



MEMBER MANAGEMENT COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Tuesday, 18th November, 2008
at 5.00 pm

MEMBERSHIP

Councillors

J Dowson
P Gruen
T Hanley
M Lyons

M Hamilton
S Bentley

J Procter (Chair)
G Latty

T Leadley

A Blackburn

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	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>DECLARATIONS 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</p> <p>To approve as a correct record the minutes of the meeting held on 8th October 2008.</p>	1 - 6
6			<p>AREA BASED PARTNERSHIPS</p> <p>To consider the report of the Director of Environment and Neighbourhoods seeking to establish the principle of allowing the council's Area Committees to appoint elected members from the Area Committees on to the local, district, partnership groups of Leeds Initiative</p>	7 - 14
7			<p>APPOINTMENT OF NEW TRUSTEES TO THE ARCHBISHOP MARGETSON TRUST FUND</p> <p>To consider the joint report of the Assistant Chief Executive(Corporate Governance) and Director of Resources seeking either Members' approval of the appointment of a new group of trustees (drawing on representatives of Drighlington Parish Council and Drighlington Primary school with Leeds City Council being represented by a local ward member) or referral of the matter to the appropriate Area Committee.</p>	15 - 18

Item No	Ward	Item Not Open		Page No
8			<p>MEMBERS IT SUPPORT</p> <p>To consider the joint report of the Chief Democratic Services Officer and the Head of ICT Services report providing Members with an update on ICT issues including a position statement with respect to the distribution of PDAs (Personal Digital Assistants) to Members and on the actions taken by Corporate ICT Services to improve the service provision to Members</p>	19 - 24
9			<p>CASEWORK IT SOLUTIONS FOR MEMBERS AN APPRAISAL OF OPTIONS</p> <p>To consider the report of the Chief Democratic Services Officer outlining the “options” for procuring, developing and adapting an IT system to support elected Members with their casework.</p>	25 - 38
10			<p>MEMBERS LEGAL EXPENSES INSURANCE</p> <p>To consider the joint report of the Assistant Chief Executive(Corporate Governance) and Director of Resources advising Members of further developments in relation to the insurance arrangements for legal representation and to set out possible alternatives to the current insurance arrangements. Members of the Committee are asked to consider the contents of the report and consider if alternative arrangements are merited.</p>	39 - 46

Item No	Ward	Item Not Open		Page No
11			<p>REVIEW OF STANDARDS COMMITTEE PROCESSES</p> <p>To consider the report of the Assistant Chief Executive(Corporate Governance) responding to a request from the Committee regarding the Member conduct regime since its transfer to the authority in May 2008 and advising the Committee of the current review of the Standards Committee procedures to assess complaints against Members. The report provides details of the consultation process as part of that review, and invites comments from the Committee to inform the review.</p>	47 - 78
12			<p>STANDARDS COMMITTEE MEMBERSHIP ISSUES</p> <p>To consider the report of the Assistant Chief Executive(Corporate Governance) outlining the difficulties with the current membership of the Standards Committee, and to make proposals to resolve these difficulties. This report provides two options for increasing the overall membership of the Committee, and also proposes substitute arrangements for the Leeds City Council Members on the Committee.</p>	79 - 86
13			<p>CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES: A CONSULTATION.</p> <p>To consider the report of the Assistant Chief Executive(Corporate Governance) advising Member Management Committee of the Communities and Local Government consultation paper published on 1st October 2008.</p> <p>The report also invites comments from Member Management Committee on the questions posed in the consultation paper and on the consultation process outlined within the report.</p>	87 - 140

Item No	Ward	Item Not Open		Page No
14			<p>LOCAL AUTHORITY APPOINTMENTS TO OUTSIDE BODIES</p> <p>To consider the report of the Chief Democratic Services Officer in relation to Member appointments to Outside Bodies.</p>	141 - 152

Agenda Item 5

MEMBER MANAGEMENT COMMITTEE

WEDNESDAY, 8TH OCTOBER, 2008

PRESENT: Councillor J Procter in the Chair

Councillors S Bentley, A Blackburn,
J Dowson, P Gruen, M Hamilton, T Hanley,
G Latty, T Leadley and M Lyons

7 Minutes

RESOLVED – That the minutes of the meeting held on 10th June 2008 be approved as a correct record.

8 Declarations of Interest

There were no declarations of interest made at this point, however Councillor Procter declared a personal interest during consideration of the item in relation to Substitute Arrangements on Boards, Panels and Committee (minute 10 refers)

9 Matters Arising

- (a) Further to minute 2(a) of the meeting held on 10th June 2008 Members requested that a report be submitted to the next meeting of the Committee in relation to the PDA roll out.
- (b) Further to minute 2(a) of the meeting held on 10th June 2008 Members requested that a report of the IT working group be submitted to a future meeting.

10 Substitutes Arrangements on Boards, Panels and Committees

The Assistant Chief Executive (Corporate Governance) submitted a report outlining the current extent of substitute arrangements for Boards, Panels and Committees.

Detailed discussion ensued on this item particularly in relation to substitution arrangements for Standards Committee due to the nature of the work of the Committee and the current number of members from each group who serve on the Committee.

Discussion also took place on current substitute arrangements as detailed in Council Procedure Rule 26 and more generally the current Standards arrangements particularly in relation to member conduct issues.

RESOLVED –

- (a) That a report be submitted to the next meeting of the Constitutional Proposals Committee in relation to:-
- substitute arrangements for Standards Committee
 - substitute arrangements for Scrutiny meetings
 - possible amendments to Council Procedure Rule 26.1(a) with regard to training requirements for regular members
- (b) That a report be submitted to the next meeting of this Committee in relation to:
- the review of existing standards arrangements
 - the possible attendance of the Standards Committee Chair at this Committee
 - the training arrangements for non-elected members on Standards Committee
 - the training arrangements for council officers to spend a 'day in the life' of an Elected Member

(Councillor Procter declared a personal interest in this item as a member who is the subject of a complaint)

(Councillor Blackburn arrived during consideration of the item on substitute arrangements)

11 Insurance Arrangements

The Assistant Chief Executive (Corporate Governance) and Director of Resources submitted a joint report advising Members of the current policy in place to indemnify Members against the legal costs of defending themselves from allegations of misconduct and advised Members how to set in motion the process by which they may obtain legal representation under the insurance arrangements.

RESOLVED –

- (a) To receive and note the report.
- (b) That by the end of October proposed revised insurance proposals should be circulated to all members of this Committee.
- (c) That a report detailing the current position be submitted to the next meeting of this Committee.

(Councillor Hamilton left the meeting during consideration of the item on Insurance Arrangements)

12 Local Authority Appointment to the Pupil Referral Unit Management Committee

Further to minute 3 of the meeting held on the 10th June 2008 the Chief Executive of Education Leeds submitted a report seeking a nomination for a position on the city wide Pupil Referral Unit's Management Committee.

RESOLVED –

- (a) To note that 2 places for elected members were available on the Pupil Referral Unit Management Committee.

Draft minutes to be approved at the meeting
to be held on Tuesday, 18th November, 2008

- (b) That this body be allocated as Strategic and Key and Member Management Committee be the appointing body.
- (c) That 1 place be allocated to the Labour Group as a Whip's nominee and 1 place be allocated to the Administration.

13 Local Authority Appointment to the Parent Partnership Service Advisory Board

Further to minute 4 of the meeting held on the 10th June 2008 the Chief Executive of Education Leeds submitted a report seeking a nomination to be a member of the Parent Partnership Advisory Board.

RESOLVED –

- (a) To note that 2 places for elected members were available on the Parent Partnership Service Advisory Board.
- (b) That this body be allocated as Strategic and Key and Member Management Committee be the appointing body.
- (c) That 1 place be allocated to the Labour Group as a Whip's nominee and 1 place be allocated to the Administration.

14 Community Partnerships

The Director of Environment and Neighbourhoods submitted a report seeking to establish the principle of allowing the Council's Area Committees to appoint elected Members onto the local, district groups of Leeds Initiative.

RESOLVED - That the report be deferred to the next meeting of the Committee in order that a representative from the Department of Environment and Neighbourhoods can be in attendance to deal with any queries that members may have.

15 Member Development

The Chief Democratic Services Officer submitted a report to provide Members with an update on training and development issues relating to elected Members, specifically in relation to the:-

- Draft Member Development Strategy for 2008-2011
- Proposed events programme for autumn/winter 2008/09
- Review of this year's induction for new members
- Summary of other ongoing projects, including mentoring
- Planning scrutiny review of Member Development

RESOLVED –

- (a) That the Member Development Strategy 2008 to 2011 including the Foreword be endorsed.
- (b) That the contents of the report and in particular the plans to scrutinise the Member Development function be noted.

- (c) That information in respect of officer training particularly in relation to the awareness of the role of elected members be submitted to a meeting of this Committee.

16 Local Authority Appointments to Outside Bodies

The Chief Democratic Services Officer submitted a report on Member appointments to outside bodies and provided an update in relation to:

- Harrison and Potter Trust/Josiah Jenkinson Charity
- David Young Community Academy
- Environment Agency – Ridings Area Environment Group
- Leeds College of Art and Design
- Normandy Veterans Association – Leeds Branch
- Appointments made since June 2008 by the Assistant Chief Executive (Corporate Governance)

RESOLVED –

- (a) That Councillor Bentley be appointed to the Harrison and Potter Trust/Josiah Jenkinson Charity.
- (b) (i) That Councillor Gruen remain a governor on the David Young Academy
- (ii) That officers write to the Diocese requesting that they go through the procedure that will bring about the City Council having 2 representatives on this body
- (c) That the position in relation to the Environment Agency-Ridings Area Environment Group be noted.
- (d) That the position in relation to the Leeds College of Art and Design be noted.
- (e) (i) That Councillor Lancaster be appointed as a Veterans Champion for the Normandy Veterans Association-Leeds Branch
- (ii) That officers contact the Association to establish if the Council could have one additional role of champion for Councillor Lyons
- (f) To note the following appointments confirmed by the Assistant Chief Executive (Corporate Governance) since the last meeting of this Committee.

<u>Outside Body</u>	<u>Member Appointed</u>
WYPTA – Social Services Liaison Group	Councillor S Armitage
Lord Mayor’s Charity	Councillor Bentley
Yorkshire Tourist Board	Councillor Monaghan
Adoption Panel (Elmete)	Councillor Chastney
Renew	Councillor Lobley

Under the provisions of Council Procedure Rule 16.5, Councillor Gruen required it to be recorded that he abstained from voting in relation to resolution (b)(i).

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Report of the Director of Environment and Neighbourhoods

Report to Member Management Committee

Date: 18th November 2008

Subject: AREA BASED PARTNERSHIPS

<p>Electoral Wards Affected:</p> <p>All.</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input checked="" type="checkbox"/></p>
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Executive Summary

1. This report seeks to establish the principle of allowing the council’s Area Committees to appoint elected members from the Area Committees on to the local, district, partnership groups of Leeds Initiative.

Background

2. At present there are a number of ‘district’ or area level partnership groups established as part of Leeds Initiative – the local strategic partnership. These are:
 - District Housing Partnerships
 - Divisional Community Safety Partnerships
 - District Children’s Partnerships (in the process of being established)
 - District Health & Social Care Partnerships (in the process of being established)
 - District Jobs, Enterprise & Training (or Worklessness) Partnerships
3. There is three of each of these theme based district partnership groups for the city, all broadly co-terminus with the three area management areas of Leeds City Council. The exception to this is the District Children’s Partnerships of which there are to be five corresponding to the former five area management wedges across the city.
4. These partnership groups have requested that each Area Committee in their patch nominate a local elected Member representative to participate in the work of the partnership and act as the link between the partnership and the Area Committee.
5. Local, area based, partnerships make an important contribution in determining the local actions that can be taken to support the delivery of the strategic outcomes and improvement priorities set out in the Leeds Strategic Plan. The broad commitments

and actions of these local partnerships are captured in each Area Committees' Area Delivery Plan (ADP) and they are accountable to the Area Committees for these commitments. The accountability and feedback to Area Committees will be through the regular monitoring reports on each ADP and through an annual report from the partnership group to each Area Committee. The area management teams will support local Member involvement and facilitate Member representatives to raise any issues at their Area Committee as appropriate. It is further proposed that the minutes of all such partnership meetings are available to all Area Committee members.

6. The partnerships will be expecting Area Committee representatives to share their knowledge and intelligence of the area, to help shape and determine the priorities and action plans of the partnerships ensuring they are complimentary and supportive of the Area Committees' ADPs. Direct participation by elected Members on these local partnerships will strengthen the role of Members and their voice as 'community champions' within our partner agencies and overcome any perceived 'democratic deficit' there may have been. Elected Members participation will also help build the links between local partnership working and the work of the council through the Area Committees.
7. Appended to this report are the terms of reference for three of the established local partnership groups, on housing, employment and community safety, to illustrate the nature, objectives and membership of all such groups across the city.

Appointment Process

8. The Appointments to Outside Bodies Procedure Rules state that where a request to make an appointment is received then determination of this will be based on one or more of the following criteria being met:
 - the proposed appointment is a statutory requirement;
 - the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
 - the proposed appointment would add value to the Council's activities.
9. Where an organisation is deemed to have met one or more of these criteria, Members are requested to allocate it to one of the following categories:
 - Strategic and Key Partnerships – participation contributes to the Council's strategic objectives and community leadership role
 - Community and Local Engagement – not necessary to fulfil strategic or key partnership role but, nonetheless, beneficial in terms of leading, engaging and supporting the community from an area or ward perspective.
10. The appointing body for Strategic and Key Partnerships is the Member Management Committee. The appointing body for Community and Local Engagement is the appropriate Area Committee.
11. If Members are of the view that these appointments would fall into the Community and Local Engagement category then the appointments should be made by the relevant Area Committee(s).

Implications for Council Policy and Governance

12. The appointment of elected members to the local area partnerships would contribute to the Council's strategic functions, priorities and community leadership role. It would augment the role of Area Committees with regard to the work and planning of the local partnerships of Leeds Initiative and provide a democratic input to their work. It will provide a democratic voice in determining the local partnership actions to be taken in support of the Leeds Strategic Plan and help ensure appropriate accountability to the Area Committees through the partnerships' contributions to their Area Delivery Plans.

Recommendations

13. It is recommended that the Member Management Committee agree:
 - a) that the elected Member appointments to the area based partnership arrangements of the Leeds Initiative as detailed in paragraph 2:
 - would be consistent with the Council's policy and strategic objectives; and
 - would add value to the Council's activities.
 - b) to categorise such appointments as being 'Community and Local Engagement' thereby agreeing that such appointments should properly be made by the council's Area Committees.

Background Papers

- Appointment to Outside Bodies Procedure Rules.

TERMS OF REFERENCE FOR NORTH EAST LEEDS DIVISIONAL COMMUNITY SAFETY PARTNERSHIP

Background

The overall aim of the North East Leeds Divisional Community Safety Partnership (DCSP) is to secure sustainable reductions in crime and disorder, and address fear of crime in North East Leeds. The DCSP will achieve this aim through the development of appropriate sub structures, strategic problems solving, joint planning and implementing good practise.

Core Purpose of the partnership

The NE DCSP is responsible for delivering and supporting The Safer Leeds Crime and Disorder and the National Drugs strategies in local communities. The context in which the partnership operates should reflect the strategic objectives of the Corporate Plan and the Vision for Leeds. Priorities should reflect the Local Area Agreement and local Policing Plan.

Role of the partnership

- Directing the NPT teams and sub groups to deliver key objectives and priorities
- Driving forward and continually developing the thematic sub groups and neighbourhood management tasking teams
- Carry out regular performance monitoring and renew action against targets
- Maximise provision of intelligence from the Police and other organisations to enhance the SIA
- Promote the delivery of Section 17 of the Crime and Disorder Act 1978
- Promote best partnership practices
- Ensure community consultation is co-ordinated and the communities have the opportunities to suggest solutions
- Examine what barriers to progress exist and how they can be overcome
- Maximise best use of resources
- Report to the Safer Leeds Executive and District Partnership

Chairing of the Partnership

The Superintendent of Operations will chair the meeting, administration will be carried out by the Area Community Safety Co-ordinator(s)

Membership

Members of the DCSP will be key stakeholders and must have strategic responsibility/leadership within their respective organisations

Name	Organisation
Supt Simon Atkin	WY Police
Rory Barke	NE Area Manager
John Woolmer	Acting E Area

	Manager
Beverley Yearwood	ACSC East
Sandra Fowler	ACSC North East
Dick Brabbs	WY Fire Service
Nick Bartrum	ASBU
Steve Vowles	ENEL Homes
Simon Costigan	Aire Valley Homes
Amanda Bradley	Education Leeds
Catherine O'Melia	Youth Offending Service
Margaret Ambler	Probation Service
DCI Chris Rowley	WYP
Shaid Mahmood	Social Care (NE)
Ken Morton	Social Care (E)
PCT	Bev identifying rep
Insp Jim Croft	WYP – NRF
Neil E Bowden	Youth Service
Neil Bowden	Safer Leeds

South and East Leeds Employment, Enterprise and Training Group

Terms of Reference

Aim

The aim of the group is to increase the employment rate of residents living across the South and Outer East of the city. This will be achieved by reducing worklessness with a focus on the super output areas that fall into the most deprived 10% and the working towards the priorities identified in the Local Area Agreement and the Leeds Strategic Plan.

Objectives

- To develop and employment, enterprise and training plan for 08/09 that addresses the specific needs of the people living within the target area. Taking in to account the government's agenda for child poverty.
- To support social enterprise and business start up we will work closely with the Local Enterprise Growth Initiative to ensure local residents take full advantage of the enterprise opportunities in Leeds.
- To identify and explore new funding opportunities to support the development and implementation of new employment initiatives ensuring better alignment of funding to avoid duplication and maximise value for money.
- To connect workless residents to employment, enterprise, learning and training opportunities in Leeds. To promote the LSC priorities for example train to gain and skills for life.
- To work in partnership with major regeneration programmes including Aire Valley, EASEL and the Eastgate and Harewood Qtr.
- To implement to recommendations from the Jobcentre plus Deprived Area Fund consultancy exercise; to develop a co-ordinated network of partners; and to address the needs of the local residents.
- To provide current data on worklessness projects on a quarterly basis which will support future activity including funding applications?
- To work in partnership with the voluntary, community, faith and private sector in the design and implementation of initiatives.
- To work in partnership with the housing associations to assist workless tenants into employment.
- The Worklessness Group will be a vehicle for highlighting key messages, best practice and gaps in delivery/ service provision.

West Leeds District Housing Partnership Terms of Reference

1.0 Purpose of District Housing Partnership

1.1 The purpose of the West Leeds District Housing Partnership (DHP) is to make West Leeds a place where people are proud to live

1.2 In the first instance this will be achieved through the formulation, implementation and review of a West Leeds District Housing Strategy.

1.3 As West DHP develops it may also form neighbourhood management strategies and anti social behaviour agreements.

1.4 These will be achieved through:

- Enabling the effective contribution from all partners
- Identifying local priorities within local housing markets and socio-economic issues
- Ensuring good service delivery
- Having a local focus
- Linking with other service providers
- Using local knowledge
- Working cross tenure
- Working to wider strategic action plans and corporate objectives

2.0 Accountability and Responsibility

2.1 Accountable through the Leeds Housing Partnership directly to Neighbourhoods and Communities Scrutiny Board

2.2 West DHP will also report to Area Committees on an agreed basis.

2.3 West DHP will prepare quarterly reports to the Leeds Housing Partnership Executive

2.4 Decision making responsibility and accountability within West DHP is vested within the Executive.

2.5 The DHP will be accountable to the Community through Leeds Tenants Federation (TIC) and its links through the wider network. This will be achieved through promoting fairness, Equal Opportunities, Community Cohesion and Citizen Empowerment in all aspects of work.

2.6 Formulate, review and implement West Leeds District Housing Strategies identified in 1.2. This will be benchmarked against the Leeds Housing Strategy Action Plan and subsequent reviews

2.7 The DHP will consider local needs, requirements and aspirations when agreeing priorities.

2.8 Should fiscal sovereignty be granted West Leeds DHP will allocate resources to priorities fairly and in accordance with Leeds City Council Standing Orders and financial regulations.

2.9 Ensure that partner agreements are not duplicated.

2.10 Ensure that plans and strategies are contiguous according to ALMO boundaries.

3.0 Membership

3.1 Members may be drawn from any organisation or group from anywhere within the ALMO boundary District as agreed by the Executive.

3.2 Membership shall be reviewed at least once per annum, however could be changed as or when required.

- West Leeds Homes
- Yorkshire Community Housing
- Environmental Health
- Social Service
- LCC Area Management
- LCC Development Department
- West Leeds NHS Primary Care Trust
- Voluntary sector representative (vacant until executive nominate)

3.3 Wider network membership will be extended to one representative each from:

- Private landlord
- Estate agents
- Mortgage Lenders
- Education providers
- Other Private Businesses, e.g. housebuilders or construction companies)



Originator: Dagmar Leonard
& David Beirne
Tel: 74427 & 74266

Report of the Assistant Chief Executive (Corporate Governance) & the Director of Resources

Member Management Committee

Date: 18th November 2008

Subject: Appointment of New Trustees to the Archbishop Margetson Trust Fund

Electoral Wards Affected: All

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

EXECUTIVE SUMMARY

The Archbishop Margetson Education Trust Fund, administered by Leeds City Council, has a long, rich history dating back to 1678 when James Margetson, the Archbishop of Armagh made provision in his will to provide ongoing support to the Free School he had established in Drighlington. Under its present guise, the revenue from this small Fund is intended to provide financial assistance to needy secondary and higher education students in Drighlington. The Fund presently stands at £2.5k . This Fund has become dormant in recent years and has not made an award since 1999/00. Although the Fund is currently held by the Council, the Trust Scheme provides for the appointment by the Council of Trustees upon the nomination of the Councillors elected for Morley North Ward, that includes Drighlington, and the appointment of one representative Trustee by the Council as Education Authority.

There is a strong desire from members of Drighlington Parish Council to take stewardship of the Fund along with other representatives of the local community and thus give the Fund fresh impetus and enable it to more effectively fulfil its intended purpose.

Members of the Member Management Committee at this meeting are requested to determine whether the appointment of new trustees to the Archbishop Margetson Trust Fund is a matter that ought to be considered by this Management Committee or whether the issue ought to be referred to the appropriate Area Committee.

The prospective new trustees comprise three representatives of Drighlington Parish Council and one representative of Drighlington Primary School as nominated by Councillors Robert Finnigan, Bob Gettings and Thomas Leadley and one representative of Leeds City Council.

1.0 PURPOSE OF THIS REPORT

The purpose of this report is to seek either Members' approval of the appointment of a new group of trustees (drawing on representatives of Drighlington Parish Council and Drighlington Primary school with Leeds City Council being represented by a local ward member) or referral of the matter to the appropriate Area Committee.

2.0 BACKGROUND INFORMATION

- 2.1 The Archbishop Margetson educational trust fund has a long history with its origins dating from 1678 when James Margetson, the Archbishop of Armagh, made provision in his will for the ongoing support of the Free School that he had built in Drighlington. The original school reportedly became one of some considerable repute and was well-attended by both free scholars and other boys from outside Drighlington. The pupils were instructed in reading, writing and arithmetic with the option of being taught Latin if desired. However, the fortunes of the school and the charity that supported it waxed and waned over the years. The governance of the modern Archbishop Margetson Trust Fund is rooted in a Charity Scheme of 1872 but altered by further schemes of 1904 and 1937. Upon Local Government reorganisation in 1974, Leeds City Council succeeded to the functions of the Borough and Urban District Councils and other defunct authorities. As a result, the Archbishop Margetson Trust Fund came under the remit of Leeds City Council.
- 2.2 The purpose of the modern form of this trust fund is to support students requiring financial assistance where the students are attending publicly maintained secondary schools, colleges of further or higher education or universities. The student must have attended Drighlington primary school for at least three years and their parent(s) must be resident in Drighlington.
- 2.3 The trust fund has been dormant for quite some time and, as mentioned, has not made any awards for several years. This Fund was not nominated for transfer to the new City of Leeds Fund along with other dormant trust funds administered by the Authority as there was a strong local desire expressed to become involved in and take responsibility for this particular fund. There is an anticipation that local stewardship of the Fund would revive and revitalise it and enable it to make a small but valuable contribution to the Council's narrowing the gap agenda within the Drighlington locality.

3.0 MAIN ISSUES

- 3.1 The Fund is intended to give financial assistance to needy secondary and further education students in the Drighlington area but the Fund under its current governance has effectively been dormant for a number of years and has not made an award since 1999/00. Members of the Drighlington Parish Council are keen to become involved and take responsibility for the Fund in conjunction with other representatives of the community. Such local involvement in the running of the Fund could give it a fresh lease of life with suitable candidates potentially being identified for support by the Fund and possibly steps being taken to attract fresh resources to

the Fund. Any renewal of activity by the Fund may make a small but valuable contribution to narrowing the gap in the locality of Drighlington. The Fund would clearly benefit from such community involvement .

4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 4.1 It is hoped that appointment of the new team of trustees who would be representatives of the local community would reactivate this trust fund and enable it to continue fulfilling its intended purpose of delivering financial assistance to students in need in the Drighlington locality and thus in its small way help narrow the gap in this particular community.

5.0 LEGAL AND RESOURCE IMPLICATIONS

- 5.1 The governance of the modern form of this trust fund is framed by a Charity Scheme of 1872. but altered by further schemes of 1904 and 1937. Since Local Government reorganisation in 1974, the Fund has come under the remit of Leeds City Council. In 1993, the Education Committee of the Council agreed to appoint members of the Education Awards Panel as Trustees for the various Education Trust Funds administered by the Education department, as then was, including the Archbishop Margetson's School Trust. The Awards Panel last met in 1999 and, subsequently, the Committee structure and governance of the Council was reorganised and streamlined. Following the reorganisation of the Education function in 2001 and the formation of Education Leeds, responsibility for the administration of the Education Trust Funds was transferred to the corporate finance function with the Chief Learning Officer became the acting trustee for most of these Education Trust Funds. The latest legal advice in consultation with the Charity Commission is that in the case of the Archbishop Margetson fund, the main tenets of the 1872 scheme as altered in 1904 and 1937 still apply.
- 5.2 The original desire of the Drighlington Parish Council was for the trust fund to be transferred from the remit of the City Council to that of the Parish Council. However, following discussions with the Charity Commission, it was agreed that the most straight-forward way of establishing local control of the trust fund would be to reinvigorate it through the appointment of representatives of the local community, including parish councillors, as trustees. The trust's charity scheme as it currently stands requires a board of seven trustees but there is a consensus that a smaller grouping would be more practical, especially given the modest sums at the trust's disposal. The intention is to appoint five new trustees and the Charity Commission has confirmed that it would be receptive to the new team of trustees making an approach once appointed to have the Trust's charity scheme formally altered to reduce the desired number of trustees down to five.
- 5.3 Responsibility for the treasurer role and administrative support of the trust fund will remain with Leeds City Council and will continue to be delivered within the Authority's Financial Management function.
- 5.4 As mentioned, the resources of the Trust Fund are only modest and will continue to be held and accounted for by Leeds City Council. As the close of financial year 2007/08, the Fund's assets amounted to £2.5k, with annual income in the region of £100. The new Board of Trustees may seek to grow the Trust Fund by seeking new donations and initiating some fund-raising.

5.5 With regard to appointments to outside bodies, broadly the nature of the relationship with that body will determine where appointments ought to be decided within the Council's democratic structure. If the relationship with the outside body, in this case this particular trust fund, is assessed to be a strategic and key partnership, i.e. participation in it contributes to the Council's strategic objectives and community leadership role, then the appointing body ought to be the Member Management Committee. However if the relationship is seen to be a matter of community and local engagement, i.e. it is not necessary to fulfil a strategic or key partnership role but is, nonetheless, beneficial in terms of leading, engaging and supporting the community from an area or ward perspective, then the appropriate appointing body would be the relevant Area Committee.

6.0 RECOMMENDATIONS

Members of the Member Management Committee are requested to

- Determine whether the issue of the appointment of new trustees to the Archbishop Margetson Trust Fund is a strategic and key partnership issue and therefore ought to be decided by this Committee.
- If indeed this is a matter to be decided by this Committee, its Members are asked to approve the appointment of five new trustees to the Archbishop Margetson Trust Fund. These trustees are to comprise four representatives nominated by the Councillors elected for the Drighlington area, i.e Councillors Robert Finnigan, Bob Gettings and Thomas Leadley of Morley North Ward and one representative of Leeds City Council.
- The nominations of Councillors Finnigan, Gettings and Leadley are Councillors Arthur Thornton, Janet Scholes and Mike Rhodes from Drighlington Parish Council and a representative of Drighlington Primary School, initially to be the Head Teacher, Sue Jackson. The appointments are for a period of three years..
- The Council representative initially to be Councillor Bob Gettings, member for Morley North ward. The appointment to be for a term ending on the date of the appointment of his successor any time after the ordinary day of retirement as Councillor.
- If this matter is considered by the Member Management Committee to be more a community and local engagement matter rather than a strategic issue, then Members are asked to refer the matter to the appropriate Area Committee.

Background Papers

Archbishop Margetson Trust Scheme details (available from the Charity Commission)
Appointment to Outside Bodies Procedure Rules



Originator: Nick de la
Taste / Andy
Keightley
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37 60003

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

Member Management Committee

Date: 18th November 2008

Subject: Members' ICT Developments

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report provides the Committee with updates on the roll out of Personal Digital Assistants (PDAs) to Members and on the performance of Members' IT systems following their recent upgrade.

It concludes that the roll out of PDAs has largely been well received by Members and no problems have arisen with their allocation or distribution. Some Members have experienced technical difficulties with the operation of PDAs but these have largely been resolved.

With regard to the recent upgrade of ICT systems it is evident that, initially, there were technical difficulties which caused problems for a number of Members. A package of measures has been introduced over recent months to address these issues. These have combined together to enhance performance and, whilst there are still a small number of Members experiencing problems, further measures are planned (specifically memory upgrades for Members' laptops) which should assist further.

1.0 Purpose of This Report

- 1.1 This report provides Members with an update on ICT issues including;
- A position statement with respect to the distribution of PDAs (Personal Digital Assistants) to Members
 - An update on the actions taken by Corporate ICT Services to improve the service provision to Members

2.0 Background Information

2.1 Members will recall that a report to this meeting in October 2007 indicated that following a successful pilot, PDAs would be offered to more Members. A position statement was provided in a report to this committee at the February 2008 meeting. A further update is provided below.

2.2 The February 2008 meeting of this committee also resolved that a working group be established to provide a Member perspective with respect to the service improvements Corporate ICT services were seeking to introduce and also to explore the options around providing a system to assist Members in managing their case work. The working group is chaired by Councillor Latty. The improvements introduced by Corporate ICT Services are outlined below. The investigation of a solution to assist Members in managing their case work is the subject of a separate report.

2.3 Members were surveyed at the end of 2007 to determine their experience of the ICT upgrade implementation process and to establish any particular difficulties or problems they were experiencing with their ICT provision.

2.4 The survey asked two open questions:

1. How did the process of installing new IT equipment go for you?
2. Are you currently experiencing any difficulties or problems with your IT equipment?

2.5 The responses to the survey indicated that in general Members were satisfied with the process of installing their new ICT equipment but there were a number of residual issues which were technical in nature.

2.6 Some issues indicated that additional training might be required to resolve and others related to policies and procedures. Members who reported such issues have been contacted to establish the extent of the difficulties and they have been referred to various contacts to assist in resolution.

3.0 Main Issues

Members PDAs (Personal Digital Assistants)

3.1 Provision was originally made for up to 75 Members to receive PDAs and it was anticipated that, should demand exceed this level, then Group Whips would have been consulted with respect to their distribution. In the event, take up has stabilised at 45 devices allocated as follows:

Labour Group (15)

Conservative Group (15)

Liberal Democrat Group (9)

Morley Borough Independents Group (4)

BNP Group (1)

Green Group (1)

- 3.2 The initial cost of each device is £404 after which there is an annual charge which varied with usage from £396 to £426 p.a.
- 3.3 Feedback from Members with respect to the use of the devices has generally been extremely positive.
- 3.4 Since the beginning of May (when the ICT Call Management database – Remedy – was upgraded to version 7), a total of 22 calls have been raised which have been categorised as either a PDA hardware or a Cadenza (the software which links the PDA to the Council's Lotus Notes system) problem. This may not represent a complete picture of all issues with PDAs over the period as some matters may have related to the Orange service specifically and been dealt with as a business rather than a technical matter.
- 3.5 A number of measures have been undertaken in recent months to improve the service with respect to PDAs. An example of this is the virtualisation of the mNotes server in September. This involved adding this application to the council's server farm to provide a more resilient service. Some users reported replication problems (synchronisation of principally emails and calendar entries on the mobile device with those held on the central systems) immediately following this upgrade but in most cases this was resolved fairly quickly.

ICT service improvements

- 3.6 A number of measures have been introduced over recent months to improve the ICT service provision to Members
- 3.7 Following the survey at the end of 2007, the more generic technical issues reported by Members were broadly defined as follows:
- Slowness to login
 - Frustration at Screensaver timeout period
 - Searching email
 - Sending and receiving email (usually with attachments)
 - Portal slowness
 - Random failures of internet access
 - Slowness/Sluggishness - a few Members indicated that the overall performance of the PC's (Laptops Desktops) was quite sluggish.

- 3.8 A number of measures have been introduced over recent months to address these reported problems. Due to the nature of the issues described above, a single change could not be made to improve the user experience but rather a series of changes were designed to make incremental improvements. These changes included:
- **Global change to portal Login page** – this included removing logos and images from the login screen to speed up the login process
 - **Global Single Sign-On cache change** – this change again was designed to speed up the login process by reducing the amount of communication between the workstation and the central servers during the login process.
 - **Screensaver change for Councillors** – the period of inactivity on a Member workstation before the screensaver is activated has been extended from ten minutes to half an hour
 - **Changes to ADSL policies** – changes have been made to the way in a Member's workstation connects to, and interacts with, the Council's network. The changes showed improvements to both logging in times and the overall speed of use.
 - **Upgrading the broadband service to Members' homes to ADSL MAX** – the speed of the broadband provision to Members' homes has been increased from 2mb/s to the most stable service British Telecom are able to provide up to 8mb/s.
 - **Local Lotus Notes profile provided** – an additional profile has been created to improve the functionality of the application. This allows a member to work locally yet still send and receive mail to and from the Lotus Notes servers. This option improves the latency when creating/sending and receiving/opening email by communicating with the central server in the background every ten minutes rather than constantly.
- 3.9 A further change to improve the user experience is to increase the memory (RAM) within Members' workstations by 0.5GB to bring them up to 1GB. In conjunction with the memory upgrade, we are also improving the performance and security of the equipment by upgrading the operating system to XP Service pack 2 and also installing Pointsec encryption software.
- 3.10 Changes have also been made to service desk. Members have a dedicated ICT help line on **247 4866**. This help line is serviced by the ICT service desk officers and calls to this number are prioritised. The current target is to resolve 70% of all calls to service desk at first point of contact. Tools to assist in this include the ability to remote-control workstations.
- 3.11 It is recognised that Group Support Managers and their deputies provide a unique service to Members, hence they are also permitted to use the dedicated Members ICT helpline in order to raise service desk calls on behalf of Members.
- 3.12 The Member working group considered and discussed all of the technical issues which had been identified and gave guidance to officers as to the above package measures to address them.
- 3.13 An automated report provides details on a daily basis around the number of Members' calls which are currently open, what the issue relates to and to whom the call has been assigned. This gives visibility across the service to ensure that support calls for Members are dealt with as expediently as possible.

- 3.14 At the time of writing this report, there are 4 open service desk calls, 2 of which relate to problems with the broadband provision to Councillors' homes (one case has been escalated to the highest levels within British Telecom to provide a satisfactory resolution), 1 relates to an investigation as to why an email from an external source has not been received and 1 relates to a problem with scanner software installed on the workstation.
- 3.15 Anecdotally, a small number of Members have indicated that logging on and loading applications (specifically Lotus Notes) still takes an inordinate amount of time (between 5 and 10 minutes). Experience in this area is likely to differ from user to user due to the number of variables involved such as the prevailing speed of the broadband connection to the property, the time of day that logging on is attempted etc. Others have confirmed that they still randomly fail to connect to the internet, although this is a less frequent occurrence than previously and is usually rectified by closing the browser down and opening it up again.
- 3.16 Once the improvements have been implemented including increasing the memory, we will seek to address these remaining issues on a case by case basis.

4.0 Implications For Council Policy And Governance

- 4.1 There are no implications for Council Policy and Governance

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications of this report

6.0 Conclusions

- 6.1 The roll out of PDAs has generally been well received by Members and no problems have arisen regarding their distribution or allocation. Some Members have experienced technical difficulties with the operation of PDAs but these have largely been resolved.
- 6.2 With regard to the recent upgrade of ICT systems it is evident that, initially, there were technical difficulties which caused problems for a number of Members. A package of measures has been introduced over recent months. These have combined together to enhance performance and, whilst there are still a small number of Members experiencing problems, further measures are planned (specifically memory upgrades for Members' laptops) which should assist further.

7.0 Recommendation

- 7.1 Members are asked to note the contents of this report and to request a further report on ICT performance issues after a further period of operational experience

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Originator: Tim Bowman

Tel: 24 74156

Report of the Chief Democratic Services Officer

Member Management Committee

Date: 18th November 2008

Subject: Casework IT Solutions for Members an Appraisal of Options

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report details and appraises the options for delivering a casework IT system for Members. The report explores five options and summarises their benefits, the options are:

1. Improving the Status quo.
2. Microsoft SharePoint
3. Developing the Siebel System
4. Developing a Bespoke
5. Expanding File Plus

Members are asked to consider whether they believe any of the options should be recommended for further development, through a full statement of requirements to determine the costs of developing, implementing and maintaining the system.

1.0 Purpose Of This Report

- 1.1 This report has been produced at the request of, and in consultation with, the Members IT Reference Group to outline and appraise the “options” for procuring, developing and adapting an IT system to support elected Members with their “casework.”

2.0 Background Information

- 2.1 These options have been investigated following a survey that was conducted with elected Members. Elected Members were asked 6 questions (see appendix A) about whether they thought an IT system would help them with their casework, and also what facilities they would like a system to have should they want one.
- 2.2 Members’ responses to this survey confirmed there was interest in a casework system, and that their main requirements were that such a system should provide Members with reminders of overdue responses and allow Members to file documents electronically.
- 2.3 Members are asked to consider these options.

3.0 Main Issues

The Criteria for Assessment

- 3.1 At the outset of this project both the Members IT Reference Group and officers discussed how the various options for a “casework system” could be assessed. A number of methods have been established and they form the basis for this report. The paragraphs below explain and outline these methods.
- 3.2 Firstly, the initial meeting of the Members IT Reference Group (07/04/08) agreed the principles which underpin this assessment. The group agreed that any new “casework system” should be measured against the following four bench marks:
- Appropriateness
 - Affordability
 - Future Proof
 - “Fit for Purpose”

Officers have understood these bench marks in the following way:

- Appropriateness - Is the technology used a good fit with existing and proposed systems?
 - Affordability - What will the system cost? What benefits will be delivered? Can these benefits be costed?
 - Future Proof - Can we predict how long the solution will be relevant for, what developments or projects are planned for the future and whether they will affect the solution effectiveness?
 - “Fit for Purpose” - Will the system do the things Members would like?
- 3.3 In addition to these bench marks, following a visit to Nottingham City Council to view a “bespoke” casework IT system¹ and after discussion with the Members IT

¹ A full briefing on which is in appendix 2 to this report and is and discussed in section 3.6 of this report.

Reference Group (21 July 2008) officers produced a draft Statement of Requirement for this project.

This draft statement of requirements included the following information:

Must Have Criteria:

- Enable Members to set reminder dates for pieces of casework.
- Provide alert to Members of overdue responses.
- Notify Members when cases need to be resolved.
- Ensure that only individual councillors can view their own case work.
- The system must be user friendly.

Would Like Criteria

- File casework electronically.
- Track casework electronically.
- Hold electronic records of casework.
- Allow Members to retrieve, group and search for cases electronically.
- Monitor the status of a piece of casework.
- To be available "on line".

Members were clear that they did not want:

- The information stored to be accessible to others.
- The information to be used "corporately."
- A single point of contact for case work in departments.
- A system which requires all Members to be involved.
- A system which prescribes how casework must be done or limits the freedom of Members.
- A system that is monitored or their case work output scrutinised.
- The system to be centrally controlled.

Members do not mind if:

- A system requires them to complete a standard form – which requires details of the case which has "required" fields.
- A system needs to be developed for the purpose²

3.4 In addition to this initial draft statement of requirements, at the meeting of the Members IT reference group (21 07 2008), and following a discussion of the IT system developed for Members in Nottingham, Members noted the following problems with the Nottingham system:

- That it required a single officer contact within a department.
- That it resulted in an increase in staffing in "group offices."
- That it required significant resources to develop and maintain.
- That information stored was used to monitor Members work.
- That the system required wholesale "buy in" from all Members.
- That the system had led to issues with councillors casework information being shared.

² Members are clear that this does not mean they are committed to procuring a system, only that if costs were not too high and benefits were clear they would be prepared to develop a bespoke system.

- 3.5 The benchmarks, the draft statement of requirement and the problems identified by Members in section 2.4 have formed the basis for the evaluation of the options in section 3 of this report.

The Options

- 3.6 Following initial meetings and a survey of Members views a list of options for developing a casework system were investigated and discussed with the Members IT Reference Group. A number of these options have “fallen away” and a number are further developed below. The options which have not been developed further and the reasons for this are discussed below:

- The “Nottingham System”

This is a bespoke casework system developed for Councillors on Nottingham City Council (a full report which provides information on this system is appended to this report as Appendix B). Following discussion with officers in Nottingham and a visit to Nottingham City Council it was decided not to explore the option of adapting and developing this system because ICT officers felt that although the system “is adequate for the needs of Nottingham with the complexity of the Leeds council, (they) would not recommend it without major changes.”

- Off the Shelf Products

A number of “off the shelf” products were considered but in the absence of a full statement of requirements, it is difficult to assess the relevant merits of each. Typically, costs range between £15K and £40K. It may be that an “off the shelf” product is still an option once a detailed statement of requirements has been produced.

- 3.7 The following options have been considered and are appraised below based on current criteria:

- 1 Improving the status quo
- 2 Microsoft SharePoint
- 3 Developing the Siebel System
- 4 Developing a bespoke system
- 5 Expanding File Plus

3.8 **Option 1 – Improve the Status Quo**

Members currently have a number of IT software solutions to assist them in their work. This includes the Lotus Notes email and Microsoft Office systems. There is considerable opportunity to utilise these programs more effectively and creatively to achieve their full potential. Notably the Lotus Notes program could be used to greater effect by Members by allowing them to set reminder dates for pieces of casework, and to file their work electronically.

Pros

Effectively answers the two main issues highlighted by Members, i.e. reminders and electronic filing.

Cost effective and efficient.

Could provide opportunities to roll out other IT training to Members.

Cons

Would not deliver a “bespoke” casework system.
Would not allow Members to track and monitor work.
Would not allow for electronic filing of non email work.
Would require “buy in” to a training programme and be dependent on improving Member IT knowledge.

3.9 Option 2 – Microsoft SharePoint

There are a range of options available through our relationship with Microsoft that could be utilised depending on the details and scale of the requirement, the starting point for which would be SharePoint. In addition to being a collaboration tool, it is also a Document Management solution. SharePoint is going to be a core product for Leeds moving forward and over time will become the primary interface for many services. The vast majority of the requirements can be met by the out of the box functionality of SharePoint. If the requirements are particularly complex (in terms of workflow or business process management) then SharePoint plus Biztalk (which is a further standard product) could be used.

Being web-based it could be accessible from any web browser and avoid client installations of software, but provide seamless integration with MS Office and Outlook for functions such as preparing letters and responses to citizens. This solution has been adopted by a number of customers to deal with similar requirements. Developing SharePoint would also allow different interfaces to be presented to different groups of users.

Demonstration of functionality could be arranged via Leeds Learning Network where the technology is already in use.

Pros:

Ability to provide detailed specifications so that system meets all key requirements by easily modifying and designing the solution to fit the need, and then reuse this development in other parts of the organisation.

No formal procurement process would be required.

Uses standard technologies which will become part of the LCC Applications.

Infrastructure, hence any solution developed using this technology would “fit” with other key Corporate programmes of work e.g. the Intelligent Organisation agenda.

Integration with other standard desktop applications (Office applications, Outlook for email, calendaring etc) would be standard.

Dovetails with deliverables of the “Collaboration” project which means that user testing, training etc could be incorporated and uses standard tools.

Flexibility - Members can pick and choose which elements of the service offering best meets their individual needs.

Enhanced support from within Group Support Offices as the main functionality of the technical solution will be using tools which will be standard on user desktops.

Can be introduced to compliment existing tools and systems

Cons:

There may be a relatively long lead time for development. A idea of what will be deliverable in Phase 1 of the project will be available by the end of October. This will also identify the links between the project and key business programmes (such as

City Centre Accommodation and City Card), and also with the broader ICT Applications Infrastructure and Technology roadmaps.
Does not identically meet the requirements of Members.
May require training and development work.

3.10 **Option 3 - Siebel**

Siebel is currently used as a corporate case management solution for both Compliments and Complaints and the Anti-Social Behaviour unit. Its core usage is for contact management which allows a full view of the customer contact by providing a track of all customer contact against an individual.

It is difficult to provide costings for development until a full statement of requirements has been produced. Part of the project would be a full business analysis to establish whether an existing development, e.g. Compliments and Complaints, could be used as a basis.

Siebel can be configured for Members' needs and it would provide the functionality that a dedicated Case Management system would provide:

- Recording details of cases.
- Recording of actions within cases.
- Email attachments can be assigned.
- Allocate the number of people that can have access to the case.
- Reports can be prepared within "Discoverer."
- Standard letters can be stored and retrieved from MS Word.
- Key dates can be stored in the system.

Pros:

Recent changes to the licensing agreement with Oracle now allow service users to use the system with no additional software cost.

Siebel is a core ICT application and as such has the necessary resource backing. It is already being used as a Case management system (Compliments and Complaints and Anti-social behaviour).

No formal procurement process would be required.

Security and confidentiality can be built in to the system (but may require development to achieve this).

Cons:

There is a relatively long lead time for development (existing modification requirements mean that development work could not commence until Q4 2008/09 at the earliest).

Development costs could be substantial.

Controlling access to cases may not be tight enough to meet the requirement.

Fairly in-depth training is required for both Members and Officers.

3.11 **Option 4 - Bespoke Development**

A bespoke database, developed internally or commissioned via a 3rd party provider, would allow us as the customer to specify our requirements in detail, and receive a tailored product. There would be no limitations around existing contracts or stored information, and reports could be developed as required.

Pros:

Ability to provide detailed specifications so that the system meets all of the requirements

Choice of system allows maximum flexibility around the requirements.

Any development would be fully supported, either via ICT or a 3rd party supplier for enhancements and modifications

Security could be built in, allowing for storage of confidential information.

Workflow could be incorporated to take a record from enquiry to outcome (including flags).

There is also the possibility of linking to other corporate systems e.g. Siebel if required (although this may well involve further development of the other system(s) involved).

Cons:

Cost - This is likely to be a very expensive solution (estimates £30,000 - £50,000).

Difficulty in articulating precisely the Statement of Requirements and without one the costs outlined above could substantially increase.

Timescales - Such a development would probably take some time to complete.

Without exhaustive planning and development this solution is likely to be prescriptive in terms of the way that Members would need to work.

Enhancements and modifications would need to be structured - documented, costed, developed and delivered.

There is a substantial risk that a bespoke system would not be future proof and would therefore require significant resources to adapt the system in the future.

Training of Members would also have to be considered. Dedicated training sessions would need to be developed (including training for new Members, refresher training, training following each upgrade of the system etc.).

Although technical support could be agreed, a stand-alone system would have little user support (with respect to functionality etc.).

3.12 **Option 5 - File Plus**

The primary function of this system is file management. Whilst it is likely that it would cover the majority of what is needed, significant development would still be needed to bring it into line with current requirements in terms of data capture and special requirements. There is also the possibility of support costs to the 3rd party developers for any modifications.

Pros:

The system has the capability to be adapted as a rudimentary case management system.

The system is designed to accommodate simultaneous access to records from a number of users.

Oracle has inherent security built in, so storing of sensitive information should not be a problem.

Oracle databases hosted within LCC can be made available for home working.

System already in use with Group Support Offices therefore experienced user support on hand.

Cons:

The system is cumbersome and would probably need a fairly IT literate user.

It would require significant development work to bring it into line with the Statement of Requirement.

It was developed by a 3rd party so all modifications/developments would need to be identified, documented, costed and delivered.

Current structure allows officers within Group Offices to view records for all councillors in their Group. (Needs significant development to tailor access for individual-only views)-needs consideration also as to whether this would compromise current functionality of the system.

Support for the network version of this package has to be coordinated with the supplier.

4.0 Implications For Council Policy And Governance

4.1 None

5.0 Legal And Resource Implications

5.1 Options 2, 3 and 4 above will all have considerable resource and structural implications for Democratic Services and specifically the Group Offices.

5.2 No resources are currently available for this project and any funding would be subject to a successful bid and would have to be considered alongside all other priorities

6.0 Conclusions

6.1 Whichever option is chosen a full Statement of Requirements will need to be drawn up in order to ensure that the technical solution is appropriate and meets those requirements. A Statement of Requirements will need to indicate MoSCoW (Must have, Should have, Could have, Would like) elements. In addition any solution needs to fit with current working arrangements between Members and their Group Support Offices.

Table 1 below displays in brief summary form the merits of the five options discussed in this paper. They are measured against the bench mark criteria of appropriateness, affordability, “future proof” and “fit for purpose.” Each criteria has been marked out of 4, with 4 being high and 1 low.

	Appropriateness	Affordability	Future Proof	“Fit for Purpose”	Total
Option One	4	4	3	2	13
Option Two	4	4	4	2	14
Option Three	3	2³	4	2	11
Option Four	3	1	1	4	9
Option Five	3	2	1	3	9

³ Assessing the “affordability” of the options means considering what the system will cost opposed to what benefits the system will deliver. Although it is clear that option one is affordable because there are no resource implications, it is unclear whether the benefits that options 2,3 and 4 could deliver would be outweighed by their costs.

If Members were to adopt option one, it would be possible in addition for a full statement of requirements to be developed as well. It is also possible that “off the shelf” products discussed in 3.6 of this report may be an option following

7.0 Recommendations

- 7.1 Members are asked to note the contents of the report.
- 7.2 Members are furthermore, asked to consider the options appraised in section 3 and discuss the appraisal made at 3.7 in table 1. Members are asked to consider whether they believe any of the options should be recommended for further development, through a full statement of requirements to determine the costs of developing, implementing and maintaining the system.

Background Papers

None


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Appendix A

Member's Casework Survey

Please return to:

✉ Tim Bowman either c/o Civic Hall, Leeds LS1 1UR or by email to tim.bowman@leeds.go.uk

PLEASE READ THE FOLLOWING QUESTIONS	YOUR RESPONSE  (Please print clearly)
1. Would you like a computer system which will provide reminders to chase up casework?	
2. Would you like a computer system which allows you to file your casework electronically?	
3. Would you like a system which involved other councillors or officers to access your electronic filing? If so why?	
4. Would you like a computer system which allowed you to track your casework?	
5. Would you like a computer system which allowed you to connect together similar cases? If so why?	
6. Would you like a computer system which allowed you to search and retrieve all casework to do with a certain issue or area?	
If you have answered YES to any of the questions above which of these functions is the most important to you?	

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APPENDIX B

Member Casework IT systems Notes following an Officers visit to Nottingham

1. Background

- 1.1 At the meeting of the Member Casework Group on June 2nd, Andy Keightley (ICT Business Relationship Manager) informed members that he had made contact with officers from Nottingham City Council who had designed and developed a casework IT system which it seemed was very similar to that which we were discussing in Leeds. Officers in Nottingham had invited a delegation to come and see the system in use, and to discuss how it worked, what it did, and how it had been developed. It was agreed at the meeting that members wanted officers only to go to Nottingham.
- 1.2 On Thursday June 26th officers visited Nottingham City Council and met with Liz Willet, the Team Leader for Members Services in Nottingham, and the officer who had been responsible for project managing the delivery of the casework system and who manages the program on a day to day basis.
- 1.3 At the meeting Liz Willet demonstrated the system and answered questions

2. “The Nottingham System”

- 2.1 The IT system developed in Nottingham was developed in-house specifically to meet the needs of their members. It is therefore very well suited to both their circumstances and needs.
- 2.2 The system looks and feels very user friendly, and is web based so it is therefore accessible from home or via any internet connection. Individual members only have access to their own cases and the information they have stored. The only other people who can access the information are the department’s named member officer contact and the officer from within their “group office” who administer the casework on their behalf.
- 2.3 In addition Liz Willet the Members Services Team leader has access to the cases open across all the councillors. This enables her to run reports on the timeliness of the departments and their responses, and to use casework information “corporately” to help identify problems and advise departments on solutions. It was unclear how this could be repeated in Leeds or indeed whether this would be appropriate.
- 2.4 However, some of these monitoring aspects are already possible with the officers “file plus” system and some of this information and these reports are already produced within group offices.
- 2.5 Officers in Nottingham are understandably cautious about selling the system on primarily because they are aware of the possible support costs this would involve for them. However, they were very open to the idea of sharing elements of the program with us in Leeds.
- 2.6 ICT officers who went to Nottingham made the following comments: “The system demonstrated was a bespoke database developed by Nottingham City

Council. After numerous teething difficulties, they were able to produce a package specifically tailored to their needs. There are remarkable similarities to Siebel in terms of structure and feel which can probably be reproduced by our Siebel developers. The system is adequate for the needs of Nottingham but with the complexity of the Leeds council, I would not recommend it without major changes. The lead user/manager also did not believe that the package was ready for export.

3. The Pros and Cons

3.1 As officers we felt there were some obvious positives in the Nottingham system which were:

- It was web based.
- It was user friendly
- It allowed councillors and officers to be able to track their casework more accurately.
- Implementing the system had meant establishing a sort of SLA between councillors and departments.
- Casework information such as departmental response times was reported into CLT. Also information collected was used to improve services and inform service choices.
- It could be used directly in surgeries (or via a PDA in the street to record data and log the casework directly), saving time and possible resources.

Some of the possible pitfalls were:

- It required a single officer contact within a department.
- It had required an increase in staffing in “group offices” to administer the program.
- It had required significant resources to develop.
- Information could be used to monitor councillors’ work.
- It required wholesale buy in from councillors.
- There were possible issues with councillors’ casework information being shared.

4. The questions this raises

4.1 At the June 2nd meeting it was agreed that an “Option Paper” should be produced outlining the costs and benefits of a casework IT system and also other low cost options. However, following the visit to Nottingham, officers felt they would like to further discuss with members the “Nottingham system” and the perceived benefits it may bring and problems this may cause. In addition, following this discussion colleagues from IT would need to produce a more detailed report on the problems, costs and issues surrounding developing a system.

5. The Way Forward

5.1 Members are asked to note the report, and furthermore to discuss the “Nottingham visit”. Members are also asked to authorise officers to write an Options Paper based on the outcomes of this discussion.



Joint Report of the Assistant Chief Executive (Corporate Governance) and Director of Resources

Member Management Committee

Date: 18th November 2008

Subject: Members' Legal Expenses Insurance

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

This report is an update to the report dated 8th October 2008 to the Member Management Committee which advised Members of the Committee of the current policy in place to indemnify Members against the legal costs of defending themselves from allegations of misconduct and the insurance arrangements in place relating thereto. In addition, the 8th October report mentioned difficulties in communicating with the insurers which have been experienced by some Members who approached the insurers to obtain legal representation. Finally, alternatives to the current arrangements are discussed.

1. Purpose Of This Report

- 1.1 To advise Members of the Committee of further developments in relation to the insurance arrangements for legal representation and to set out possible alternatives to the current insurance arrangements. Members of the Committee are asked to consider the contents of the report and consider if alternative arrangements are merited.

2. Background Information

- 2.1 The **Local Authorities (Indemnities for Members and Officers) Order 2004** (see appendix), inter alia, permits local authorities to provide an indemnity to Members who have been notified that they are to be subjected to a code of conduct enquiry, either by a self funded arrangement or by way of purchasing an insurance policy.

- 2.2 Any indemnity provided by the Council, whether self funded or insured externally is subject to the requirement in 2004 Order which states that the “member or officer shall reimburse the authority or the insurer (as the case may be) for any sums expended by the authority or insurer in relation to those proceedings pursuant to the indemnity or insurance”.
- 2.3 The Council currently purchases legal expenses insurance from DAS so that Members who so wish may have legal representation if they are subjected to a Code of Conduct enquiry.

3. Main Issues

- 3.1 As detailed in the 8th October 2008 report, insurance has been arranged with DAS, a legal expenses insurer, who will pay for Members to be represented by a solicitor following a decision to proceed with a Code of Conduct enquiry.
- 3.2 The Assistant Chief Executive (Corporate Governance) and the Insurance Manager met with DAS to discuss the problems referred to in the 8th October 2008 report and to agree new procedures designed to avoid a recurrence of those problems. The Assistant Chief Executive (Corporate Governance) advised the insurers that Members facing a Conduct enquiry, which could potentially lead to their suspension or disqualification in serious cases, find it a stressful time and therefore the process to obtain legal support needed to be easy and one in which Members had confidence that they would get the support they needed.
- 3.3 It was accepted by DAS that communication to date by Members with their “call centre” operation had led to difficulties given that the staff concerned did not know of this particular policy or the specialised nature of the situation for which the policy provides an indemnity. DAS have now agreed to supply separate and specific contact details for Members to use. The new contacts will be more familiar with the service required and will be able ensure that the Member is put in contact with a firm of solicitors who specialise in this area of work.
- 3.4 DAS also accepted that their choice, of a firm based in Cardiff, was not convenient to Leeds City Council Members. The Assistant Chief Executive (Corporate Governance) has provided DAS with the names of firms in Leeds (and nationally) who have experience of Member Code of Conduct matters who should be added to the insurers legal panel for this work.
- 3.5 The Assistant Chief Executive (Corporate Governance) advised DAS of the process required by the legislation in relation to conduct matters and the insurance policy is to be redrafted to reflect the new regime.

4. Possible Alternatives to the Insurance Arrangements

- 4.1 Prior to 2004, there were no arrangements put in place by Leeds City Council to provide legal representation to Members.
- 4.2 The current arrangement is that the Council purchases an insurance policy at a cost of £3,066.53 per annum which provides legal advice and representation to Members subject to a code of conduct enquiry. Legal representation is funded up to £50,000

any one claim. The insurance premium of £3,066 is funded from within Council budgets along with other insurance covers specifically arranged for Members.

- 4.3 Members of the Association of Labour Councillors (ALC) have access to free legal advice provided by a firm of London solicitors. Officers are not aware of any similar arrangements in other political groups
- 4.4 As an alternative to the current insurance arrangements, it would be possible for the Council to self-insure. This would entail the procurement of the services of a firm or firms of solicitors. The cost would obviously vary dependent on the number of Code of Conduct enquiries each year. Due to the unpredictability of the cost each year, there may be difficulties in dealing with those costs within existing budgets. Consequently, this alternative might require funding to be by way of a recharge to the relevant party groups.
- 4.5 If the above option were to be considered then control arrangements would need to be put in place both in terms of maximum expenditure on any matter and in terms of reasonableness of expense in a similar way to the insurance policy, to ensure that council tax payers money is not being spent on a case that has no possibility of being defended.
- 4.6 Further, whilst the 2004 Order gives the Council the freedom to negotiate such terms for any indemnity or policy of insurance as it thinks appropriate, it requires that those terms must include provision for re-payment of sums expended by the authority or the insurer in cases in which a member has been found to be in breach of the Code of Conduct. Therefore any self insuring arrangement would need to reflect this.
- 4.7 The possibility of using another insurer as an alternative to the existing insurer has been investigated. Our brokers, Marsh UK, confirm that there are no other insurance products available to local authorities which provide legal expenses insurance for Council Members.

5. Implications for Council Policy And Governance

- 5.1 There may be such implications if alternative arrangements to replace the existing insurance policy are to be put in place.

6. Legal And Resource Implications

- 6.1 There are no legal implications but as stated above, there are likely to be resource implications not currently budgeted for if it is considered that an alternative other than the insurance option is considered. Procurement of an external firm specialising in this area of work is likely to incur hourly charges in the region of £200-250 and therefore is likely to be significantly more expensive than the current insurance premium of £3,066 per annum.

- 6.2 On a separate note, in researching this matter, it appears that the Council has not formally adopted an indemnity for Members other than in relation to Conduct matters although various insurance arrangements are in place for Members. It is therefore suggested that a report be brought to a further meeting to advise Members of the current insurance cover and any necessary action required re the general question of indemnities.

7. Conclusions

- 7.1 Alternatives are clearly available, but the Assistant Chief Executive (Corporate Governance) considers that the costs would be prohibitive particularly bearing in mind the current premium. There is no budget provision for any increase in costs. However, the cost of the insurance policy needs to be monitored to see what effect, if any, there is on the premium due to this year's activity regarding investigations. Further, following discussion with DAS regarding improvements required, it is anticipated that the improved service will meet the needs of Members. It should also be noted that one political group has arrangements which have the advantage of not requiring repayment of legal costs by a member subjected to a Code of Conduct enquiry who is not cleared which is a mandatory clause in any arrangements provided by the Council..

8. Recommendations

- 8.1 It is recommended that
- a) the current insurance arrangements are maintained as the most cost effective way of providing legal representation to Members, with appropriate monitoring of the performance of the insurers and the premium.
 - b) a report is brought to a future Committee regarding the general question of Members indemnity and insurance arrangements to cover Members when acting in their official capacity.

Appendix

The Local Authorities (Indemnities for Members and Officers) Order 2004

Made 22nd November 2004

Coming into force 23rd November 2004

The First Secretary of State, in exercise of the powers conferred upon him by sections 101 and 105 of the Local Government Act 2000^[1] and having consulted representatives of relevant authorities, representatives of employees of relevant authorities and such other persons as he considered appropriate hereby makes the following Order, of which a draft has been laid before, and approved by, resolution of, each House of Parliament:

Citation, commencement and interpretation

1. - (1) This Order may be cited as the Local Authorities (Indemnities for Members and Officers) Order 2004.

(2) It shall come into force on the day after that on which it is made.

(3) In this Order -

"Part 3 proceeding" means any investigation, report, reference, adjudication or any other proceeding pursuant to Part 3 of the Local Government Act 2000; and

"secure", in relation to any indemnity provided by means of insurance, includes arranging for, and paying for, that insurance and related expressions shall be construed accordingly.

Application

2. This Order applies to relevant authorities in England^[2] and to police authorities in Wales^[3].

Indemnities

3. The authorities to whom this Order applies may, in the cases mentioned in article 5 below, provide indemnities to any of their Members^[4] or officers.

Insurance

4. In place of, or in addition to, themselves providing an indemnity under article 3 above, any authority to whom this Order applies may, in the cases mentioned in article 5 below, provide an indemnity by securing the insurance of any of its Members or officers.

Cases in which an indemnity may be provided

5. Subject to article 6 below, an indemnity may be provided in relation to any action of, or failure to act by, the member or officer in question, which -

(a) is authorised by the authority; or

(b) forms part of, or arises from, any powers conferred, or duties placed, upon that member or officer, as a consequence of any function being exercised by that member or officer (whether or not when exercising that function he does so in his capacity as a member or officer of the authority) -

(i) at the request of, or with the approval of the authority, or

(ii) for the purposes of the authority.

Restrictions on indemnities

6. - (1) No indemnity may be provided under this Order in relation to any action by, or failure to act by, any member or officer which -

(a) constitutes a criminal offence; or

(b) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that member or officer.

(2) Notwithstanding paragraph (1)(a), an indemnity may be provided in relation to -

- (a) subject to article 8 below, the defence of any criminal proceedings brought against the officer or member; and
- (b) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

(3) No indemnity may be provided under this Order in relation to the making by the member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but may be provided in relation to the defence by that member or officer of any allegation of defamation made against him.

Matters that exceed the powers of the authority or member or officer

7. - (1) Notwithstanding any limitation on the powers of the authority which grants an indemnity, the authority may provide an indemnity to the extent that the member or officer in question -

- (a) believed that the action, or failure to act, in question was within the powers of the authority, or
- (b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the authority, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that member or officer to hold that belief at the time when he acted or failed to act.

(2) An indemnity may be provided in relation to an act or omission which is subsequently found to be beyond the powers of the member or officer in question but only to the extent that the member or officer reasonably believed that the act or omission in question was within his powers at the time at which he acted.

Terms of indemnity or insurance

8. - (1) Subject to paragraphs (2) and (3) below, the terms of any indemnity given (including any insurance secured), under this Order may be such as the authority in question shall agree.

(2) Paragraph (3) applies where any indemnity given to any member or officer (including any insurance secured for that member or officer) has effect in relation to the defence of -

- (a) any criminal proceedings; or
- (b) any Part 3 proceedings.

(3) Where this paragraph applies, the indemnity shall be provided, and any insurance secured, on the terms that -

(a) in the case of criminal proceedings, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal, and

(b) in the case of Part 3 proceedings -

- (i) if a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal, or
- (ii) if the member admits that he has failed to comply with the Code of Conduct,

that member or officer shall reimburse the authority or the insurer (as the case may be) for any sums expended by the authority or insurer in relation to those proceedings pursuant to the indemnity or insurance.

(4) Where a member or officer is obliged to reimburse an authority or insurer pursuant to the terms mentioned in paragraph (3) above, those sums shall be recoverable by the authority or insurer (as the case may be) as a civil debt.

Signed by authority of the First Secretary of State.

Nick Raynsford
Minister of State in the Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for circumstances in which a relevant authority in England or a police authority in Wales may provide an indemnity to any of their Members or officers. The Local Authorities (Elected Mayors) (England) Regulations 2004 (S.I. 2004/1815) provide that the term "member" shall, in this context, include any elected mayor. These powers are in addition to any existing powers that such authorities may have (such as powers under section 111 of the Local Government Act 1972). The relevant authorities in England are -

county councils;

district councils;

London borough councils;

parish councils;

the Greater London Authority;

the Metropolitan Police Authority;

the London Fire and Emergency Planning Authority;

the Common Council of the City of London (in its capacity as a local or police authority);

the Council of the Isles of Scilly;

a fire authority constituted by a combination scheme under the Fire Services Act 1947;

a police authority;

a joint authority established by Part IV of the Local Government Act 1985;

the Broads Authority;

a National Park Authority established under section 63 of the Environment Act 1995.

Article 4 makes it clear that an indemnity may be provided by means of the authority securing the provision of an insurance policy for the member or officer.

Article 5 sets out the cases in which indemnities (including those provided by insurance) may be provided. This article restricts the power to cases in which the member or employee is carrying on any function at the request of, with the approval of, or for the purposes of, the authority. However, it does extend to cases in which when exercising the function in question the member or officer does so in a capacity other than that of a member or officer of the authority. This would permit an indemnity, for example, to cover a case where the member or officer acts as a director of a company at the request of his authority, and thus is acting in his capacity as a director.

Article 6 prevents the provision of an indemnity (or securing of insurance) in relation to criminal acts, any other intentional wrongdoing, fraud, recklessness, or in relation to the bringing of (but not the defence of) any action in defamation.

Article 7 gives a limited power to provide an indemnity (including any indemnity provided by insurance) where the action or inaction complained of is outside the powers of the authority itself or outside the powers of the member or officer who acts. It also covers cases in which a member or officer makes a statement that certain steps have been taken or requirements fulfilled but it later becomes clear that this is not the case. This power is limited to cases in which the person indemnified -

reasonably believed that the matter in question was not outside those powers, or

where a document has been issued containing an untrue statement as to the authority's powers, or as to the steps taken or requirements fulfilled, reasonably believed that the statement was true when it was issued or authorised.

Article 8 gives the authority freedom to negotiate such terms for any indemnity or policy of insurance as it thinks appropriate but requires that those terms include provision for re-payment of sums expended by the authority or the insurer in cases in which a member has been found to be in breach of the Code of Conduct applicable to him as a member of the authority, or a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction). Any sums recoverable may be recovered as a civil debt.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from Local Government Legislation Division, Office of the Deputy Prime Minister, Zone 5/D1, Eland House, Bressenden Place, London, SW1E 5DU (telephone 020 7944 4148; [e-mail lgl@odpm.gsi.gov.uk](mailto:lgl@odpm.gsi.gov.uk)).

Notes:

[1] 2000 c. 22.

[2] For the meaning of "relevant authority", *see* section 49(6) of the Local Government Act 2000.

[3] For powers in relation to relevant authorities in Wales, *see* section 105(2) of the Local Government Act 2000.

[4] For the meaning of "member", *see* sections 49(6) and 101(5) of the Local Government Act 2000 and, in relation to elected mayors, the Local Authorities (Elected Mayors) (England) Regulations 2004 (S.I. 2004/1815).



Originator: Andy Hodson /
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Tel: 0113 22 43208

Report of the Assistant Chief Executive (Corporate Governance)

Member Management Committee

Date: 18th November 2008

Subject: Review of Local Assessment Procedures

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report is in response to a request from the Committee regarding the Member conduct regime since its transfer to the authority in May 2008 and advises the Committee of the current review of the Standards Committee procedures to assess complaints against Members. The report provides details of the consultation process as part of that review, and invites comments from the Committee to inform the review.
2. The Standards Committee agreed its current procedures at its meeting on 1st July 2008. Since then the Assessment Sub-Committee has considered ten complaints against Leeds City Councillors and Parish Councillors, and the Review Sub-Committee has reconsidered two of these complaints. When the current procedures were agreed on 1st July, it was also agreed that the Standards Committee would review these arrangements after three months of operation to ensure that they were fit for purpose (Minute 11).
3. The Standards Committee has no discretion over the majority of the assessment arrangements, but can make decisions relating to the following parts of the process:
 - The administrative processes it chooses to follow;
 - Their local assessment criteria;
 - The criteria for considering requests for confidentiality; and
 - The terms of reference and make-up of the Assessment and Review Sub-Committees.
4. Member Management Committee are asked to note the information in this report and the proposed consultation process, and as part of the consultation process, to provide any feedback on the current arrangements for the Standards Committee to consider at their meeting on 16th December 2008.

1.0 Purpose Of This Report

- 1.1 This report is in response to a request from the Committee regarding the Member conduct regime since its transfer to the authority in May 2008 and advises the Committee of the current review of the Standards Committee procedures to assess complaints against Members. The report provides details of the consultation process as part of that review, and invites comments from the Committee to inform the review.

2.0 Background Information

- 2.1 The Standards Committee was established by Full Council as part of the new governance arrangements introduced as part of the Local Government Act 2000. Amendments to the Committee's terms of reference may be made by either Full Council or, where the change is necessary because of a legislative requirement, by the Assistant Chief Executive (Corporate Governance)¹. The Constitution allows the Standards Committee to amend its own procedure rules and also to agree the composition and terms of reference of any sub-committees.
- 2.2 As per provisions in the Council's Constitution, and to reflect the new legislative framework, the Assistant Chief Executive (Corporate Governance) approved amendments to the Standards Committee's terms of reference in relation to the new responsibilities for local assessment and review of allegations of Member misconduct. These were agreed in May 2008.
- 2.3 Similarly, again as per the provisions of the Constitution, the Standards Committee agreed new procedures for the receipt, assessment and review of such allegations at its meeting on 1st July 2008.
- 2.4 Since then, the Assessment Sub-Committee has considered ten complaints against Leeds City Councillors and Parish Councillors, and the Review Sub-Committee has reconsidered two of these complaints.
- 2.5 When the current procedures were agreed by the Standards Committee on 1st July, it was also agreed that the Standards Committee would review these arrangements after three months of operation to ensure that they were fit for purpose (Minute 11).
- 2.6 At the conclusion of each sub-committee meeting, Members have discussed whether there were any 'lessons to learn' from that meeting and have been forwarding any queries or concerns about the arrangements to the Monitoring Officer or Clerk. A table of issues has been collated and is attached as Appendix 1. Where there is scope for amendments to be made to existing processes, this is clearly highlighted in the table.

3.0 Main Issues

- 3.1 The local assessment and review arrangements have been introduced in response to duties placed upon the Council by the Local Government and Public Involvement in Health Act 2007, the Standards Committee (England) Regulations 2008 and the Standards Board for England guidance on the Local Assessment of Complaints. The Standards Board guidance states that "each authority must develop effective procedures to fulfil its legislative requirements" and that "Members and officers involved in the assessment of complaints must take this guidance into account when

¹ As per Article 15.2 of the Constitution.

doing so". The Standards Committee has no discretion over some parts of the assessment arrangements, but can make decisions relating to the following parts of the process:

- The administrative processes it chooses to follow;
- Their local assessment criteria;
- The criteria for considering requests for confidentiality; and
- The terms of reference and make-up of the Assessment and Review Sub-Committees.

Administrative Processes

3.2 On 1st July 2008, the Standards Committee agreed the following arrangements:

- To have a separate complaints process for receiving complaints about the Code of Conduct²;
- That complaints should be encouraged to use the proper form, although all written complaints about the Code of Conduct would be accepted;
- That officers should produce a covering report for each complaint, including any 'readily obtainable' information which may assist the Assessment Sub-Committee with their decision;
- That the Monitoring Officer would take steps to notify the subject Member that a complaint has been made about them, the name of the complainant (unless they have requested confidentiality), and the paragraphs of the Code of Conduct that are alleged to have been breached; and
- That the Assessment and Review Sub-Committees would produce a decision notice (based on the Standards Board for England template) to advise the complainant and subject Member of their decision, details of any further action and rights of review, and a separate written summary or 'case summary' which would contain less information and be made available for the public to inspect on the Council's website.

3.3 Issues have occurred with all the above processes, with the exception of whether complaints should be received through the corporate complaints system rather than through a separate system. There have been no problems experienced with the current system, and complaints have been referred between the two complaints systems successfully.

3.4 The issues raised by Members and others regarding the new arrangements, together with possible options for the Standards Committee to consider, are summarised in the attached table (Appendix 1).

Local Assessment Criteria

3.5 According to the Regulations and the Standards Board guidance, each standards committee needs to develop criteria against which it can assess new complaints and

² Rather than this function to be incorporated into the existing corporate complaints process.

decide what action to take. These assessment criteria should reflect local circumstances and priorities and be simple, clear and open.

- 3.6 The Standards Committee considered the proposals set out in the Standards Board guidance and agreed on 1st July 2008 to adopt the local assessment criteria attached at Appendix 2. No specific issues have been raised about the local assessment criteria to date, although, as per the Constitution, the Standards Committee could consider whether there is anything they wish to amend or add as a result of the cases considered so far.

Criteria for considering requests for confidentiality

- 3.7 In their guidance, the Standards Board advise that standards committees should develop criteria by which the Assessment Sub-Committee will consider requests for confidentiality (where the complainant has identified themselves in the complaint). It is proposed that these criteria are as follows:

- The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed.
- The complainant is an officer who works closely with the subject member and they are afraid of suffering a disadvantage to their employment or of losing their job if their identity is disclosed (this should be covered by the authority's whistle blowing policy).
- The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed (in such circumstances, Standards Committees may wish to request medical evidence of the complainant's condition).

- 3.8 The Standards Committee agreed to adopt the above criteria at their meeting on 1st July 2008. The Standards Committee also agreed that complaints made completely anonymously would only be referred for investigation or other action if they were exceptionally serious.

- 3.9 Again, there have been no specific issues raised regarding these criteria, although the Standards Committee could consider whether there is anything they wish to amend or add as a result of the cases considered so far.

Role and make-up of the Assessment and Review Sub-Committees

- 3.10 All Council Committees have the authority to set the Terms of Reference for their sub-committees. The Standards Committee agreed the terms of reference for the Assessment and Review Sub-Committees on 1st July 2008. The Terms of Reference for each of the sub-committees are attached as Appendix 3.
- 3.11 The Standards Committee (England) Regulations 2008 state that the Standards Committee must establish a sub-committee which is responsible for assessing complaints that a Member may have breached the Code of Conduct. They also state that the Standards Committee must establish a separate sub-committee which is responsible for conducting reviews of these decisions. Therefore the Standards Committee has little discretion over the functions of its sub-committees.
- 3.12 However the Standards Committee did choose to also enable the Assessment Sub-Committee rather than the full Standards Committee to consider final reports

submitted by investigators and decide whether they agree with the conclusion of the report and who should conduct any subsequent hearing. This was to ensure that there were less delays in the process now that final reports must be considered by the Standards Committee before entering the pre-hearing process. The Standards Committee may wish to consider whether they wish the terms of reference for the Assessment Sub-Committee to include this function.

- 3.13 In addition, the regulations also prescribe that the sub-committee must be made up of no less than three Members, that the Chair should be an Independent Member, and that a Parish Member should be present when complaints about Parish Councillors are being discussed. Therefore the Standards Committee also has little discretion over the make-up of their sub-committees.
- 3.14 On 1st July 2008, the Standards Committee agreed the following sub-committee membership (for both the Assessment and Review Sub-Committees):
- One Independent Member (Chairperson);
 - Two Leeds City Council Members³; and
 - One Parish or Town Council Member (the Parish or Town Council Member only need attend if the matter involves a Parish or Town Councillor).
- 3.15 Members of the Standards Committee could consider whether they wish to make any amendments to the above membership, within the limits set by the regulations (listed in paragraph 3.13).

Consultation Process

- 3.16 The Standards Committee will be considering the issues highlighted in this report at their meeting on 16th December 2008, and agreeing the final arrangements on 17th February 2009. The Standards Committee will be contacting all those complainants and subject Members who have been involved in the process so far to ask them whether there are any elements of the process which they feel can be improved.
- 3.17 In order to ensure that this consultation process does not invite further complaints about the decisions already made by the Assessment or Review Sub-Committees, a questionnaire has been devised for this purpose which is attached as Appendix 4.
- 3.18 It is proposed that consultees will be asked to return these forms in time for them to be considered by the Standards Committee at their meeting on 17th February 2009.
- 3.19 Member Management Committee are also asked if they have any views they would wish to make to the Standards Committee for consideration at its meeting on 16th December 2008.

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 their procedures are fit for purpose and are operating effectively.

³ Only one Leeds City Council Member needs to be present if the Parish or Town Council Member is also present, in order for the sub-committee to be quorate.

5.0 Legal And Resource Implications

5.1 There are no resource implications to the information in this report. Any legal issues are highlighted within the report itself.

6.0 Conclusions

6.1 The current arrangements are taken from the Standards Committee (England) Regulations 2008 and the Standards Board for England guidance on the Local Assessment of Complaints. The Standards Committee has no discretion over some parts of the assessment arrangements, but can make decisions relating to the following parts of the process:

- The administrative processes it chooses to follow;
- Their local assessment criteria;
- The criteria for considering requests for confidentiality; and
- The terms of reference and make-up of the Assessment and Review Sub-Committees.

6.2 The issues raised by Members regarding the administrative processes and any alternative options for the Standards Committee to consider, are summarised in the attached table (Appendix 1).

6.3 The Standards Committee will be considering the issues highlighted in this report at their meeting on 16th December 2008, and agreeing the final arrangements on 17th February 2009. The Standards Committee will be contacting all those complainants and subject Members who have been involved in the process so far to ask them whether there are any elements of the process which they feel can be improved.

6.4 In order to ensure that this consultation process does not invite further complaints about the previous decisions made by the Assessment or Review Sub-Committees, a questionnaire has been devised for this purpose which is attached as Appendix 4.

7.0 Recommendations

7.1 Member Management Committee are asked to:

- Note the information in this report and the proposed consultation process; and
- As part of the consultation process, to provide feedback on the current arrangements for the Standards Committee to consider at their meeting on 16th December 2008.

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, “Final proposals for the local assessment arrangements”, 1st July 2008

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Process for the receipt, referral and management of allegations of misconduct", 1st July 2008

Standards Committee Minutes, 1st July 2008

Various Council websites as listed in Appendix 1

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Matters for Review

Establishing the local arrangements

Issue	Response	Comments / Recommendations
<p>The Standards Committee does not have the power to set its Terms of Reference or the processes its adopted. They should be done by full Council - Members were not consulted about them.</p>	<p>The Local Government Act 2000 required each authority to establish a Standards Committee. The recently introduced Standards Committee (England) Regulations 2008 set out the size and composition of that Committee. The new functions in relation to local assessment and review of complaints were imposed on Standards Committees by the Local Government and Public Involvement in Health Act 2007. The Standards Committee (England) Regulations 2008 stipulated that this must be done by a Sub-Committee of the Standards Committee which must be chaired by an Independent Member.</p> <p>The Standards Board also state in their guidance that the administrative processes that the authority adopts should be agreed with the Standards Committee as part of the processes and procedures that they must publish. The new additions to the Procedure Rules were either taken directly from Regulations or from the Standards Board guidance.</p>	<p>There was no choice regarding the addition to the Standards Committee's Terms of Reference, and each Committee is able to determine the Terms of Reference for its own Sub-Committees. For this reason the legislative changes to the full Committee's terms of reference were approved by delegated decision by the Assistant Chief Executive (Corporate Governance) as per Article 15.2 of the Constitution.</p> <p>With regard to the Standards Committee Procedure Rules, the Council's Constitution provides that amendments to these are approved by the Standards Committee. The specific amendments in relation to this process were agreed on 1st July 2008.</p>

Before the Assessment Sub-Committee meeting

Issue	Response	Comments / Recommendations
<p>Notifying the subject Member that a complaint has been received is unhelpful without a summary of the complaint.</p>	<p>The Standards Board guidance states that the Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject Member that a complaint has been made about them. This is a locally determined process, which goes beyond the arrangements previously operated by the Standards Board for England and may be changed if necessary. However the Local Government and Public Involvement in Health Act 2007 places a duty on the Council to provide a written summary of the allegation the subject Member only once the Assessment Sub-Committee has met to consider the complaint¹.</p>	<p>Views are sought as to whether subject members should not be contacted at all until the Assessment Sub-Committee have considered the complaint.</p>
<p>What is readily obtainable evidence? Is it information within the public domain or information which the Monitoring Officer has easy access to by other means?</p>	<p>The Standards Board advises that;</p> <p><i>“Where we say that the monitoring officer can gather easily obtainable documents to assist the Assessment Sub-Committee with its decision, we mean that if the monitoring officer is able to get their hands on useful documents without having to carry out a mini-investigation, they can do so. It does not matter whether or not the documents are publicly available - it is more about how readily available they are. Public documents tend to be readily available. The monitoring officer can, however, include documents that they can easily get hold of which are not publicly available”.</i></p>	<p>Clarification has been received on the points requiring clarification.</p>

¹ Although in exceptional circumstances this may be withheld, for example where it is not in the public interest to do so, such as where a persons ability to undertake an investigation might be prejudiced.

Issue	Response	Comments / Recommendations
<p>What papers should be provided to the Review Sub-Committee? Should they include the decision notice of the Assessment Sub-Committee? What is the purpose of the Review meeting?</p>	<p>The Standards Board have previously advised the Monitoring Officer that:</p> <p><i>“An important element of the review stage of the local assessment process is establishing if the Assessment Sub-Committee followed its processes correctly, for example - as stated in the guidance - if there was a failure to follow any published criteria or if there was an error in procedures.</i></p> <p><i>However, the review is also an opportunity to reconsider the complaint if it appears to the Review Sub-Committee that the decision taken at the initial assessment stage was flawed. An example of this is as stated in the guidance, if the Review Sub-Committee believes that not enough emphasis was given to a particular aspect of the complaint. This will be a judgement of the Review Sub-Committee rather than a failure by the Assessment Sub-Committee to follow procedures correctly. An example of a similar scenario could be where the Review Sub-Committee believes that a prejudicial interest could arise in a scenario presented by a complainant, but the Assessment Sub-Committee believed that it could not.</i></p> <p><i>As such scenarios look at the decision making of the Assessment Sub-Committee in addition to its adherence to procedures, the review stage of the process can be seen as a 're-hearing' in this sense as well as a check that initial assessment procedures were administered correctly.</i></p> <p><i>Section 57B(2) of the Local Government Act 2000, as amended, simply states that the person who made the allegation may make a request to the Standards Committee of the relevant authority concerned for that decision to be reviewed. This review may take the form of considering whether the Assessment Sub-Committee undertook its role correctly, but</i></p>	<p>Clarification has been received on the points requiring clarification.</p>

Issue	Response	Comments / Recommendations
	<p>also a consideration of the appropriateness of the decision making of that Assessment Sub-Committee.”</p> <p>More recently, advice was received from the Standards Board which stated:</p> <p><i>“The role of the review subcommittee is to review the Assessment Sub-Committee’s decision that no action should be taken in respect of the allegation. In doing so, the Review Sub-Committee is not merely upholding or not upholding the original assessment subcommittee decision but considering the complaint de novo. Section 57B(4)(a) of the Local Government Act 2000 stipulates that when a request for a review is received, section 57A(2) to (4) again applies to the review. This means that the Review Sub-Committee has all the same decisions available to it as the Assessment Sub-Committee did.”</i></p> <p>The Standards Board also advise that:</p> <p><i>“consideration of a complaint by a Review Sub-Committee is a hearing de novo but it is also helpful to the review panel to see how the initial Assessment Sub-Committee did things and why.”</i></p> <p>Therefore the Standards Board see no harm in letting Review Sub-Committees see the decision notice as long as they understand that they are not bound by it in any way.</p>	
Should only complaints made on the proper form be accepted by the Standards	The form devised by Leeds City Council is addressed to the Chair of the Assessment Sub-Committee so that it is clear that complaints made on the proper form will be considered by the Assessment Sub-Committee.	Views are sought on whether amendments should be made to the complaints form so

Issue	Response	Comments / Recommendations
<p>Committee? Should the form have a box to tick to indicate that the complainant is happy for their complaint to be considered by the Standards Committee?</p>	<p>However this may cause issues where complaints are made on the complaint form that are nothing to do with the Code of Conduct.</p> <p>Complaints made by letter and email are not necessarily addressed to the Standards Committee. Where it is unclear what the complainant requires, a form is sent for them to complete and return along with some guidance about the complaints process. The Standards Board for England advise that:</p> <p><i>“some complainants will not know where to direct their complaint. Officers dealing with incoming complaints will need to be alert to a complaint that a Member may have breached the Code of Conduct. If a written complaint specifies or appears to specify that it is in relation to the Code, then it should be passed to the Assessment Sub-Committee for consideration.”</i></p> <p>Therefore if a complaint is clearly about the Code of Conduct it could be referred to the Assessment Sub-Committee anyway.</p> <p>When a complaint is addressed to the Monitoring Officer, the Monitoring Officer should determine whether the complaint should be directed to the Assessment Sub-Committee or whether another course of action is appropriate. If the complaint is clearly not about Member conduct, then the Monitoring Officer does not have to pass it to the Assessment Sub-Committee.</p>	<p>that complaints are addressed to the Monitoring Officer, rather than the Assessment Sub-Committee.</p> <p>This would allow the Monitoring Officer more opportunities for informal resolution, but may introduce a delay into the process and may mean that complaints are not necessarily considered within 20 working days of being received. The form could contain a box to tick to set out if the complainant wanted the matter to go to Standards Committee or would be willing for the Monitoring Officer to consider a more informal resolution. It would assist if the form set out the remedy which the complainant was seeking.</p> <p>Views are also sought on whether the Standards Committee should only accept complaints made on the proper form, whether they choose to amend the</p>

Issue	Response	Comments / Recommendations
		<p>form or not. One of the disadvantages of this approach would be that the process might appear unnecessarily bureaucratic.</p>
<p>The Sub-Committee Members need to be advised who the subject Members are prior to their attendance being agreed. This will reduce the likelihood of them having a personal / prejudicial interest.</p>	<p>Until now Members have not been made aware of the identity of the subject Member until the papers for the sub-committee meeting were dispatched. Sub-Committee Members could be potentially advised of the subject Members' identity in the meeting invitation, so long as such emails are treated as 'private & confidential'.</p>	<p>Views are sought as to whether sub committee members should be notified of the subject Members' identity when they receive the Sub-Committee meeting invitation.</p>
<p>Is there a process for dealing with hear say complaints? i.e. where the alleged 'victim' themselves has not submitted a complaint.</p>	<p>This issue is not covered by the Standards Board guidance. However the Assessment Sub-Committee are not being asked to make a judgement about whether it might be true, only whether the complaint as set out may constitute a breach of the Code.</p> <p>There are no restrictions in the regulations or guidance as to who can submit complaints about Members.</p>	<p>There are no alternatives open to the Council.</p>

During the Assessment or Review Sub-Committee meeting

Issue	Response	Comments / Recommendations
<p>The Assessment Sub-Committee should not be given any guidance by officers as to whether or not the allegations could, if proven, be a breach.</p>	<p>In the covering report, officers only advise on which parts of the Code of Conduct could apply to the alleged conduct, and provide advice on these paragraphs. It is part of the role of the legal advisor to the Committee to provide advice on the Code of Conduct. The covering report only repeats guidance available from elsewhere and draws no conclusions about whether the alleged conduct would amount to a breach of the Code.</p>	<p>Views are sought as to whether it would be reasonable for all guidance from officers to be removed from the covering report.</p>
<p>A subject member needs to be able to see the report that went to the Assessment Sub-Committee in order that they can see full details of the complaint rather than receive a précis as set out in the decision notice and any guidance given by officers.</p>	<p>The papers presented to the Sub-Committee are not covered by the Access to Information provisions. Instead Regulation 8 of the Standards Committee (England) Regulations 2008 state that their business will be conducted in closed meetings, and that they are not subject to the rules regarding notice of meetings, circulation of agendas or documents and public access to meetings.</p> <p>The summary in the report is likely to be the same as the précis in the decision notice. In addition, the Sub-Committee receive a copy of the original complaint alongside the covering report.</p> <p>The Standards Board for England’s guidance suggest that authorities may wish to produce a covering report and suggest content for this. Leeds City Council has chosen to follow this guidance although the style and format of the report is local .</p> <p>The Information Commissioner has agreed that this information does not need to be provided to the subject Member.</p>	<p>Views are sought as to whether it would be reasonable for there not to be a covering report for each complaint. If this were to be the case the Assessment Sub-Committee would need to make their decision based on the complainant’s letter only.</p>

Issue	Response	Comments / Recommendations
<p>Can other paragraphs of the Code of Conduct be drawn into the investigation later on, or do they need to be specified by the Sub-Committee at the start?</p>	<p>The Standards Board guidance on investigations suggests that the investigator considers the complaint that has been provided by the complainant, and that they do not have to rely on the complainant's interpretation on what parts of the Code have been breached. However, if during the course of the investigation, the investigator uncovers evidence of conduct which extends beyond the scope of the investigation that has been referred to them, they are advised to notify the party that they need to submit a separate complaint to the Assessment Sub-Committee. Alternatively, if the investigation has been referred to them by an Ethical Standards Officer, they can refer it back to them if more breaches of the Code are uncovered.</p>	<p>There are no alternatives open to the Council.</p>

After the Assessment or Review Sub-Committee meeting

Issue	Response	Comments / Recommendations
<p>If the decision of the Sub-Committee is a majority decision, should this be recorded? Also should the minority view be recorded as part of the decision notice and case summary?</p>	<p>The only area of the Council where a minority view is reported is at Scrutiny Boards where a person can attach a minority report to the approved report. This does not happen in quasi-judicial meetings. The Standards Committee (England) Regulations 2008 require that the Assessment Sub-Committee produce a written summary of the proceedings, which must record the main points considered, its conclusion on the allegation and the reasons for that conclusion. The Standards Board for England have confirmed that they did not ever record if the decision was made by a majority and would not recommend that Leeds City Council did either, as the decision notice is supposed to be a record of the Sub-Committee's decision as a whole, and so regardless of whether the decision was made unanimously or by a majority, the Sub-Committee's decision would be the same. They also felt that it might be confusing for the parties involved.</p>	<p>Views are sought as to whether to record decisions which are made by majority in decision notices, and the reasoning for the minority view should also be recorded. However this would go against current practice within the Council and Standards Board advice.</p>
<p>Is both a decision notice and a case summary required? Can there just be one document?</p>	<p>The Council has a duty under section 57C(2) of the Local Government and Public Involvement in Health Act 2007 to provide a "written summary" of the allegation to the subject Member.</p> <p>In addition Regulation 8(5) of the Standards Committee (England) Regulations 2008 (the Regulations) requires that a written summary of an assessment decision is produced, which must include the main points considered, the conclusion of the complaint and the reasons for the conclusion. This must be provided to the member who is the subject of the complaint and additionally the summary must be made available for inspection by members of the public at the Council's offices for 6 years and be given to any relevant parish council.</p>	<p>Views are sought as to whether:</p> <ul style="list-style-type: none"> • the Written Summary should be the only record of the Assessment or Review Sub-Committee decision (with the consequential impact being the use of a decision notice be discontinued); and • whether the Written

Issue	Response	Comments / Recommendations
	<p>In Leeds a Written Summary is produced which complies with both the provisions of the Act and with the requirements of the Regulations. In addition to the provisions the Written Summary is also published on the Council's web site.</p> <p>To supplement the statutory requirements the Standards Board for England also suggest (in their toolkit for undertaking local assessments) that decision notices are used to notify the subject member and complainant of the decision of the Assessment Sub-Committee. The document also provides details which are relevant to the parties.</p> <p>A review of the Core Cities shows that these authorities do not publish their case summaries on their websites. Newcastle City Council do mention the fact that written summaries of decisions are available for public inspection for six years, but direct the public to the Council offices to view these. A review of other West Yorkshire authorities shows that Calderdale publishes minutes from the Assessment Sub-Committee meetings which are anonymous, but are not the written summary as they do not summarise the complaint, the main points considered, the conclusions and the reasons for the conclusions. Kirklees, Bradford, and Wakefield Councils do not appear to have published any written summaries on their websites.</p> <p>It may be of note that Scarborough District Council, who were the first Council to publish details of the complaints process and have an online form etc., do publish their decisions on their website, which name the subject Member and provide a full summary of the complaint and the decision on the complaint.</p>	<p>Summary of the Assessment or Review Sub-Committees findings should continue to be published on the council's web site.</p>

Issue	Response	Comments / Recommendations
<p>The decision notices are too detailed and give the impression that the Assessment Sub-Committee have decided that there is a breach.</p>	<p>The decision notices are based on the Standards Board toolkit, and Leeds City Council has discretion over their style and content, but they must contain (according to Regulation 8 of the Standards Committee (England) Regulations 2008):</p> <ul style="list-style-type: none"> • The main points considered; • The conclusions on the complaint; and • The reasons for the conclusions. <p>The decision notices clearly state that the Assessment Sub-Committee have reached 'no findings of fact'. The conduct is always referred to as 'alleged conduct' and the words 'if proven' are used to highlight that the Assessment Sub-Committee do not know whether the alleged conduct actually occurred.</p>	<p>See above.</p>
<p>The Assessment Sub-Committee should not in the decision notice set out consideration of each specific allegation separately but rather should just say whether or not they consider there is a breach overall.</p>	<p>The decision notices must set out the above, which may include different conclusions on different elements of each complaint. The Assessment Sub-Committee have the discretion to reach more than one conclusion and decision on separate areas of the allegation.</p>	<p>There are no alternatives open to the Council.</p>
<p>The letter accompanying the decision notice does not say what the next steps are or a timescale within which it is to be carried out.</p>	<p>The letter to the parties also has the decision notice attached, which sets out what the next steps are, for example, investigation, and an appendix provides details of the Standards Board for England guidance on timescales for completion. However the covering letter could be amended to say when the allegation will be forwarded to an investigator, although the timescales for investigation will depend on a number of factors for</p>	<p>Views are sought as to whether covering letters (which would be needed if decision notices were no longer used) should include timescales for completion of</p>

Issue	Response	Comments / Recommendations
	example, the availability of witnesses etc.	investigation.
There is a concern that a complainant could make a decision notice public.	According to the Standards Board for England, it is not possible for authorities to prevent complainants from publishing a decision notice. If a decision notice contained personal information or information which was classified as exempt, a warning would be inserted onto the decision notice stating this.	There are no alternatives open to the Council.
Service delivery of the insurers under the scheme is poor.	This is not part of the Standards Committee's procedures, and so cannot be dealt with by the Standards Committee.	This issue is being dealt with by the Monitoring Officer and the Council's Insurance Manager and will appear as a separate item on the Member Management Committee agenda..
Should the case summaries be anonymised?	Current guidance from the Standards Board suggests that the case summaries can contain the names of the subject Members and complainants. The Standards Board have advised that there is nothing to prevent authorities naming complainants within case summaries, unless they have requested (and have been granted) anonymity.	Views are sought as to whether all case summaries should be made anonymous.
What is the process if the decision notice provokes further correspondence from the complainants? Will this correspondence be included in any subsequent investigation?	In this case the Monitoring Officer would forward any correspondence to the investigator making it clear that this was not considered as part of the initial assessment decision. According to the Standards Board's advice for investigators, it is up to them what evidence they wish to include in their report and present to the Standards Committee during any hearing. If the complainant's letter raised a new complaint about the subject	There are no alternatives open to the Council.

Issue	Response	Comments / Recommendations
	Member they would have to be advised how to make a separate complaint about the issue.	

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Assessment Criteria

The criteria that will be used to assess the complaint made against the Member and decide whether it should be investigated are set out below:

- Complaints made anonymously will only be referred for investigation or other action if they are exceptionally serious or significant.
- If the information provided in the complaint is insufficient to make a decision as to whether the complaint should be referred for investigation, the Sub-Committee will take no further action on the complaint, unless or until further information is provided.
- If an alternative to investigation would provide an effective resolution to the matter, the Sub-Committee may refer the complaint to the Monitoring Officer to take alternative action. However if the alternative action is not successful, the case will no longer be open to investigation.
- Complaints which are considered trivial or not sufficiently serious may not be referred for further action.
- If a long period of time has passed since the alleged conduct occurred, it may be considered of little benefit to take any further action in relation to the complaint.
- If the complaint appears to be malicious, politically motivated or tit-for-tat, the Sub-Committee may decide that further action is not warranted.
- If the matter complained of has already been subject to previous investigation or other action, or has been subject to investigation by another regulatory authority, and there is nothing to be gained by further action, the Sub-Committee may not refer the complaint for investigation or other action.
- Except in the most serious of cases, complaints that disclose a potential breach under the 2001 Code of Conduct but would not constitute a breach under the 2007 Code of Conduct are unlikely to be referred for investigation or further action.
- Where the Member is no longer a member of our authority but is a member of another authority, the complaint may be referred to that authority to consider.
- If investigation of the matter would serve no useful purpose for whatever reason, the Sub-Committee may not refer the matter for investigation.
- If the complaint is unsuitable for local investigation, the matter will be referred to the Standards Board for England.

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The Standards Committee – Assessment Sub-Committee

The Standards Committee - Assessment Sub-Committee is authorised to discharge the following functions¹:

1. To receive, consider and initially assess² any written allegations³ of misconduct⁴ made against Members in relation to Code of Conduct Complaints.
2. To receive completed Investigation reports in relation to Code of Conduct Complaints and make the relevant findings under Regulation 17 The Standards Committee (England) Regulations 2008.
3. To receive completed Investigation reports in relation to Local Complaints and make the relevant findings under the Standards Committee Procedure Rules⁵.

¹ 'These 'functions' are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

² Section 57A Local Government Act 2000

³ written allegations made by any person under section 57A Local Government Act 2000.

⁴ "misconduct" for these purposes means a breach of the Members Code of Conduct adopted by Leeds City Council or any of the Parish and Town Councils wholly or mainly within its area.

⁵ SCPR Rule 13.3

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The Standards Committee – Review Sub-Committee

The Standards Committee - Review Sub-Committee is authorised to discharge the following functions¹:

1. To review², upon the request of a person who has made a written allegation³ of misconduct⁴ against a Member, a decision of the Assessment Sub-Committee that no action should be taken in respect of that allegation.

¹ 'These 'functions' are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

² Section 57A Local Government Act 2000

³ written allegations made by any person under section 57A Local Government Act 2000.

⁴ "misconduct" for these purposes means a breach of the Members Code of Conduct adopted by Leeds City Council or any of the Parish and Town Councils wholly or mainly within its area.

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Review of Standards Committee Procedures – Complainants Questionnaire

Making your complaint

1. How easily could you find information about how to submit your complaint?

Very easily	Quite easily	Average	With some difficulty	With a lot of difficulty
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. How useful was the information on the Council's website and / or in the complaints guidance leaflet?

Very useful	Quite useful	Average	Not very useful	Not useful at all
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Did you find the complaints form clear and easy to complete?

Very clear	Quite clear	Average	Not very clear	Not clear at all
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Are there any changes we could make to the complaints guidance or form that would improve them?

5. Did you find the correspondence you received about your complaint to be clear and understandable?

Very clear	Quite clear	Average	Not very clear	Not clear at all
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

After the Assessment Sub-Committee meeting

6. Did you find the decision notice to be clear and easy to understand?

Very clear	Quite clear	Average	Not very clear	Not clear at all
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. What improvements do you think we could make to our decision notices?

8. What do you think to the level of detail in the decision notices? Would you have preferred more or less information?

Much more
information

Slightly more
information

About right

Slightly less
information

Much less
information

9. What are your thoughts on whether a summary of the complaint and the decision of the Assessment Sub-Committee should be published on the Council's website?

The summary should be
published

The summary should not
be published

Not bothered

Review requests

10. Would you have preferred a form to complete in order to submit your review request?

Yes

No

Don't know

General comments

11. Please provide us with any other comments you may have about the procedures the Standards Committee uses to consider complaints of misconduct against Members.

Review of Standards Committee Procedures – Members Questionnaire

Before the Assessment Sub-Committee meeting

1. Would you have preferred not to know that a complaint had been made about you until after the Assessment Sub-Committee had made a decision?

Yes – I would have preferred not to know

No – I preferred to know

No preference

2. Did you find the correspondence you received about the complaint to be clear and understandable?

Very clear

Quite clear

Average

Not very clear

Not clear at all

After the Assessment Sub-Committee meeting

3. Did you find the decision notice to be clear and easy to understand?

Very clear

Quite clear

Average

Not very clear

Not clear at all

4. What improvements do you think we could make to our decision notices?

5. What do you think to the level of detail in the decision notices? Would you have preferred more or less information?

Much more information

Slightly more information

About right

Slightly less information

Much less information

6. What are your thoughts on whether a summary of the complaint and the decision of the Assessment Sub-Committee should be published on the Council's website?

The summary should be published

The summary should not be published

Not bothered

7. Were you provided with enough detail about the investigations procedure (if applicable)?

Yes

No

Don't Know

General comments

8. Please provide us with any other comments you may have about the procedures the Standards Committee uses to consider complaints of misconduct against Members.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Member Management Committee

Date: 18th November 2008

Subject: Membership of the Standards Committee

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 outline the difficulties with the current membership of the Standards Committee, and to make proposals to resolve these difficulties. This report provides two options for increasing the overall membership of the Committee, and also proposes substitute arrangements for the Leeds City Council Members on the Committee.
2. There are two options open to the Council to increase the overall membership of the Standards Committee:
 - One additional Parish or Town Councillor could be appointed; or
 - One additional Parish or Town Councillor and one additional Independent Member could be appointed.
3. To resolve the difficulties of Leeds City Council Members on the Standards Committee, it is proposed that a pool of trained substitutes could be created which Members could call on to attend full Committee meetings, and Assessment and Review Sub-Committee meetings, on their behalf.
4. Member Management Committee are asked to consider each of the proposed options to address the difficulties with the current membership of the Standards Committee, and to recommend their preferred option to the other consultees listed in the report.

1.0 Purpose of this Report

- 1.1 The purpose of this report is to outline the difficulties with the current membership of the Standards Committee, and to make proposals to resolve these difficulties. This report provides two options for increasing the overall membership of the Committee, and also proposes substitute arrangements for the Leeds City Council Members on the Committee.

2.0 Background information

- 2.1 Regulations state that the Standards Committee must have a membership of at least three people. It must include two Members of the authority and at least one Independent Member (a non-elected voting co-optee). At least 25% of the Members of the Standards Committee must be Independent Members, and an Independent Member must chair the meetings. If an authority has executive arrangements, the Standards Committee may include one Executive Member, but not the elected Mayor or Leader.
- 2.2 The Standards Board for England recommend that an authority has at least six Members on its Standards Committee. This is to avoid conflicts of interest when carrying out different functions. The Standards Board also recommend that if an authority is responsible for any parish or town councils, at least two representatives from those parish or town councils are appointed to the Standards Committee (these cannot also be Members of the principal authority). A parish or town council representative must sit on the Standards Committee at all times when parish matters are being discussed.
- 2.3 In Leeds, the Standards Committee is currently made up of five City Councillors (one from each of the political groups), three Independent Members, and two Parish Councillors.
- 2.4 Since 8th May 2008 the Standards Committee in Leeds has had the responsibility for the initial assessment of any complaints made about the conduct of Leeds City Councillors or Parish and Town Councillors in the Leeds area. They are also required to review any decisions to take no action on a complaint, if the complainant requests that they do so.
- 2.5 The Standards Committee (England) Regulations 2008 require each Standards Committee to establish at least two sub-committees to carry out these functions. Therefore the Standards Committee in Leeds has established an Assessment Sub-Committee and a Review Sub-Committee. Both of these Sub-Committees have a total membership of four, which is comprised of:
- 1 Independent Member (who must Chair);
 - 2 City Councillors; and
 - 1 Parish Member (who is only required when the Assessment or Review Sub-Committee are considering a complaint about a Parish or Town Councillor).
- The quorum of these Sub-Committees is three.
- 2.6 The Regulations also state that the same Members cannot sit on the Assessment Sub-Committee and the Review Sub-Committee when considering the same case. Therefore in Leeds at least eight Members are required to fulfil the requirements set out above.

3.0 Main Issues

Issues with the current membership of the Standards Committee

Parish and Town Council Councillors

- 3.1 In order to deal with complaints about Parish and Town Councillors in Leeds, the Standards Committee must contain at least two Parish representatives: one to sit on the Assessment Sub-Committee, and another to sit on the Review Sub-Committee (in case the complainant requests a review of the decision). However, the current membership of two does not allow for any potential personal and prejudicial interests which may arise. If one of the Parish representatives were to be prevented from taking part in the decision due to a conflict of interest, the Standards Committee would be unable to carry out any review of that decision, and the matter would have to be referred to the Standards Board for England. For this reason, in their guidance on the role and make-up of standards committees, the Standards Board for England have recommended that the minimum number of Parish and Town Councillors on a Standards Committee should be three.
- 3.2 Therefore the Standards Committee have recommended that an additional Parish and Town Councillor is appointed to the Standards Committee as soon as possible¹.

Independent Members

- 3.3 There are also potential difficulties with the number of Independent Members on the Standards Committee. There are currently three Independent Members on the Standards Committee in Leeds, and therefore there are enough Members to chair each stage of the complaints process and to have a substitute Member in case of any conflicts of interest. However this does not allow for long periods of absence, or sudden resignations (as was experienced in Leeds in October 2007).
- 3.4 The Assessment Sub-Committee only has 20 working days following receipt of a complaint to hold a meeting to consider that complaint. As there are only three Independent Members, and they are required to chair these meetings, there is a large expectation on them in terms of their time commitment to the Standards Committee.
- 3.5 However, the Standards Committee (England) Regulations 2008 do allow Standards Committees to use a substitute Independent Member from another authority, if all their Independent Members are unavailable. These appointments can be made to cover a period of illness or absence, or simply to conduct one local assessment or hearing. Such appointments do not need to be advertised or ratified by the majority of Members of the authority (i.e. the appointment does not need to be approved by Full Council). Members should note that Leeds City Council has no procedures in place at the current time to do this.
- 3.6 By mid October 2008 ten complaints have already been considered by the Assessment Sub-Committee, which have required three separate meetings. In addition, the Review Sub-Committee has made arrangements to consider two separate review requests. This has required two separate meetings. Assuming the Standards Committee receive the same number of complaints as were previously made to the Standards Board for England, this would mean a total of 30 (including complaints about Parish and Town Councillors in Leeds) for the municipal year. In

¹ Minute 11 of Standards Committee meeting on 1st July 2008.
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addition, Standards Committees could reasonably expect to receive more complaints due to the amount of local advertising which has to be undertaken on a regular basis. Unless these complaints are received relatively close together, this could mean several meetings over the course of the year.

- 3.7 There are fewer Independent Members of the Standards Committee than City Councillors on the Committee, and if Full Council agree to the number of Parish Councillors on the Standards Committee being increased to three, the percentage of Independent Members on the Standards Committee would decrease to 27% (only just above the statutory 25%).
- 3.8 One final issue is the restrictions which are placed on Independent Members by the Standards Board for England, who recommend that Independent Members should only be appointed for a term of four years, and that they should serve no more than two terms. Therefore the current Chair of the Standards Committee must retire by the Annual Meeting in 2010. Given this situation, it may be of assistance to the Standards Committee to recruit an additional Independent Member to maintain a wide skills base of Independent Members of the Committee.

Leeds City Council Members

- 3.9 There are currently five Leeds City Councillors on the Standards Committee, one from each of the political groups. There are three Councillors from the three largest political groups, and one each from the Morley Borough Independent and the Green groups. At the moment the Leeds City Councillors make up 50% of the Standards Committee membership.
- 3.10 However since the start of the new arrangements, officers have experienced difficulties with securing speedy availability of Leeds City Council Members to attend Assessment and Review Sub-Committee meetings. The quorum for each of the Sub-Committees is three Members, which must include an Independent Member (who must chair the meeting), and must include a Parish or Town Councillor if the complaint relates to a Parish or Town Council. If the complaint is not made in connection to a Parish or Town Council, the other two members of the Sub-Committee can be Leeds City Councillors. So far, the quorum of three has been made up by a Parish Councillor on more than one occasion, even though no allegations about Parish or Town Councillors were considered and therefore they were not statutorily required to attend the meeting.
- 3.11 The difficulties in securing availability of some Members of the Standards Committee has led to some individual Members of the Committee contributing a significant amount of their time (compared to their colleagues) to the process to ensure that meetings are held within statutory deadlines.²
- 3.12 According to their guidance on the role and make-up of standards committees, the Standards Board for England does not recommend the use of substitutes for elected Members on Standards Committees. This is because Standards Committees are not intended to operate along party political lines and therefore it is not necessary to ensure a political balance.

² The Assessment Sub-Committee must meet to consider an allegation within 20 working days, and the Review Sub-Committee must meet within three months of receiving the review request. However the Standards Committee decided at their meeting on 1st July 2008 (minute 11) that the Review Sub-Committee would also aim to meet within 20 working days, whenever possible, as a point of good practice.

- 3.13 However, a review of 14 other Standards Committees (including the Core Cities) shows that two of these operate substitute arrangements from a defined pool of trained Members. These are York City Council, who have a pool of seven elected Members, and North Yorkshire County Council who have three named substitutes, one for each political group.
- 3.14 The Standards Board for England have been contacted for further advice on the issue of substitutes. They have confirmed that they do not recommend the use of substitutes on standards committees in case of any appeals, although they admit that there is nothing in legislation to say that substitutes are not permissible. Also, although the guidance which does not recommend the use of the substitutes states it is statutory, the issue of elected membership on standards committees is not properly covered in the regulations. The Standards Board are aware that some local authorities do have substitutes on their standards committees as there is nothing to prevent this. Finally, the Standards Board agree that the method of having a defined pool of trained substitutes would be better than having anyone eligible to attend the meeting as a substitute, as this will ensure some consistency of membership.

Review of the Core Cities and other Councils

- 3.15 A review of 14 other Standards Committees (including the Core Cities) shows that Leeds City Council's current Standards Committee has an average overall size:

Council	Total number of Members on the Standards Committee
Bristol	7
North Yorkshire	9
Liverpool	8
Sheffield	8
Birmingham	10
Nottingham	10
Scarborough	10
Leeds	10
Manchester	11
York	11
Kirklees	13
Newcastle	13
Bradford	14
Wakefield	14
Calderdale	15

- 3.16 The percentage of Independent Members on Leeds City Council's Standards Committee is currently 30%. However, a review of the make up of these Standards Committees shows that only four other Councils have the same or a smaller percentage of Independent Members on their Standards Committee. These are Bradford (29%), Wakefield (29%), Manchester (27%) and Sheffield (25%).
- 3.17 The most common number of Independent Members amongst the 14 Standards Committees is four Independent Members. Eight other Councils have four Independent Members on their Standards Committees. These are Wakefield, Scarborough, York, Birmingham, Newcastle, Bristol, Bradford and Nottingham.

- 3.18 Only three Standards Committees have a higher number of Independent Members, these are Liverpool (who have six Independent Members) and Kirklees and Calderdale (who both have five Independent Members).
- 3.19 However, it is quite common for the Councillors on a Standards Committee to 'outnumber' the Independent Members. Indeed, only four of the Councils listed above have an equal or smaller number of Councillors to Independent Members. Leeds City Council Members currently account for 50% of the overall membership of the Standards Committee.

Proposed changes to the Standards Committee membership

- 3.20 Two possible options to increase the overall membership of the Standards Committee are outlined below.

Options	Overall Committee size		Independent Members	Parish or Town Councillors	Leeds City Councillors	Resource Implications
<i>Current Position</i>	10	<i>Number</i>	3	2	5	<i>Not applicable</i>
		%	30%	20%	50%	
Option One	11	Number	3	3	5	£557 per annum ³
		%	27%	27%	45%	
Option Two	12	Number	4	3	5	£2867 per annum ⁴
		%	33%	25%	42%	

- 3.21 Both of these options could be implemented alongside a substitute system for Leeds City Councillors on the Standards Committee, to address the remaining issues highlighted in this report. It is proposed that a pool of Members be identified (one from each political group) who would be eligible to substitute for their group colleague. Care would need to be taken in defining the pool as regulations provide that only one Executive Member may be present at a Standards Committee meeting.
- 3.22 As outlined in paragraph 3.14, the Standards Board for England have advised that they would prefer any substitutes on the Standards Committee to be fully trained. The guidance on the role and make-up of standards committees also states that the Standards Board recommend that an induction programme should be provided for new independent members. This induction programme should include training on the Code of Conduct, attendance at other Committee meetings, and may include a mentoring system. The Standards Committee have agreed such an induction programme for new independent members of the committee, and have a training plan for all Members which is kept under review on the regular basis. This training plan is attached as Appendix 1.

³ This is the Special Responsibility Allowance for one additional Parish or Town Councillor.

⁴ This is the combined Special Responsibility Allowance for one additional Parish or Town Councillor and one additional Independent Member.

Consultation route

3.23 Leader Management Team considered this report on Thursday 30th October. The options in this report will be further considered by the Standards Committee, General Purposes Committee, and finally agreed by Full Council.

4.0 Implications for Council Policy and Governance

4.1 The changes to the Standards Committee membership will require amendments to Article 9 of the Council's Constitution, as paragraph 9.3.1 of the Article outlines the membership of the Standards Committee.

5.0 Legal and Resource implications

5.1 The Parish Members of the Standards Committee currently receive an allowance of £557 per annum. The Independent Members receive an allowance of £2,310 to reflect their additional responsibilities with regard to chairing meetings of the Assessment and Review Sub-Committees, and the Chair of the Standards Committee receives a co-optees' allowance of £6,929. These increases were agreed by Full Council at their meeting on 10th September 2008.

6.0 Conclusions

6.1 There are two options open to the Council to increase the overall membership of the Standards Committee:

- One additional Parish or Town Councillor could be appointed; or
- One additional Parish or Town Councillor and one additional Independent Member could be appointed.

6.2 To resolve the difficulties of Leeds City Council Members on the Standards Committee, it is proposed that a pool of trained substitutes could be created which Members could call on to attend full Committee meetings, and Assessment and Review Sub-Committee meetings, on their behalf.

7.0 Recommendations

7.1 Member Management Committee are asked to consider each of the proposed options to address the difficulties with the current membership of the Standards Committee, and to recommend their preferred option to the other consultees listed above.

Background documents

The Standards Committee (England) Regulations 2008

"Local Assessment of Complaints" by the Standards Board for England

"The role and make-up of Standards Committees" by the Standards Board for England

Various Council websites as listed above

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Member Management Committee

Date: 18th November 2008

Subject: Codes of conduct for local authority Members and employees: 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 Member Management Committee of the Communities and Local Government consultation paper published on 1st October 2008.
2. This report also invites comments from Member Management Committee on the questions posed in the consultation paper (attached as Appendix 1), and on the consultation process outlined within the report.
3. Communities and Local Government published a consultation paper called "Codes of conduct for local authority members and employees" on their website on 1st October 2008. The consultation paper invites views on proposals for revising the model code of conduct for local authority Members, principally to clarify the Code's application to Members' conduct in their non-official capacity. The consultation also invites comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, into the terms and conditions of employment of their employees.
4. Members of the Member Management Committee are invited to:
 - Make any comments on the draft consultation response attached as Appendix 2; and
 - Notify their political group members of the consultation paper and invite them to submit any comments for consideration by the Standards Committee by Friday 5th December 2008.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Member Management Committee of the Communities and Local Government consultation paper published on 1st October 2008.
- 1.2 This report also invites comments from Member Management Committee on the questions posed in the consultation paper (attached as Appendix 1), and on the consultation process outlined within the report.

2.0 Background Information

- 2.1 Communities and Local Government published a consultation paper called “Codes of conduct for local authority members and employees” on their website on 1st October 2008. The consultation paper invites views on proposals for revising the model code of conduct for local authority Members, principally to clarify the Code’s application to Members’ conduct in their non-official capacity. The consultation also invites comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, into the terms and conditions of employment of their employees.
- 2.2 The government is minded, subject to the consultation responses, to implement the proposals in the consultation paper so that they come into effect in line with the local government elections 2009.
- 2.3 The Standards Committee’s Terms of Reference include the following functions:
- To make representations to and to liaise with external agencies about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council; and
 - To consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for officers and to promote, monitor and review the Code of Conduct.
- 2.4 The consultation is public and anyone is able to respond. The consultation will close on 24th December 2008. Details of how to respond can be found within the consultation paper (attached as Appendix 1).

3.0 Main Issues

- 3.1 Officers have formulated a draft response to the consultation paper on behalf of the Standards Committee, which will be considered by the Standards Committee at their next meeting on 16th December 2008. This draft response is attached as Appendix 2.
- 3.2 It is proposed that all political groups are notified of the consultation and asked for their comments on the consultation paper via the Group Whips. Voting co-opted members of the Council and Independent Councillors will be contacted separately by officers for comments.
- 3.3 The consultation and the draft response will also be considered by the Corporate Leadership Team and Leader Management Team meetings, before being presented to the Standards Committee at their meeting on 16th December 2008.

3.4 The Head of Human Resources has also contributed to the draft consultation response with regard to the proposed national code of conduct for local authority employees, and will be presenting a report on this subject to the Corporate Negotiating Group on 16th December 2008.

4.0 Implications For Council Policy And Governance

4.1 One of the Key Lines of Enquiry to reach level 4 in the Use of Resources section of the Comprehensive Performance Assessment is that “The council can demonstrate that its members and staff exhibit high standards of personal conduct”. It is therefore important to the ethical governance of the Council that Members and employees of Leeds City Council are aware of the provisions of the codes of conduct and are able to contribute to the development of these codes.

5.0 Legal And Resource Implications

5.1 There are no legal or resources implications to the information in this report.

6.0 Conclusions

6.1 Communities and Local Government published a consultation paper called “Codes of conduct for local authority members and employees” on their website on 1st October 2008. The consultation paper invites views on proposals for revising the model code of conduct for local authority Members, principally to clarify the Code’s application to Members’ conduct in their non-official capacity. The consultation also invites comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, into the terms and conditions of employment of their employees.

6.2 Officers have drafted a response to the consultation on behalf of the Standards Committee of Leeds City Council, which will be considered by the Standards Committee at their next meeting on 16th December 2008. The consultation is also open to anyone to respond, and details of how to submit comments and responses can be found within the consultation paper itself.

7.0 Recommendations

7.1 Members of the Member Management Committee are invited to:

- Make any comments on the draft consultation response attached as Appendix 2; and
- Notify their political group members of the consultation paper and invite them to submit any comments for consideration by the Standards Committee by Friday 5th December 2008.

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Communities in control: Real people, real power
Codes of conduct for local authority members and
employees
A consultation



Communities in control: Real people, real power
Codes of conduct for local authority members and
employees
A consultation

October 2008

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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. Future consultation papers include a consultation on proposals to revise the code of recommended practice on local authority publicity, which is due to be published at the end of October. This paper invites views on proposals for revising the model code of conduct for local authority members ("the members' code"), principally to clarify its application to members' conduct in their non-official capacity. This paper also invites views on proposals for associated changes to the Relevant Authorities (General Principles) Order 2001 which sets out the general principles which govern the conduct of local authority members. Finally, it seeks comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, in to the terms and conditions of employment of their employees' ("the employees' code").

About this consultation

- 1.3 The proposals in this consultation paper relate to relevant authorities in England and police authorities in Wales.
- 1.4 Following the local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, the Local Government and Public Involvement in Health Act 2007 established a more locally-based conduct regime for local authority members centred on local authority standards committees. Under the new devolved regime, the Standards Board for England has become a light-touch strategic regulator, responsible for monitoring the operation of the conduct regime and giving support and guidance to standards committees and monitoring officers in discharging their new functions.
- 1.5 As part of the changes to the conduct regime, a new model code of conduct for local authority members, the Local Authorities (Model Code of Conduct) Order 2007, was introduced with effect from May

2007, on the basis that the provisions of the members' code would be reviewed in light of early experience of its practical operation.

- 1.6 Chapter 2 of this paper seeks views on proposals to clarify the members' code in its application to members' conduct when acting in a non-official capacity. It also seeks views on the operation of, and proposed revisions to, the members' code, including reconfiguring the members' code into two distinct sections, the first dealing with members' conduct in their official capacity, the second dealing with members' conduct in their non-official capacity. Finally, it seeks views on associated amendments to the Relevant Authorities (General Principles) Order 2001 to clarify its application to members' conduct in their non-official capacity.
- 1.7 Chapter 3 of this paper seeks views on the proposed introduction of a model code of conduct for local government employees, which will become part of such employees' terms and conditions of employment.
- 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 proposed amendments to the current members' code, the substance of the 2007 code is reproduced at **Annex B**.
- 1.9 We are minded, subject to responses to this consultation, to implement the proposals in this consultation paper, so that they come into effect in line with the local government elections 2009.

Who are we 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 local authority members, local authority monitoring officers, local government employees, national representative bodies, local government partners and trade unions. **The consultation period runs for 12 weeks to 24 December 2008.**

How to respond

- 1.11 Your response must be received by 24 December 2008 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: conductcode@communities.gsi.gov.uk

If you are replying by e-mail please title your response 'Response to Model 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 the legislation that will form the revised members' code, the general principles order and the new employees' 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 C** 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 local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, set out the Government's proposals to put in place a clearer, simpler and more proportionate model code of conduct for members which would include changes to the rules on personal and prejudicial interests. This announcement followed a consultation by the Standards Board for England, *A Code for the future*, in February 2005 and the Discussion Paper *Conduct in English Local Government*, issued by the then Office for the Deputy Prime Minister in December 2005.
- 1.21 The policy proposals took form in the January 2007 consultation document, *Consultation on Amendments to the Model Code of Conduct for Local Authority Members*, which proposed the combination of the four different model codes of conduct that existed at the time (for local authorities, parish councils, national parks and police authorities) into a single consolidated model code.
- 1.22 The Local Authorities (Model Code of Conduct) Order 2007 came into force on 3 May 2007. With the members' code now in place for over a year, we believe this is an appropriate time to examine how well it has functioned in practice and consider any revisions that may be required. The proposed amendments to the members' code set out in this paper reflect discussions with the Standards Board and, in particular, their experience of the practical operation of the 2007 members' code over the last year.
- 1.23 Following the 2006 local government White Paper and the introduction of the 2007 members' code, the Local Government and Public Involvement in Health Act 2007 made provision clarifying the law in

relation to the application of the conduct regime to the conduct of members in their non- official capacity. This paper therefore also invites comments on proposals to revise the members' code and the general principles order to address the issue of the application of the conduct regime to the conduct of members in their non-official capacity.

Code of conduct for local government employees

- 1.24 In August 2004, the then Office of the Deputy Prime Minister issued the consultation paper, *A Model Code of Conduct for Local Government Employees*. The paper consulted on a draft code defining the minimum standards of conduct that employees of relevant authorities would be expected to observe on carrying out their duties. The 2004 consultation was followed by further inquiries and consultations on matters relating to the conduct regime for local government.
- 1.25 The Department restated its commitment to introduce a model employees' code, under Section 82 of the Local Government Act 2000, in the local government White Paper 2006. However, in light of the above inquiries and consultations, and the introduction of the 2007 members' code, it was decided that the implementation of an employees' code should be delayed until the Department had an opportunity to consider the employees' code in the context of the wider review of the conduct regime for local government and the lessons learned from the implementation of the new members' code.
- 1.26 With the implementation of the new devolved conduct regime and our proposals to amend the members' code, drawing on the experience of its first year of operation, we consider that the time is right to also consult on proposals to introduce a model employees' code.

Chapter 2: Code of conduct for local authority members

What is the code of conduct for?

- 2.1 The public has a right to expect high standards of conduct from their elected and co-opted members. The standards of conduct expected of local authority members are set out in the members' code, which is underpinned by the ten general principles. By signing up to the members' code, a member is actively taking on a formal obligation to abide by its requirements.
- 2.2 The members' code forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in their members and faith in local democracy. It does this by providing a robust set of standards of behaviour for members to abide by and work within. In doing this, the code also protects members from unreasonable expectations of behaviour being put upon them. Since May 2008, allegations that a member has failed to comply with the provisions of the members' code are considered by local authority standards committees.
- 2.3 The current members' code is set out in the Local Authorities (Model Code of Conduct) Order 2007 which applies to members of relevant authorities in England and of police authorities in Wales. On its introduction, the Government gave an undertaking that the effectiveness of the code would be reviewed after it had been in operation for some time. We believe, drawing on the Standards Board's practical experience that the members' code is, broadly, operating very well. However, as it has been in force for over a year, we consider that it is now appropriate to review the code.
- 2.4 Most importantly, we propose that the members' code be restructured by revoking the existing Order and making a new one. We propose that the new members' code will be differently formatted to the existing code, making it easier to interpret and clearer in its application, for instance by dividing it into two sections: the first dealing with members' conduct when acting in an official capacity and reflecting what is in the current code, the second dealing with members' conduct in their non-official capacity.

Application of the code to members' conduct in their non-official capacity

- 2.5 Trust in our local authority members is one of the cornerstones of local democracy. Members should inspire trust and confidence from those who elected them, set an example of leadership for their communities and should be expected to act lawfully even when they are not acting in their role as members.
- 2.6 This view was supported by those who responded to the Standards Board for England's consultation on the members' code in 2005. Responses indicated a clear view that a member's conduct in a non-official capacity was an issue that they considered should be covered by the members' code, particularly where that conduct amounts to a criminal offence.
- 2.7 It has always been our intention for the members' code to apply to a limited extent to the conduct of members in a non-official capacity. We wish now to clarify which provisions of the members' code apply in a member's official capacity and to put beyond doubt which provisions apply to a member's conduct in a non-official capacity.
- 2.8 The need to clarify what conduct in a member's non-official capacity is covered by the members' code arose as a consequence of a court judgment in 2006. This cast doubt on the ability of the code to cover members' conduct not linked to the performance of their public duties. As was made clear by Ministers during the passage of the Local Government and Public Involvement in Health Act 2007, we consider that certain behaviour, even when there is no direct link to the member's official role, can have an adverse effect on the level of public trust in local authority members and local government as a whole.
- 2.9 We propose therefore that the new members' code should, in the section covering the conduct of members in their non-official capacity, contain the following provision prohibiting particular conduct where that conduct would constitute a criminal offence:

"Members must not bring their office or authority into disrepute by conduct which is a criminal offence".

Consultation Question 1:

Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

Definition of 'criminal offence' and 'official capacity'

- 2.10 The Local Government and Public Involvement in Health Act 2007 gave the Secretary of State the power to define, for the purposes of the members' code, what constitutes a 'criminal offence'. We propose for the purpose of the members' code, that 'criminal offence' be defined as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction.
- 2.11 Our intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the conduct regime. We consider that this approach will ensure that the most minor criminal offences, for example minor motoring offences, parking offences and dropping litter as well as cautions and orders falling short of a criminal conviction by a court, will not be included in the remit of the members' code. However, serious criminal offences which we consider should come under the remit of the members' code, such as assault, harassment, fraud and offences relating to child pornography will be included in the remit of the code.
- 2.12 We propose that the Standards Board for England will issue guidance for local authority standards committees on how a criminal offence should be treated in its application to the conduct regime.

Consultation Question 2:

Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

- 2.13 The Local Government and Public Involvement in Health Act 2007 also gave the Secretary of State power to define, for the purposes of the members' code, what constitutes 'official capacity'.
- 2.14 We propose that for the purposes of the members' code, 'official capacity' be defined as being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority.

Consultation Question 3:

Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.

Offending abroad

2.15 We also propose that the members' code would engage with conduct committed in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK. However, the code would only apply if the individual was convicted in the country in which the offence was committed.

Consultation Question 4:

Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

What does this mean?

- 2.16 Our proposals would have the effect of providing that the only conduct in a member's non-official capacity which is engaged by the code, is conduct which constitutes a criminal offence, as defined in paragraph 2.10 above. The code may only then be applied to that conduct when the evidence that the member's conduct constituted a criminal offence is provided by the criminal conviction of the member in the courts.
- 2.17 This would mean, for example, that a member who was convicted of a criminal offence of assault or harassment could be held to have breached the code, even if the conduct, which led to the conviction took place entirely outside the member's official capacity.

Criminal conviction of a member

2.18 It should be noted that a criminal conviction resulting in a custodial sentence of more than three months without the option of paying a fine is already covered by section 80 of the Local Government Act 1972, with the member automatically disqualified from office for five years. We are not proposing any changes to this legislation.

The conduct regime

- 2.19 At present, investigations into alleged breaches of the members' code are triggered by a written allegation made to the standards committee of the local authority concerned. We propose that this continue to be the case when dealing with allegations of misconduct in relation to a member's conduct in their non-official capacity.
- 2.20 Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, we propose that the standards committee or the

Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion of the criminal procedure. The member would not be suspended during the period of the criminal process.

- 2.21 For the purpose of the conduct regime, the criminal process will be considered to have been completed at the conclusion of any appeals process.

Consultation Question 5:

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

Proposed revisions to the members' code

- 2.22 This consultation paper also seeks views on the following amendments which we propose to make to the provisions of the existing code. The proposed amendments reflect discussions with the Standards Board and, in particular, the Board's experience of the practical operation of the code over the last year.

- 2.23 In order to aid your consideration of our proposed amendments to the members' code, the substance of the present code is reproduced at **Annex B** to this paper. Guidance on the provisions of the members' code is available on the Standards Board for England's website at www.standardsboard.gov.uk

Parish councils

- 2.24 It has been suggested that article 2(5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to apply paragraph 12(2) to parish councils, to make it mandatory for parish councils that a member with a prejudicial interest may make representations at a meeting only if members of the public are able to attend that meeting for the same purpose. Currently, if a parish council wishes this provision to apply, it must make a conscious decision to adopt paragraph 12(2) into its code. This amendment would save unnecessary administration and ensure consistency across parish councils.

Membership of other bodies

- 2.25 It has been suggested that paragraphs 8(1)(a)(i) and (ii) of the current members' code be amended to clarify that the sections are referring to other bodies that you are a member of or which exercise functions of a public nature, putting it beyond doubt that this is not a reference to the authority itself.

Personal interests

2.26 It has been suggested that current wording of paragraph 8(1)(a) of the members' code could be amended to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.

Prejudicial interests

2.27 It has been suggested that paragraph 10(2) of the code be amended to remove the double negative in the current drafting, to make it clear that a prejudicial interest exists where the business of your authority affects your financial position or the financial position of a person listed in paragraph 8 of the code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the code.

2.28 It has been suggested that the meaning of 'determining' in paragraph 10(2)(b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications.

2.29 It has also been suggested that paragraph 10(2)(c) could be amended to clarify that a member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a member of the authority had failed to comply with the code.

Registration of members' interests

2.30 We propose that any new members' code would take into account any existing registration of members' interests. This will ensure that members who have already registered their interests in line with the 2007 model code do not have to repeat the process when the revised members' code is introduced.

Consultation Question 6:

Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

Consultation Question 7:

Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

Consultation Question 8:

Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.

Legislative context

- 2.31 The current members' code is set out in the Schedule to the Local Authorities (Model Code of Conduct) Order 2007 made under powers conferred on the Secretary of State by section 50 of the Local Government Act 2000.
- 2.32 Section 183 of the Local Government and Public Involvement in Health Act 2007 inserted, into section 50 of the Local Government Act 2000, a requirement for the Secretary of State to specify which provisions of the members' code apply in relation to a member's conduct when acting in an official capacity and which provisions apply when not acting in an official capacity. A provision may only be specified to apply to members' conduct when not acting in an official capacity if the conduct it prohibits constitutes a criminal offence. The power in section 50 of the Local Government Act 2000 permits the Secretary of State to define for the purposes of the members' code what is meant by "criminal offence" and what is meant by "official capacity".
- 2.33 We propose that the existing Local Authorities (Model Code of Conduct) Order 2007 be revoked and a new, revised Order would be made to reflect our proposed amendments and that part of the code applies to a member's conduct in their official capacity and part of it would apply to a member's conduct in their non-official capacity.
- 2.34 Provision is also made in section 183 of the Local Government and Public Involvement in Health Act 2007 for members to give to their authority an undertaking to observe the new code within a period prescribed by the Secretary of State. We propose that members will have two months from the date their authority adopts the new code to give a written undertaking that they will observe their authority's code. Failure to do so will mean that they cease to be members of the authority.

Consultation Question 9:

Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

Proposed amendments to the General Principles

What are the General Principles?

- 2.35 The ten General Principles, contained in the Relevant Authorities (General Principles) Order 2001, are based on the seven principles of public life set out by the Committee on Standards in Public Life. The principles underpin the provisions of the members' code, which must be consistent with these principles.
- 2.36 The ten general principles are reproduced below. The principles govern the conduct of members, and a failure to act in accordance with them may lead to a failure to comply with the members' code.

The General Principles

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in a situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to uphold the law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Proposed revisions

2.37 We propose that the Relevant Authorities (General Principles) Order 2001 be amended to make clear which principles govern the conduct of members when acting in an official capacity and which principles will apply to the conduct of members when acting in a non-official capacity, where the member's conduct would constitute a criminal offence.

2.38 We propose that the General Principles Order be amended by providing that the 10 existing principles apply to a member when acting in an official capacity and by adding a new principle which would be specified as applying to a member acting in a non-official capacity, where the member's conduct would constitute a criminal offence. We propose that the following be added to the Schedule of the Relevant Authorities (General Principles) Order 2001:

Duty to abide by the law

Members should not engage in conduct which constitutes a criminal offence.

Consultation Question 10:

Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

Definition of 'criminal offence' and 'official capacity'

2.39 Section 49 of the Local Government Act 2000 enables the Secretary of State to define what constitutes a 'criminal offence' and what constitutes 'official capacity' in the context of the General Principles Order. For the purposes of the revised General Principles Order, we propose that 'criminal offence' be defined as any conduct that has resulted in a criminal conviction.

Consultation Question 11:

Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

2.40 We propose that for the purposes of the revised General Principles Order, 'official capacity' be defined as "being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority".

Consultation Question 12:

Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

Legislative Context

2.41 The Relevant Authorities (General Principles) Order 2001 was made under powers conferred on the Secretary of State in section 49 and 105 of the Local Government Act 2000. Section 183 of the Local Government and Public Involvement in Health Act 2007 modified section 49 of the 2000 Act and it is this modification that requires the Secretary of State to specify which general principles apply to a person when acting in an official capacity and when acting in an non-official capacity.

Chapter 3: Model code of conduct for local government employees

Is an employees' code needed?

- 3.1 A code of conduct for local government employees (“employees’ code”) should provide the staff of an authority with an effective ethical framework within which to work and it should give that authority’s citizens confidence that an authority’s staff are working on their behalf in an appropriate manner.

Consultation Question 13:

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees’ terms and conditions of employment, is needed?

The employees’ code in context

- 3.2 In August 2004, the (then) Office of the Deputy Prime Minister consulted on a model code of conduct for local government employees. Responses indicated that the model code of conduct consulted on was not adequate, but also that the universal application of a code to all staff would be needlessly bureaucratic as all employees would be subject to the same code regardless of their position. There was support for following the model of the Welsh code of conduct, which only applies to a certain category of defined senior officer. Alternatively, the code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority’s scheme of delegation to officers.
- 3.3 Another view in response to the consultation paper was that certain aspects of the code (eg registration of interests), could be limited to senior officers while other more universal aspects should be applicable to all - for instance, it is beyond question that all employees should behave with honesty and integrity.
- 3.4 Many local authorities already have a code of conduct for employees in addition to, or part of, their standard terms and conditions of employment. These codes range from simple statements agreeing to act with propriety to comprehensive documents covering everything

from political neutrality to intellectual property matters. These codes of conduct are also integrated into the authority's discipline procedures.

- 3.5 It is not intended that the employees' code be a burden on authorities or employees. The code should not constrain an authority's ability to develop its own code reflecting local needs and conditions. We consider that authorities should be free to adopt supplementary provisions beyond the employees' code in order to provide their staff with an effective ethical framework within which to work.

Application of the employees' code

- 3.6 We propose that the employees' code would apply to all relevant authorities and police authorities in Wales, as defined in Section 49 of the Local Government Act 2000. We are proposing that a model employees' code - a model code that authorities may augment if they wish - be introduced, which will be incorporated into local government employees' terms and conditions of employment.
- 3.7 However, we do not propose to apply the employees' code where it is not needed, for instance to employees in professions that are covered by their own code of conduct; firefighters, teachers, community support officers, solicitors etc.

Consultation Question 14:

Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?

Consultation Question 15:

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

- 3.8 We propose a two-tier model. The first tier, drawing on the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, will apply equally to all authority employees and will enshrine the core values that it is reasonably expected every authority employee would abide by. The second tier, drawing on the members' code, will apply to 'qualifying employees', that is; either senior officials or those officials carrying out delegated functions.
- 3.9 With the members' code in place, and members having to abide by that code, there is a reasonable expectation that officials undertaking functions delegated to them by members would have to abide by the same conduct regime as members when performing those functions.

Proposed core values

The model employees' code: core values for all employees

General principles

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

Employees are accountable, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Relations with members, the public and other employees

Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

Equality

Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to

do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

Treatment of Information

Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Appointment of staff

Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Investigations by monitoring officers

Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

Consultation Question 16:

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

Beyond the core values

Who are the 'qualifying employees'?

- 3.10 There are two alternatives for selecting those 'qualifying employees' to which, in addition to the core values of the employees' code, some of the restrictions and expectations of the members' code should apply.
- 3.11 The first is based on the approach taken to determining which posts in an authority are 'politically restricted' under section 3 of the Local Government and Housing Act 1989, and assumes that certain posts are senior or influential enough to warrant controls placed on the activities of postholders. Certain posts would be designated as qualifying employees.
- 3.12 The second is the delegation model, which would see qualifying employees selected on the basis that they perform functions delegated to them by elected members under section 101 of the Local Government Act 1972.

Consultation Question 17:

Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

The model employees' code: values for qualifying employees

Compromising the impartiality of officers of the authority

A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

Using your position improperly

A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

Considering advice provided to you and giving reasons

If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

Personal interest

Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.
- Any land or property in the authority's area in which you have a beneficial interest.

A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.

Consultation Question 18:

Should the code contain a requirement for qualifying employees to publicly register any interests?

Consultation Question 19:

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

Prejudicial interest

A prejudicial interest is considered to be a matter which affects the qualifying employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.

A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.

Qualifying employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

Consultation Question 20:

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code. Have any been omitted?

Consultation Question 21:

Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

Contractors, partners and part time staff

3.13 Local authorities have an increasingly complex relationship with the private sector in its work with contractors, partners and part time staff. We consider that rather than attempt to determine centrally when and when not to apply the employees' code not just to local government employees, but those working on behalf of local government, it will be for local authorities themselves to decide, in agreeing contracts, partnership agreements or terms and conditions of employment, if and how the employees' code, in whole or in part, should apply.

Parish councils

3.14 The members' code applies to parish councillors as well as members of larger authorities, and it seems reasonable therefore for the ethical framework of the employees' code to apply to parish council employees. We recognise that the environment that parish councillors operate within is different to that of larger authorities and are conscious that what is consider to be a reasonable expectation in the employees' code for larger councils, may prove to be difficult for parish councils.

3.15 That being the case, we would welcome responses from parish councils on any particular aspect of the employees' code that might present difficulties and how those difficulties could be overcome.

Consultation Question 22:

Should the employees' code extend to employees of parish councils?

Legislative context

3.16 Section 82(7) of the Local Government Act 2000, provides that the provisions of a code made under section 82(1) of that Act will be deemed to be incorporated in employees' terms and conditions of employment.

Annex A: List of consultation questions

Chapter 2: Code of conduct for local authority members

- Question 1 Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?
- Question 2 Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.
- Question 3 Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.
- Question 4 Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?
- Question 5 Do you agree that an ethical investigation should not proceed until the criminal process has been completed?
- Question 6 Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?
- Question 7 Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?
- Question 8 Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.
- Question 9 Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?
- Question 10 Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

- Question 11 Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?
- Question 12 Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

Chapter 3 Model Code of Conduct for local authority employees

- Question 13 Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?
- Question 14 Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?
- Question 15 Are there any other categories of employee in respect of whom it is not necessary to apply the code?
- Question 16 Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?
- Question 17 Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?
- Question 18 Should the code contain a requirement for qualifying employees to publicly register any interests?
- Question 19 Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?
- Question 20 Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?
- Question 21 Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?
- Question 22 Should the employees' code extend to employees of parish councils?

Annex B

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a)

the authority;

(b)

the executive of the authority;

(c)

any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 Interests

Personal interests

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

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

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

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

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

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

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

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

(vii) any contract for goods, services or works made between your authority and you or a

firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

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

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

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

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

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests,

you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s executive or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority’s standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members’ Interests

Registration of members’ interests

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

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

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

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

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority’s monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

(3) In this Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annex C: 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 (e.g. 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

ISBN: 978 14098 01450



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Leeds City Council Standards Committee's response to Model Code consultation

Comments on timescales: The consultation paper states that the government are minded to implement the proposals in the consultation paper so that they come into effect in line with the local government elections 2009. Some authorities do not have elections in 2009. There will need to be enough time for the Standards Committees to meet prior to the Annual Meetings of each authority. The Standards Committee would suggest that the proposals could become effective from the annual meeting of each Local Authority.

In addition, it is unclear (until November) whether the local election date will be amended to 4th June 2009 to coincide with the European elections. If the date of the local elections is changed to 4th June 2009, some authorities will have already had their annual meeting and adopted their constitution by the time the Order is implemented.

Chapter 2: Code of conduct for local authority members

Question 1: Do you agree that the Members' Code should apply to a Member's conduct when acting in their non-official capacity?

The Standards Committee does not oppose the proposal that the Members' Code should apply to Members' conduct when acting in a non-official capacity.

Question 2: Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

The Standards Committee stated in the previous consultation response that it would also seem logical that behaviour which breaches the criminal law but is sanctioned without conviction by a court should also be included, for example those sanctioned by a fixed penalty notice or caution. However, if it is the government's intention to only cover serious criminal offences, it would be more sensible to restrict the definition to cover only behaviour for which the Member has been convicted by a criminal court.

The link to a criminal conviction provides clarity in terms of whether behaviour would or would not be relevant, however it would also mean that behaviour, which may be criminal, that does not trigger criminal proceedings, possibly as a result of a public interest decision made by criminal justice agencies, can not be taken into consideration by the Standards Committee.

The Standards Committee notes the Standards Board for England's intention to release guidance on how to treat a criminal offence in relation to a potential breach of the Code of Conduct, and would hope that this guidance would be in place in time for the release on the new Code of Conduct in May / June 2009.

Question 3: Do you agree with this definition of ‘official capacity’ for the purpose of the members’ code? If not, what other definition would you support? Please give details.

The Standards Committee does not oppose the definition of official capacity as outlined in the consultation document.

Question 4: Do you agree that the members’ code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

The Standards Committee does not oppose the proposal that if the Code of Conduct is made to apply to Members whilst they are abroad, it should only cover criminal offences that would also be criminal offences under UK law.

The Standards Committee does not oppose the proposal that the Code of Conduct should apply to a Member who has committed a criminal offence, even where there is no link with the functions of his or her office.

The Standards Committee notes the government’s proposal that criminal convictions would still have to be reported as potential breaches of the Code of Conduct by a written allegation to the Standards Committee. The Standards Committee would ask that further consideration be given to the implications for the ethical framework, for example, whether this would exclude referrals made by the police, court system or crown prosecution service as part of a system of referrals. It could be argued that without such a system of referrals, convictions which perhaps went unreported in the local news may go unnoticed by a local Standards Committee. In addition, a referral system would allow convictions which occur in other areas of the country to be considered by the relevant standards committee. With such a referral system the Code of Conduct would be applied more consistently to a Members’ personal life than if this solely relied on a written allegation by a member of the public.

The Standards Committee would also ask the government to consider utilising the new Independent Safeguarding Authority, who are able to notify employers when there is a change to the status of a person’s criminal record. If Councillors are to be covered by this system, it would make sense that notification of a criminal conviction should also lead to a complaint to the relevant standards committee.

Question 5: Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

The Standards Committee does not oppose the suggestion that any ethical investigation should be put on hold until the criminal process has been completed. If the Code of Conduct is to only cover criminal offences for which the Member has been convicted, it would be impossible for the Standards Committee to reach a conclusion as to whether the Code of Conduct had been breached until the criminal process had concluded.

Question 6: Do you think that the amendments to the members’ code suggested in this chapter are required? Are there any other drafting

amendments which would be helpful? If so, please could you provide details of your suggested amendments?

The Standards Committee does not oppose the proposal that paragraph 12(2) of the current Code should no longer be optional for Parish and Town Councils. There would seem to be no reason why a Parish or Town Council would want to prevent their Councillors from having the right to speak on such matters, and the element of choice has the potential to cause confusion when providing advice to Clerks on prejudicial interests, and when considering complaints submitted about Parish and Town Councils.

The Standards Committee does not oppose the proposal that the wording of paragraphs 8(1)(a)(i) and (ii) should be amended to make it clear that membership of the authority itself is not something which needs to be registered. It may also assist Members if the wording was clarified even further to establish whether these paragraphs include Council committees or boards.

The definition of a 'relevant person' in paragraph 8(2)(b) also needs clarifying, as 'any body who has appointed you' may also include the authority itself or any of its committees or boards.

The Standards Committee consider that it would be helpful if a reference to predetermination were included in the wording of the Code of Conduct in relation to matters which are being considered by more than one committee. This would provide Members with clarity regarding their obligations during meetings, and would bring issues of predetermination into the remit of the Code of Conduct.

The Standards Committee also consider that it would be helpful if the term "business of the authority" were defined in the Code of Conduct. Particularly whether the term includes informal meetings and site visits.

The Standards Committee does not oppose the proposal that the wording of paragraph 8(1)(a) of the Code should be amended to make it clear that Members' are not required to find out and register the interests of any person who has provided them with a gift or hospitality, but rather need to register the details of the gift and the name of the donor. The Standards Committee would also ask the government to consider whether it might be appropriate for Members to register any gifts or hospitality received in their capacity as an election candidate (for example from the nomination deadline), in the same way that election donations should be registered as an interest following election.

The Standards Committee would again suggest that the financial threshold of £25 is too low. In response to the consultation exercise conducted in 2006 the Council proposed a raised threshold of £100.

Currently the Code of Conduct requires Members to register all gifts and hospitality they receive in their capacity as a Councillor, but only to declare these entries at meetings for three years. Would it be possible to amend the Code of Conduct to allow these entries to also be deleted from the register of interests after three years? If these gifts cease to be personal interests for the purposes of meetings after three

years, it would also seem sensible that they cease to be personal interests for the purposes of the register of interests. This would also assist Members and officers with seeing clearly which interests they may need to declare at meetings (this is especially the case for previous Lord and Deputy Lord Mayors), and may prevent complaints from members of the public who do not understand that Members need not declare these interests in meetings after three years.

The Standards Committee does not oppose any of the three proposed amendments to the definition of prejudicial interests outlined in the consultation document. However, in order for the paragraph to make sense, a negative will also have to be introduced to the wording of paragraph 10(2)(c), as follows:

“You have a prejudicial interest in any business of the authority where that business-

- (a) affects your financial position or the financial position of a person or body described in paragraph 8;
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) does not relate to the functions of your authority in respect of-
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to Members;
 - (v) any ceremonial honour given to Members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.”

The Standards Committee also believe that the list of exemptions in paragraph 10(2)(c)(ii) should be amended to include other types of school governor, rather than being restricted to parent governors.

Question 7: Are there any aspects of conduct currently included in the members’ code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

The Standards Committee does not believe that there are any aspects of conduct included in the current Code of Conduct that are not required.

Question 8: Are there any aspects of conduct in a member’s official capacity not specified in the members’ code that should be included? Please give details.

In Leeds, Members are advised that where they have a prejudicial interest in a matter they should also declare this and withdraw from any informal or pre-meetings

(even though these do not fall within the formal definition of a meeting in the Code), as this may be seen as improper influence. It may be useful to clarify that these aspects of a Members' official capacity could also cause them to breach the Code in this way.

It would be helpful to include clarification either in the Code itself or within guidance as to the meaning of 'decision' and 'improper influence' at paragraph 12(1)(c) of the Code.

Question 9: Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

The Standards Committee understand that the government is proposing that the new Members' Code will take into account any existing registration of Members' interests, and therefore Members will not be required to re-register their interests once the new model Code is adopted. The Standards Committee is pleased to note that this is the case as it was viewed by many Members and officers as being an onerous requirement in view of full existing registrations in place. However, the Standards Committee is concerned that the public may not be aware of the transferring of registration under the new Code and may make numerous complaints for failure to register which would have to be processed under the Local Assessment regime regardless of the fact that the legislation underpinning the change carries existing registration of interests into the new regime.

The Standards Committee also understand that the government is proposing that Members will be required to sign an undertaking to abide by the new Code of Conduct within two months of its adoption. When the previous model Code was brought into force in May 2007, advice from the Standards Board for England indicated that Members were not required to sign a new undertaking. Instead it was considered that the wording within the acceptance of office, that Members agreed to abide with the Code of Conduct in force at the authority, was sufficient.

The Standards Committee consider that it would be helpful if existing declarations of acceptance could be carried into the new Code immediately upon adoption by the authority. This would help to reduce confusion which could arise regarding which code applies to Members in relation to complaints for the period between adoption by the authority and acceptance by individual members of the Code.

In the event that a written undertaking is required, the timescale of two months would seem a sufficient timescale for Members to give a written undertaking to abide by the new Code, although the possible change in date of the local elections would need to be considered, as this exercise could result in Members signing two undertakings; once after the Code's adoption, and again following the local elections.

However, the Standards Committee is concerned that two months may not be a sufficient timescale to train all Members prior to them providing a written undertaking. This will especially be the case for authorities with large numbers of members.

Question 10: Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

The Standards Committee does not oppose the proposed addition of the new general principle. However given that the general principles are not directly binding on Members in the same manner as the Code, the Standards Committee is unsure that the principle needs to be related to conduct in a member's non-official capacity.

The Standards Committee would ask the government to consider fully incorporating the general principles into the Code of Conduct to clarify whether they are binding on Members, and whether they are a material consideration when assessing complaints about the conduct of Members.

Question 11: Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

If the general principles are not enforceable, and are there to underpin and inform Members' understanding of the Code of Conduct, it would seem sensible that the definition of a 'criminal offence', is the same as that used for the Code of Conduct.

Question 12: Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

If the general principles are not enforceable, and are there to underpin and inform Members' understanding of the Code of Conduct, it would seem sensible that the definition of 'official capacity', is the same as that used for the Code of Conduct.

Chapter 3: Model Code of Conduct for local authority employees

Question 13: Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?

The Standards Committee agree that a mandatory model code of conduct for employees is required. Leeds City Council currently has an employee's code which is incorporated in their terms and conditions, but it would be of assistance to have consistency with other local authorities, particularly on issues such as the employee register of interests.

Question 14: Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?

The Standards Committee believes that the employee's code should apply to all local authority employees, and that the individual professional codes should apply to these employee's alongside the local government code of conduct.

Question 15: Are there any other categories of employee in respect of whom it is not necessary to apply the code?

Officers working in different environments, with different access to information, or different levels of contact with members of the public would find an employee code more or less relevant to their jobs. However for the purposes of consistency the code should apply to all categories of local authority employee.

Question 16: Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

The employee's code correctly reflects the core values that should be enshrined in the code.

Question 17: Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

The Standards Committee believes that the selection of 'qualifying employees' should be made on the basis of the Council's delegation scheme. This would be manageable for officers named in the Constitution's delegation scheme, and applying the extended code of conduct to these employees could be met from within the authority's existing resources. However, although the national framework should apply to officers named in the Constitution's delegation scheme, it could be delegated to each local authority to decide whether to extend the scheme to apply to other officers who are delegated powers by their Director of Chief Officer in turn.

The Standards Committee are mindful that every day across the Council, officers are taking decisions. They do this in relation to both executive and non-executive

functions; and the functions delegated for officer decision are set out transparently in the Officer Delegation Scheme which is incorporated in the Council's constitution. However, the Committee has a real concern about the level of transparency associated with officer decision-taking, and that arrangements in respect of officer declarations of interest are neither universal nor fully transparent. The Standards Committee are particularly concerned about relatively junior employees who are 'sub-delegated' powers to approve licensing or planning applications and how closely these officers are monitored in terms of any interests they might have.

If the government is minded to select qualifying employees based on the delegation model, the Standards Committee would ask the government to consider extending the local government inspection regime to include delegation schemes, and how these are applied across local authorities.

Question 18: Should the code contain a requirement for qualifying employees to publicly register any interests?

The Standards Committee agrees that it seems sensible that the new employee's code should contain a requirement for qualifying employees to publicly register their interests.

The Standards Committee have previously discussed publishing the register of interests for certain officers in Leeds City Council, and have written to Mr John Healey MP on this subject.

Question 19: Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

The list of categories within the consultation paper would seem to cover all the financial interests which may arise. However, it is unclear whether it would be proportionate to require employees to publicly register their home address. The Standards Committee agree that this information should be made available to the employee's manager(s), to Members under their 'need to know' rights, and to members of the public if they raise a concern about an officer's decision, but that this information should be restricted to these parties.

The matters which an employee will be required to register are matters in their private life. The requirement to register these interests with their employer is therefore an infringement of Article 8 of the Human Rights Act (Respect for private life, etc.) and potentially of the Data Protection Act 1998. Any public right of access to this personal information would be much more serious infringement of those rights of protection of private life and personal information, and should therefore only be granted if it is necessary for the protection of the rights and freedoms of others and the maintenance of public morals.

Since the Employees' Code is imported into employees' terms and conditions of employment and enforced through the employers' disciplinary process, it must be questioned what wider public interest would be served by the publication of such information. It should also be noted that JNC terms and conditions of employment

currently prohibit the employing authority from disclosing personal information about an employee without his/her consent.

A further question arises as to whether it should be open to inspection by all Members of the employing authority. In the absence of express legislative provision, the view is taken that Members would not have any automatic right of access to the register, but might make a specific enquiry in respect of a named officer where they were able to demonstrate that they had a real need to know that information in order to discharge their functions as a member. Otherwise access would be limited to named employees in respect of only those employees for whom they had direct responsibility.

The Standards Committee would assume that the same guidance on what to register under these categories would apply to officers, as currently applies to Members.

Question 20: Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?

The Standards Committee disagrees with the proposals regarding employees and prejudicial interests. If a similar definition of prejudicial interests to that in the Members' Code is going to be used in the employee's code, it would seem sensible that the action required of the Member and officer should be the same i.e. that they take no part in the decision. In the consultation paper government seems to propose that officers only need to declare their prejudicial interest if it is not possible for them to withdraw from the decision making process. We would suggest that the same rules should apply to officers as apply to Members, and therefore alternative arrangements would need to be put in place to consider the matter if an officer had a prejudicial interest i.e. the matter should be referred upwards through the scheme of delegation, or to the relevant Council Committee. In such exceptional circumstances where no alternative route is available, such as the recruitment process, then additional control arrangements should be put in place for employees with prejudicial interests.

Question 21: Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

There do not appear to be any elements of the employee's code, as outlined in the consultation paper, which are not necessary, but the Standards Committee would like to suggest that the wording of the section 'compromising the impartiality of officers of the authority' is amended to make it clear that senior officers can ask officers to alter their advice to a Committee or to take alternative action, if the action or report is being taken in their name. At the moment it could be interpreted that any request to change advice is inappropriate.

The Standards Committee agrees that it should be up to each authority how they should apply the employee's code when working in partnership with other bodies, however the Standards Committee is of the view that the employee's code would always apply to Council employees, whether they are working in partnership or not.

Any additional requirements imposed by the partner organisation would have to be followed in addition to the employee's code imposed by the authority.

Question 22: Should the employees' code extend to employees of parish councils?

There does not seem to be anything within the employee's code, as proposed, which would be onerous on smaller Parish Councils. However, it may be difficult for some smaller Parish Councils to enforce the code and incorporate it into the terms of conditions of the clerk's employment, as some Parish Clerks only work for a few hours a week and on an entirely voluntary basis.

The Standards Committee would suggest that the government contact the National Association of Local Councils and the Society for Local Council Clerks for feedback on this proposal.

<u>Outside Body</u>	<u>Member Appointed</u>	<u>Member Replaced</u>	<u>Date</u>
Leeds Admission Forum	Cllr Gettings	Cllr Finnigan	28/10/08

4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

4.1 The member appointments referred to in 3.1 to 3.2 are in accordance with the Council's Constitution and as detailed in the Appointments to Outside Body Procedure Rules. Members will also be advised of the need to update their entry in the Members register of interests.

5.0 LEGAL AND RESOURCE IMPLICATIONS

5.1 There are no specific legal or resource implications in relation to these appointments.

6.0 RECOMMENDATION

6.1 Members are asked to consider the current position in relation to Elected Member appointments to outside bodies detailed in Appendix 1.

6.2.1 Members are asked to note the change of appointments since the last meeting of the Committee as detailed in 3.2 of the report.

Background Papers

Appointment to Outside Bodies Procedure Rules

OUTSIDE BODIES RESERVED TO THE MEMBER MANAGEMENT COMMITTEE

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
Adoption Panel – Elmete	No	No	2	May-09	Aug-08	Ben Chastney	Lib Dem
				May-09	Jun-08	Eileen Taylor	Lab
Adoption Panel - Leodis	No	No	2	May-09	Jun-08	Mick Coulson	Lab
				May-09	Jun-08	Lucinda Yeadon	Lab
Adoption Panel – Skyrack	No	No	2	May-09	Jun-08	Valerie Kendall	Con
				May-09	Jun-08	Whips nominee	Con
Affordable Housing Strategic Partnership Board	No	No	3	May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Richard Lewis	Lab
				May-09	Jun-08	Richard Brett	Lib Dem
Airport Consultative Committee	No	No	1	May-09	Jun-08	Brian Cleasby	Lib Dem
Allotments Working Party	No	No	1	May-09	Jun-08	Stuart Golton	Lib Dem
ALMO - East/North East	Yes	Conservative	4	May-09	Jun-08	Paul Wadsworth	Con
		Conservative		May-09	Jun-08	Gerald Wilkinson	Con
		Labour		May-09	Jun-08	Graham Hyde	Lab
		Lib Democrat		May-09	Jun-08	David Hollingsworth	Lib Dem
Aire Valley Homes Leeds (formerly known as South South East Homes Leeds)	Yes	Lib Democrat	4	May-09	Jun-08	Stewart Golton	Lib Dem
		MBI		May-09	Jun-08	Robert Finnigan	MBI
		Labour		May-09	Jun-08	Peter Gruen	Labour
		Labour		May-09	Jun-08	Geoff Driver	Labour
ALMO - West/North West Homes	Yes	Conservative	4	May-09	Jun-08	Barry Anderson	Con
		Green		May-09	Jun-08	Ann Blackburn	Green
		Lib Democrat		May-09	Jun-08	Judith Chapman	Lib Dem
		Labour		May-09	Jun-08	Alison Lowe	Lab
Alzheimers Society Management Committee	No	No	1	May-09	Jun-08	Brenda Lancaster	Lib Dem
Arthur Louis Aaron Memorial Fund.	No	No	1	May-09	Jun-08	Ronald Feldman	Con
Association Of Blind Asians	No	No	1	May-09	Jun-08	mohammed iqbal	Lab
Association Of West Yorkshire Authorities	Yes	Leader	3	May-09	Jun-08	Richard Brett	Lib Dem
	in part	1 Place		May-09	Jun-08	Keith Wakefield	Lab
				May-09	Jun-08	Andrew Carter	Con
Bradford University Court	No	No	3	May-09	Jun-08	Vacancy	Unallocated
				May-09	Jun-08	Geoff Driver	Lab
				May-09	Jun-08	Brian Cleasby	Lib Dem
Brotherton Collection Advisory Committee	No	No	1	May-09	Jun-08	Bernard Atha	Lab
Care And Repair (Leeds)	No	No	1	May-09	Jun-08	Ralph Pryke	Lib Dem
Children's Advisory Panel	Yes	Executive Member (Childrens Services) or 1 Place	5	May-09	Jun-08	Judith Elliot	MBI
	in part			May-09	Jun-08	Mick Coulson	Lab
				May-09	Jun-08	Brian Selby	Lab
				May-09	Jun-08	Brenda Lancaster	Lib Dem
				May-09	Jun-08	Gerald Wilkinson	Con

OUTSIDE BODIES RESERVED TO THE MEMBER MANAGEMENT COMMITTEE

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
	Y/N						
Chinese Community Association	No	No	1	May-09	Jun-08	Neil Taggart	Lab
Clarke Hall Government Committee	No	No	1	May-09	Jun-08	Colin Campbell	Lib Dem
Chamber of Commerce	Yes	Executive Member Development & Regeneration or	1	May-09	Jun-08	Andrew Carter	Con
The Alliance for Regional Aid (formerly known as the Coalfield Communities Campaign Regional Executive)	No	No	1	May-09	Jun-08	Keith Parker	Lab
Community Links	No	No	1	May-09	Jun-08	John Bale	Con
Craft Centre And Design Gallery	No		3	May-09	Jun-08	Judith Elliott	MBI
				May-09	Jun-08	Bernard Atha Graham Latty	Lab Con
Crossroads (Leeds) Ltd	No		1	May-09	Jun-08	Vacancy	
Cycling Consultative Forum	No		1	May-09	Jun-08	Stuart Andrew	Con
David Young Academy Governing Body	no		1	Oct-12	Oct-08	Peter Gruen	Lab
Dial Leeds	No	No	1	May-09	Jun-08	Vacancy	Green
Early Years Development Partnership	No	No	3	May-09	Jun-08	Richard Harker	Lib Dem
				May-09	Jun-08	Lisa Mulherin	Lab
				May-09	Jun-08	Whip Nominee	Con
Fostering Panel - East Leeds	No	No	1	May-09	Jun-08	Vacant	Con
Fostering Panel - Rawdon	No	No	1	May-09	Jun-08	Mick Coulson	Labour
Fostering Panel - South Leeds	No	No	1	May-09	Jun-08	Brian Cleasby	Lib Dem
Friends Of Leeds City Museum	No	No	3	May-09	Jun-08	Barry Anderson	Con
				May-09	Jun-08	Elizabeth Nash	Lab
				May-09	Jun-08	Don Wilson	Lib Dem
Green Leeds	No		4	May-09	Jun-08	adam ogilvie	Lab
				May-09	Jun-08	Sue Bentley	Lib Dem
				May-09	Jun-08	David Blackburn	Green
				May-09	Jun-08	Barry Anderson	Con
Harrison & Potter Trust /Josiah Jenkinson Charity	No	No	1	May-09	Oct-08	Sue Bentley	Lib Dem
Homestart Leeds	No	No	1	May-09	Jun-08	Vacancy	
IGEN	No	No	1	May-09	Jun-08	Tom Murray	Lab
Investigation of Air Pollution Standing Conference	Yes	Executive Member Development & Regeneration or nominee	1	May-09	Jun-08	Barry Anderson	Con

OUTSIDE BODIES RESERVED TO THE MEMBER MANAGEMENT COMMITTEE

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9				
Joint Consultative Committee (Teachers)	Yes	Exec Member Childrens Services or Nominee	5	May-09	Jun-08	Lisa Mulherin	Lab				
	(in part)	1 place		May-09	Jun-08	Jane Dowson	Lab				
				May-09	Jun-08	William Hyde	Con				
				May-09	Jun-08	Brian Cleasby	Lib Dem				
May-09	Jun-08	Richard Harker	Lib Dem								
Joseph Priestley College Governing Body	No	No	2	May-09	Jun-08	Lisa Mulherin	Lab				
				May-09	Jun-08	Robert Finnigan	MBI				
Lady Elizabeth Hastings Educational Foundation	No	No	1	May-09	Jun-08	Mr Michael Fox					
Leeds Admissions Forum	No	No	5	May-09	Jun-08	Peter Gruen	Lab				
				May-09	Oct-08	Bob Gettings	MBI				
				May-09	Jun-08	Mick Coulson	Lab				
				May-09	Jun-08	Alec Shelbrooke	Con				
May-09	Jun-08	Richard Harker	Lib Dem								
Leeds Ahead Board	Yes	Exec Member - Narrowing the Gap or nominee	1	May-09	Jun-08	Mark Harris	Lib Dem				
Leeds Art Collections Fund	No	No	1	May-09	Jun-08	John Procter	Con				
Leeds Childrens Holiday Camp Association	No	No	1	May-09	Jun-08	Chris Townsley	Lib Dem				
Leeds Citizens Advice Bureau	No	No	2	May-09	Jun-08	Vacant	Lib Dem				
				May-09	Jun-08	Alison Lowe	Lab				
Leeds Civic Arts Guild	No	No	1	May-09	Jun-08	Roger Harington	Lab				
Leeds College of Building	No	No	1	May-09	Jun-08	Mark Dobson	Lab				
Leeds College Of Technology Governing Body	No	No	1	May-09	Jun-08	Clive Fox	Con				
Leeds Community Equipment Service Partnership Board	No	No	2	May-09	Jun-08	debra coupar	Lab				
				May-09	Jun-08	Brenda Lancaster	Lib Dem				
Leeds Community Foundation	Yes	Exec Member - Narrowing the Gap or nominee	1	May-09	Jun-08	Mark Harris	Lib Dem				
Leeds Faith Forum	No	No	1	May-09	Jun-08	mohammed iqbal	Lab				
LGA General Assembly	Yes	Con group	4	May-09	Jun-08	Barry Anderson	Con				
	all places	Lib dem group		May-09	Jun-08	Stuart Golton	Lib Dem				
		Labour group		May-09	Jun-08	Keith Wakefield	Lab				
		MBI group		May-09	Jun-08	Robert Finnigan	MBI				
LGA Urban Commission	Yes	Executive Member Development & Regeneration or nominee	1	May-09	Jun-08	Andrew Carter	Con				

OUTSIDE BODIES RESERVED TO THE MEMBER MANAGEMENT COMMITTEE

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
	Y/N						
Leeds Grand Theatre Board And Opera House Board Of Management	Yes - all places	Chair to be the relevant Executive Board member	5	May-2010	Jun-08	John Procter	Con
				May 2009	Jun-08	Judith Blake	Lab
				May 2010	Jun-08	Peter Harrand	Con
				May 2009	Jun-08	Chris Townsley	Lib Dem
				May 2008	Jun-08	Bob Gettings	MBI
Leeds Grand Theatre Enterprises Ltd	Yes all places	Members of Grand Theatre Board - Chair to be Chair of the Board	3	May-09	Jun-08	John Procter	Con
				May-09	Jun-08	Judith Blake	lab
Groundwork Leeds	No	No	6	May-09	Jun-08	Chris Townsley	Lib Dem
				May-09	Jun-08	Geoff Driver	Lab
				May-09	Jun-08	Keith Wakefield	Lab
				May-09	Jun-08	Jane Dowson	Lab
				May-09	Jun-08	Ann Blackburn	Green
Leeds Housing Concern	Yes	Exec Member Neighbourhoods and Housing or Nominee	1	May-09	Jun-08	Exec Member or nominee	Con
				May-09	Jun-08	Ralph Pryke	Lib Dem
Leeds in Bloom/Leeds Floral Initiative	No	No	1	May-09	Jun-08	Frank Robinson	Con
Leeds Initiative Assembly	Yes	Party Leaders or nominee 3 places	3	May-09	Jun-08	Keith Wakefield	Lab
				May-09	Jun-08	Richard Brett	Lib Dem
				May-09	Jun-08	Andrew Carter	Con
Leeds Initiative - Executive	Yes	Party Leaders or nominee	3	May-09	Jun-08	Richard Brett	Lib Dem
				May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Keith Wakefield	Lab
Leeds Initiative going up a league Board	Yes	Party Leaders or nominee	3	May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Richard Brett	Lib Dem
				May-09	Jun-08	Judith Blake	Lab
Leeds Initiative Narrowing the Gap Board	Yes	Party Leaders or nominee	3	May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Richard Brett	Lib Dem
				May-09	Jun-08	Keith Wakefield	Lab
Leeds Initiative - Children Leeds Partnership	No		4	May-09	Jun-08	Stewart Golton	Lib Dem
				May-09	Jun-08	Richard Harker	Lib Dem
				May-09	Jun-08	Ruth Feldman	Con
Leeds Initiative - Skills and Economy Partnership	No		3	May-09	Jun-08	Lisa Mulherin	Lab
				May-09	Jun-08	Barry Anderson	Con
				May-09	Jun-08	Stewart Golton	Lib Dem
Leeds Initiative - Culture Partnership	No		3	May-09	Jun-08	Jim McKenna	Lab
				May-09	Jun-08	John Procter	Con
				May-09	Jun-08	Alan Taylor	Lib Dem
Leeds Initiative - Healthy Leeds Partnership	No		3	May-09	Jun-08	Roger Harrington	Lab
				May-09	Jun-08	Peter Harrand	Con
				May-09	Jun-08	Pauleen Grahame	Lab
Leeds Initiative - Safer Leeds Partnership	No		3	May-09	Jun-08	Brenda Lancaster	Lib Dem
				May-09	Jun-08	J L Carter	Con
				May-09	Jun-08	M Rafique	Lab
				May-09	Jun-08	Whips nominee	Lib Dem

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
	Y/N						
Leeds Initiative Transport Partnership	No		4	May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Judith Blake	Lab
				May-09	Jun-08	David Blackburn	Green
				May-09	Jun-08	Ryk Downes	Lib Dem
Leeds Initiative - Climate Change	No		3	May-09	Jun-08	Steve Smith	Lib Dem
				May-09	Jun-08	Barry Anderson	Con
				May-09	Jun-08	Adam Oglivie	Lab
Leeds Architecture and Design Initiative	None		5	May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Stuart Andrew	Con
				May-09	Jun-08	Clive Fox	Con
				May-09	Jun-08	Colin Campbell	Lib Dem
				May-09	Jun-08	Peter Gruen	Lab
Leeds Jewish Care Services	No	No	1	May-09	Jun-08	Ronald Feldman	Con
Leeds Learning Disabilities Partnership Board	Yes	Executive Member (Adult Health & Social Care) or nominee	5	May-09	Jun-08	Peter Harrand	Con
	in part	1 Place		May-09	Jun-08	debra coupar	Lab
				May-09	Jun-08	Brian Selby	Lab
				May-09	Jun-08	Vacancy	Unallocated
				May-09	Jun-08	Vacancy	Unallocated
Leeds Local Access Forum	No	No	2	May-09	Jun-08	Clive Fox	Con
				May-09	Jun-08	Jack Dunn	Lab
Leeds Mind	No	No	1	May-09	Jun-08	Vacancy	Green
Leeds Parish Church Exhibition Foundation	No	No	1	May-09	Jun-08	Marian Monks	Non Cllr
Renewal Leeds Limited	Yes	Exec Member Neighbourhoods and Housing or Nominee	1	May-09	Jun-08	J L Carter	Con
Leeds Philharmonic Society	No	No	1	May-09	Jun-08	Richard Harker	Lib Dem
Leeds International Piano/forte Competition Committee	No	No	2	May-09	Jun-08	Martin Hamilton	Lib Dem
				May-09	Jun-08	Elizabeth Nash	Lab
Leeds Racial Equality Council	Yes (in part)	Exec Member Central and Corporate	2	May-09	Jun-08	Vacancy	Lib Dem
		1 place		May-09	Jun-08	Mohammed Iqbal	Lab
Leeds Schools Foundation	Yes	Exec Member Learning or Nominee	1	May-09	Jun-08	Richard Harker	Lib Dem
Leeds Schools Sports Association	No	No	2	May-09	Jun-08	Vacant	
				May-09	Jun-08	Roger Harington	Lab
Leeds Sports Federation	No	No	6	May-09	Jun-08	Denise Atkinson	Lab
				May-09	Jun-08	Roger Harington	Lab
				May-09	Jun-08	Patrick Davey	Lab
				May-09	Jun-08	Vacancy	Lib Dem
				May-09	Jun-08	Vacancy	Con
				May-09	Jun-08	Gerald Wilkinson	Con
Leeds University Court	No	No	2	May-09	Jun-08	Penny Ewens	Lib Dem
				May-09	Jun-08	Bill Hyde	Con
Leeds Women's Aid	No	No	1	May-09	Jun-08	Andrea McKenna	Lab
Local Construction And Training Agency	Yes	Exec Member Neighbourhoods and Housing or Nominee	1	May-09	Jun-08	J L Carter or Nominee	Con
Lord Mayor Of Leeds Appeal Fund	No	No	3	May-09	Jun-08	Peter Gruen	Lab
				May-09	Jun-08	John Procter	Con
				May-09	Jul-08	Sue Bentley	Lib Dem
National Association of Councillors	No		3	May-09	Jun-08	Suzi Armitage	Lab
				May-09	Jun-08	Whips nominee	Con
				May-09	Jun-08	Whips nominee	Lib Dem
National Coal Mining Museum For England Liaison Committee	No	No	1	May-09	Jun-08	Keith Parker	Lab
Neighbourhood Renewal Board - Aire Valley	Yes	Exec Member Neighbourhoods and Housing or Nominee	1	May-09	Jun-08	J L Carter	Con

OUTSIDE BODIES RESERVED TO THE MEMBER MANAGEMENT COMMITTEE

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
	Y/N						
		Executive Member Development & Regeneration or nominee	1	May-09	Jun-08	A Carter	Con
		Local Ward Member	1	May-09	Jun-08	D Hollinsworth	Lib Dem
		Labour Group Nominees	2	May-09	Jun-08	G Driver	Lab
				May-09	Jun-08	debra couper	Lab
Beeston Hill and Holbeck Regeneration Partnership Board	Yes	Ward Members	2	May-09	Jun-08	Adam Ogilvie	Lab
				May-09	Jun-08	Angela Gabriel	Lab

OUTSIDE BODIES RESERVED TO THE MEMBER MANAGEMENT COMMITTEE

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
	Y/N						
Neil Bank Centre Trust	No	No	1	May-09	Jun-08	Mick Coulson	Lab
National Parking Adjudication Service Committee	Yes	Executive Member whose portfolio includes Parking services or nominee	1	May-09	Jun-08	Steve Smith	Lib Dem
National Society For Clean Air Divisional Council	No	No	1	May-09	Jun-08	Barry Anderson	Con
Normandy Veterans Association	No	No	1	May-09	Oct-08	Brenda Lancaster	Lib Dem
North Regional Association For Sensory Support	No	No	1	May-09	Jun-08	Peter Harrand	Con
Northern College - Board Of Governors	No	No	1	May-09	Jun-08	James McKenna	Lab
Northern College - Policy And Finance Committee	No	No	1	May-09	Jun-08	James McKenna	Lab
Northern College - Joint Liaison Group	No	No	1	May-09	Jun-08	James McKenna	Lab
Nuclear Free Zones English Forum	No	No	1	May-09	Jun-08	Ralph Pryke	Lib Dem
Park Lane College	No	No	1	May-09	Jun-08	Penny Ewens	Lib Dem
People First	No	No	1	May-09	Jun-08	Jane Dowson	Lab
Public Rights of Way Forum	No	No	1	May-09	Jun-08	Clive Fox	Con
Re'new	Yes	Exec Member (Neighbourhoods and Housing) or nominee	1	May-09	Aug-08	Matthew Lobley	Con
Reserve Forces And Cadets Association For Yorkshire & Humberside	No	No	1	May-09	Jun-08	Bill Hyde	Con
Robert Salter Charity	No	No	3	May-09	Jun-08	Richard Lewis	Lab
				May-09	Jun-08	Whip Nominee	Con
				May-09	Jun-08	Whip Nominee	Con
Roseville Enterprises Board Of Management	Yes	Executive Member (Adult Health & Social Care) or nominee	5	May-09	Jun-08	Clive Fox	Con
	in part			May-09	Jun-08	Don Wilson	Lib Dem
				May-09	Jun-08	David Blackburn	Green
				May-09	Jun-08	Debra Coupar	Labour
				May-09	Jun-08	Robert Finnigan	MBI
SIGOMA	Yes	Leader of Council	1	May-09	Jun-08	Richard Brett	Lib Dem

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Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
Simeon Gaunt Memorial Music Festival Charity	No	No	3	May-09	Jun-08	Andrew Carter	Con
				May-09	Jun-08	Josephine Jarosz	Lab
				May-09	Jun-08	Mr Cornforth	Con
South Leeds Team Ministry	No	No	1	May-09	Jun-08	Unallocated	
Standing Advisory Council on Religious Education	No	No	4	May-09	Jun-08	Brian Selby	Lab
				May-09	Jun-08	Geoff Driver	Lab
				May-09	Jun-08	Peter Harrant	Con
Aire Action Leeds (formerly State of the River Management Committee)	No	No	1	May-09	Jun-08	Richard Harker	Lib Dem
				May-09	Jun-08	Stuart Golton	Lib Dem
Swarthmore Educational Centre	No	No	2	May-09	Jun-08	Penny Ewens	Lib Dem
				May-09	Jun-08	Vacancy	Unallocated
The Charities Of Thomas Wade And Others	No	No	3	May-09	Jun-08	Bill Hyde	Con
				May-09	Jun-08	Alan Taylor	Lib Dem
				May-09	Jun-08	Ann Blackburn	Green
Leeds Thomas Danby	No	No	1	May-09	Jun-08	Tom Murray	Lab
Touchstone	No	No	1	May-09	Jun-08	Vacancy	Unallocated
Trustees Of Joshua Crabtree's Charity	No	No	2	May-09	Jun-08	Colin Campbell	Lib Dem
				May-09	Jun-08	Vacancy	Unallocated
Voluntary Action Leeds	No	No	3	May-09	Jun-08	Jane Dowson	Lab
				May-09	Jun-08	Whip nominee	Con
				May-09	Jun-08	Greg Mulholland	Lib Dem
West Yorkshire Culture	Yes	Proposed to be Executive Member (Leisure) or nominee	1	May-09	Jun-08	Proposed to be Executive Member (Leisure)	Con
West Yorkshire Market Renewal Board	No	No	1	May-09	Jun-08	Vacancy	Unallocated
West Yorkshire Playhouse Theatre Board	Yes	Exec Member Leisure or Nominee 1 place	4	May-09	Jun-08	Martin Hamilton	Lib Dem
				May-09	Jun-08	Valerie Kendall	Con
				May-09	Jun-08	Steve Smith	Lib Dem
West Yorkshire Rural Partnership	No	No	1	May-09	Jun-08	Terry Grayshon	MBI
West Yorkshire Valuation Tribunal (Appointments Panel)	No	No	1	May-09	Jun-08	Mick Coulson	Lab

Outside Body	Restricted Appointment	Nature of Restriction	No of Places	Review Date	Date Appointed	Nominee in 2008/9	Group Allocation 2008/9
	Y/N						
William Merritt Disabled Living Centre and Mobility Service	No	No	1	May-09	Jun-08	Vacancy	Unallocated
Wypta Education Liaison Group	No	No	1	May-09	Jun-08	Sue Bentley	Lib Dem
Wypta Highways And Planning Liaison Group	No	No	1	May-09	Jun-08	Anne Blackburn	Green
Wypta Local Transport Plan Steering Group	Yes	Executive Member Development & Regeneration or nominee	1	May-09	Jun-08	Stuart Andrew	Con
Wypta Social Services Liaison Group	No	No	1	May-09	Jun-08	Andrea Harrison	Labour
Wypta Taxi Liaison Group	No	No	1	May-09	Jun-08	Vacancy	Green
Wypta Passenger Transport Consultative Committee	No	No	4	May-09	Jun-08	James McKenna	Lab
				May-09	Jun-08	James Lewis	Lab
				May-09	Jun-08	Whips nominee C Fox	Lib Dem con
Yorkshire And Humberside Association Of Education Authorities	Yes in part	Exec Member Learning or Nominee 1 place	2	May-09	Jun-08	Bill Hyde	Con
				May-09	Jun-08	Richard Harker	Lib Dem
Yorkshire and Humberside Asylum Seekers Reference Group	No	No	1	May-09	Jun-08	Vacancy	Unallocated
Yorkshire and Humberside Regional Broadband Joint Committee	No	No	1	May-09	Jun-08	Vacancy	Unallocated
Yorkshire And Humber Employers Committee (formerly Regional Council)	Yes in part	Exec Member Central and Corporate or nominee 1 place	3	May-09	Jun-08	Stewart Golton	Lib Dem
				May-09	Jun-08	James Lewis	Lab
				May-09	Jun-08	Whips nominee	Con
Yorkshire Indoor Cricket School	No	No	3	May-09	Jun-08	Keith Parker	Lab
				May-09	Jun-08	Ronald Feldman	Con
				May-09	Jun-08	Chris Townsley	Lib Dem
Yorkshire Power Stations Joint Environmental Committee	Yes	Exec Member Neighbourhoods and Housing or Nominee	1	May-09	Jun-08	Barry Anderson	Con
Yorkshire Regional Flood Defence Committee	Yes	Executive Member Development & Regeneration or nominee	1+ 1 sub	May-09	Jun-08	Ralph Pryke	Lib Dem
			sub	May-09	Jun-08	Vacancy	
Yorkshire Tourist Board	Yes	Exec Member Leisure or Nominee	1	May-09	Jul-08	James Monaghan	Lib Dem
Local Government Yorkshire and Humber(Leader of Council)	Yes	Leader of Council	1	May-09	Jun-08	Richard Brett	Lib Dem
				May-09	Jun-08	Andrew Carter	Con

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