copy of the information leaflet was sent to all Parish and Town Councils in the area;
- a briefing note was sent to each of the political groups;
- a seminar was provided to officers within Democratic Services; and
- information about local assessment has been included in all training on the Members' Code of Conduct, including the compulsory Governance updates for Members of Planning and Licensing Committees.

► **Training and Guidance for Members of the Sub-Committees** – In order that Members of the Standards Committee were prepared for their role on the Assessment and Review Sub-Committees, the Committee amended their training plan to include a separate skill area on Local Assessment. In February 2009, the Committee considered further updates to their training plan which included a training day on Local Assessment and Standards Committee Hearings from an external facilitator. The Committee has also sought to ensure that the external members of the Committee are aware of the role of a City Councillor, and has agreed that external members of the Committee could be given the opportunity to attend the ward surgeries of City Councillors to observe.

The Sub-Committees are also provided with a set of guidance notes for their reference when considering allegations of misconduct against Members. These include a locally created Assessment Flowchart and Code Matrix which assist Members in ensuring that all the assessment criteria are considered and that the allegation is a potential breach of the Code of Conduct. These documents were formally adopted by the Committee at their meeting in December 2008.

Providing Guidance and Training

The Standards Committee has a special responsibility for ensuring that Members are trained in matters relating to the Code of Conduct and arranging for appropriate training to be provided. During this year, the Standards Committee has both reviewed and recommended training for City Councillors and Parish and Town Councillors.

- ▶ **Induction for City Councillors** – The Standards Committee has supported the induction training programme for new Members; all new Members received the required training on the Code of Conduct and had completed their Acceptance of the Code of Conduct and Register of Interests forms.
- ▶ **Governance Matters** - The Standards Committee also features heavily in the regular bulletin 'Governance Matters' which is distributed to all Members of the Council, Directors, Chief Officers and all officers within Legal, Licensing and Registration, Procurement and Democratic Services. 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. There have been nineteen issues so far, they are published on a bi-monthly basis and are available to download from the Council's website¹.

¹

http://www.leeds.gov.uk/Council_and_democracy/Councillors_democracy_and_elections/Council_documents/Governance_Matters_Newsletter.aspx

Relationship with Parish and Town Councils

The Standards Committee has sought to develop its relationship with the Parish and Town Councils in the Leeds area during this municipal year.

- ▶ **Addressing the results of the Annual Audit** - The Standards Committee asked each Parish Clerk to complete a questionnaire at the end of 2007, which asked questions about their register of interests, how interests are declared and recorded and what training the Parish Councillors had received on the new Code of Conduct. The results of the audit were considered by the Monitoring Officer, the Chair of the Standards Committee and the Parish and Town Councillors at a meeting on 16th December 2008. The Committee decided that those Councils who were of concern to the Monitoring Officer should be offered support and assistance by Leeds City Council, and other Parish and Town Councils. The Clerks from these Councils will be invited to a meeting with the Monitoring Officer, Chair of the Standards Committee and the Parish and Town Councillors on the Committee in order to discuss their results and how the Committee can assist them. Those whose results had some weaknesses but were not of particular concern to the Monitoring Officer will be offered further training on the Code of Conduct from Leeds City Council and more guidance on personal and prejudicial interests. Finally, the Committee agreed that those Councils who had good results would be congratulated and asked whether they would wish to assist their fellow Councils with any issues they may be facing.
- ▶ **Parish and Town Council Conference** – Representatives from the Parish and Town Council Liaison Forum and officers of Leeds City Council organised the second Parish and Town Council Conference in Leeds this year. This took place in April at Civic Hall. Members of the Standards Committee attended the conference in order to introduce themselves and explain the role of the Standards Committee. Officers briefed the delegates on the role of Assessment and Review Sub-

Committees and enabled the delegates to try some cases for themselves, to assist them with understanding the new process and how the Code of Conduct applies in different circumstances.

- ▶ **Training for Parish and Town Councillors** – In October 2008 the Standards Committee received a report from the Member Development Officer updating them on progress with the project to review learning and development provision for parish and town councillors. As the role of parish councillors is extremely varied, the report put forward a number of learning options; some joint with city councillors, and others specifically tailored and delivered on an area basis. The Standards Committee decided that training should be provided jointly with City Councillors, that Parish and Town Clerks should also be offered training, and that training on planning and financial awareness should be prioritised. The Standards Committee also sought to encourage Parish and Town Councils to discuss their requirements with officers to ensure that the correct training was being offered.

Working with Other Agencies

During the year, the Standards Committee has taken part in research and policy development on a national scale through various consultation exercises.

- ▶ **Consultation and Research** – Members of the Standards Committee have responded to the consultation paper published by Communities and Local Government called “Codes of conduct for local authority Members and employees: a consultation” in December 2008. It is hoped that the relevant Orders will be in place by May 2009.
- ▶ **Local Government Chronicle Awards 2009** - The Standards Committee submitted an entry to the ‘Standards and Ethics’ category of the Local Government Chronicle (LGC) Awards 2009, much of which was drawn from the Standards Committee Annual Report and the Council’s Corporate Governance Statement for 2008. Members of the Standards Committee were also asked to provide ideas. It was announced in November that the Council had been shortlisted, and the Chair of the Standards Committee and the Senior Corporate Governance Officer gave a presentation to the judging Panel on 5th December 2008. The winners will be announced at an awards ceremony to be held on 25th March 2009.
- ▶ **The Centre for Local & Regional Government Research** - In March 2008, the Standards Board for England commissioned Cardiff University to assess the impact and effectiveness of the ethical framework in local government. The research is being carried out over five years using in-depth case studies of nine local authorities. Leeds City Council was selected to take part and accepted. It will focus on the impacts of standards frameworks on processes, systems, cultures and values within local government. The project will also use public surveys and focus groups to explore any impacts of local standards frameworks on levels of public trust in local government.

Case study work is being conducted with Council at two-yearly intervals, the first round of which took place in September 2008. This included interviews being conducted with Members, key officers, local stakeholders and public focus groups. The results of the first case study are due to be provided to the Council shortly.

- ▶ **Standards Board for England** - The Chair of the Standards Committee and the Monitoring Officer attended the Seventh Annual Assembly of Standards Committees held by the Standards Board for England on 13th and 14th October 2008, 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 the leadership and skills required of the Independent Chair. The Chair was also asked to appear in a DVD package to be shown to the delegates, where various Standards Committee members from different local authorities were asked to comment on several current ethical issues.

The Standards Committee is kept up to date on national conduct issues by receiving regular Standards Board Bulletins and issues of the Town and Parish Standard. The Standards Committee also received and considered the Standards Board's Annual Report at their meeting in October 2008.

- ▶ **Association of Independent Members of Standards Committees in England (AIMSce)** - The Chair of the Standards Committee is a Director of AIMSce. The Association provides support and guidance to independent members in carrying out their statutory responsibilities, and also acts as a forum for exchanging views and ideas with other organisations and stakeholders.

Issues for 2009 – 2010

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

- ▶ **Implementation of the Ethical Audit Action Plan** – The action plan formulated by the Standards Committee during this municipal year will continue to be implemented and monitored by the Standards Committee throughout the new municipal year.
- ▶ **Raising the profile of the Standards Committee** – The Committee will continue to explore ways of raising their profile within the Council. The various suggestions made by Members of the Committee will be discussed and possibly implemented during this municipal year.
- ▶ **Implementation of the new Member and Officer Codes of Conduct** – It is anticipated that the relevant Orders will be released in May 2009. The Standards Committee will need to recommend the adoption of the new Members' Code of Conduct to the Full Council, consider whether to add any local provisions in due course, and also provide guidance to the Council on the adoption of the new model Employee Code of Conduct. The Standards Committee will also need to devise a training plan to ensure that all Members are aware of the provisions of the new Code of Conduct.
- ▶ **Retirement of the current Chair** – The current Chair of the Standards Committee, Mike Wilkinson, ends his final term of office at the Annual Meeting in 2010. During this municipal year, the Standards Committee will need to appoint a new Chair and an additional Independent Member.

Useful Links

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

- ▶ **The Standards Board for England** (for guidance on standards issues, standards committees and outcomes of recent cases)
www.standardsboard.gov.uk
- ▶ **The Adjudication Panel for England** – www.adjudicationpanel.co.uk
- ▶ **The Audit Commission** – www.audit-commission.gov.uk
- ▶ **Department for Communities and Local Government** –
<http://www.communities.gov.uk/corporate/>
- ▶ **Leeds City Council** – www.leeds.gov.uk
- ▶ **National Association of Local Councils** – www.nalc.co.uk
- ▶ **Yorkshire Local Council Association** -
www.visionwebsites.co.uk/Contents/Text/Index.asp?SiteId=490&SiteExtra=13134021&TopNavId=459&NavSideId=5536
- ▶ **Chartered Institute of Public Finance and Accountancy** –
www.ipf.co.uk
- ▶ **Association of Independent Members of Standards Committees in England** – www.aimsce.org.uk

Parish Councils

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

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

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

The Monitoring Officer

In Leeds City Council, the role of the Monitoring Officer rests with the Assistant Chief Executive (Corporate Governance). The Monitoring officer has a key role in promoting and maintaining standards of conduct.

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

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



Originator: Laura Ford

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Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

Subject: Standards Committee Work Programme

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

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

2.0 Background Information

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

3.0 Main Issues

3.1 The work programme for the municipal year 2008/09 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 2008/09

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Meeting date: Tuesday 21st April 2009 – The deadline for reports for this meeting is Friday 27th March 2009		
Final Standards Committee Annual Report 2008/2009	To seek Member's approval for the final draft of the Standards Committee Annual Report 2008/2009.	Senior Corporate Governance Officer Amy Kelly
Adjudication Panel Decisions/Notable Cases	Six monthly report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Senior Corporate Governance Officer Amy Kelly
Code of Practice for the Determination of Licensing Matters	To receive a report outlining whether the arrangements set out in the Code have been complied with and will include any proposals for amendment in light of any issues that have arisen throughout the year.	Section Head Licensing and Enforcement Gill Marshall
Update on the implementation of the Ethical Framework Training and Awareness Programme for Officers	To receive a report providing Members with an update on the implementation of the Ethical Framework Training and Awareness Programme for Officers.	Head of Human Resources Alex Watson
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.	Senior Corporate Governance Officer Amy Kelly
Standards Committee Terms of Reference and Membership	To receive a report informing Members of Full Council's resolution of 25 th February 2009 in relation to the Standards Committee's Terms of Reference and Membership.	Principal Corporate Governance Officer Kate Feltham

STANDARDS COMMITTEE - WORK PROGRAMME 2008/09

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Results of the Parish profile and actions taken	The Monitoring Officer and Chair of the Standards Committee will report to the Standards Committee regarding the results of the Parish profile based on the Parish Council Annual Audit returns, and any action taken.	Senior Corporate Governance Officer Amy Kelly
Ethical Arrangements in Partnerships	To receive a report detailing the draft ethical components of the Framework for Partnership Governance and the supporting toolkit.	Principal Corporate Governance Officer Liz Davenport
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 of local complaints under paragraph 8.2, and where she decided that no further action should be taken, under paragraph 8.3. The Monitoring Officer will report to the Standards Committee annually on whether the arrangements set out in this procedure have been complied with, and will include any proposals for amendments in the light of any issues that have arisen during the year.	Principal Corporate Governance Officer Kate Sadler

STANDARDS COMMITTEE - WORK PROGRAMME 2008/09

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<u>Unscheduled Items</u>		
Officer Code of Conduct	Approval of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code. ¹	Chief Officer (Human Resources) Lorraine Hallam
Protocol for Elected Members/Officer Relations and Protocol for Elected Members / Education Leeds Relations	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocols have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year. ²	Senior Corporate Governance Officer Amy Kelly
Politically Restricted Posts	To receive a report setting out details of the Council's new requirements for considering appeals against politically restricted posts and how the Chief Officer (Human Resources) proposes to comply with them under the new duty given to Standards Committees. ³	Head of Human Resources Alex Watson
Results of the 2008 Case Study	To receive a report from Cardiff University informing Members of the results of the study undertaken at the Council in September 2008.	Senior Corporate Governance Officer Amy Kelly

¹ Consultation on the new officer Code of Conduct closed on 24th December 2008. It is anticipated that the new Officer Code will be released prior to the Annual Meeting in 2009.

² To be submitted after the new Officer Code has been released.

³ Regulations regarding this process are not due to be released until later in 2009.

STANDARDS COMMITTEE - WORK PROGRAMME 2008/09

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Standards Regulations 2009	To receive a report informing Members of the Standards Regulations 2009, which will: allow councils to establish joint standards committees; enable the Standards Board to suspend a standards committee's powers to assess Code of Conduct allegations (in certain circumstances where they consider this to be in the public interest); and revise the existing dispensation regulations.	Principal Corporate Governance Officer Kate Sadler
Review of Effectiveness of Standards Committee	To receive a report considering the effectiveness of the Standards Committee.	Head of Governance Services Andy Hodson